





**Brighton & Hove
City Council**

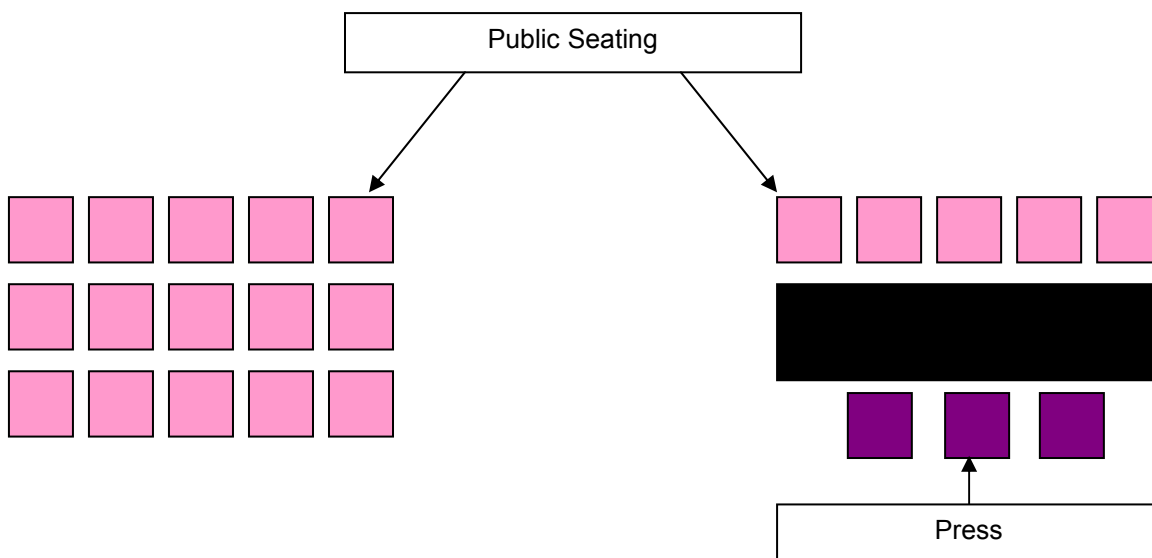
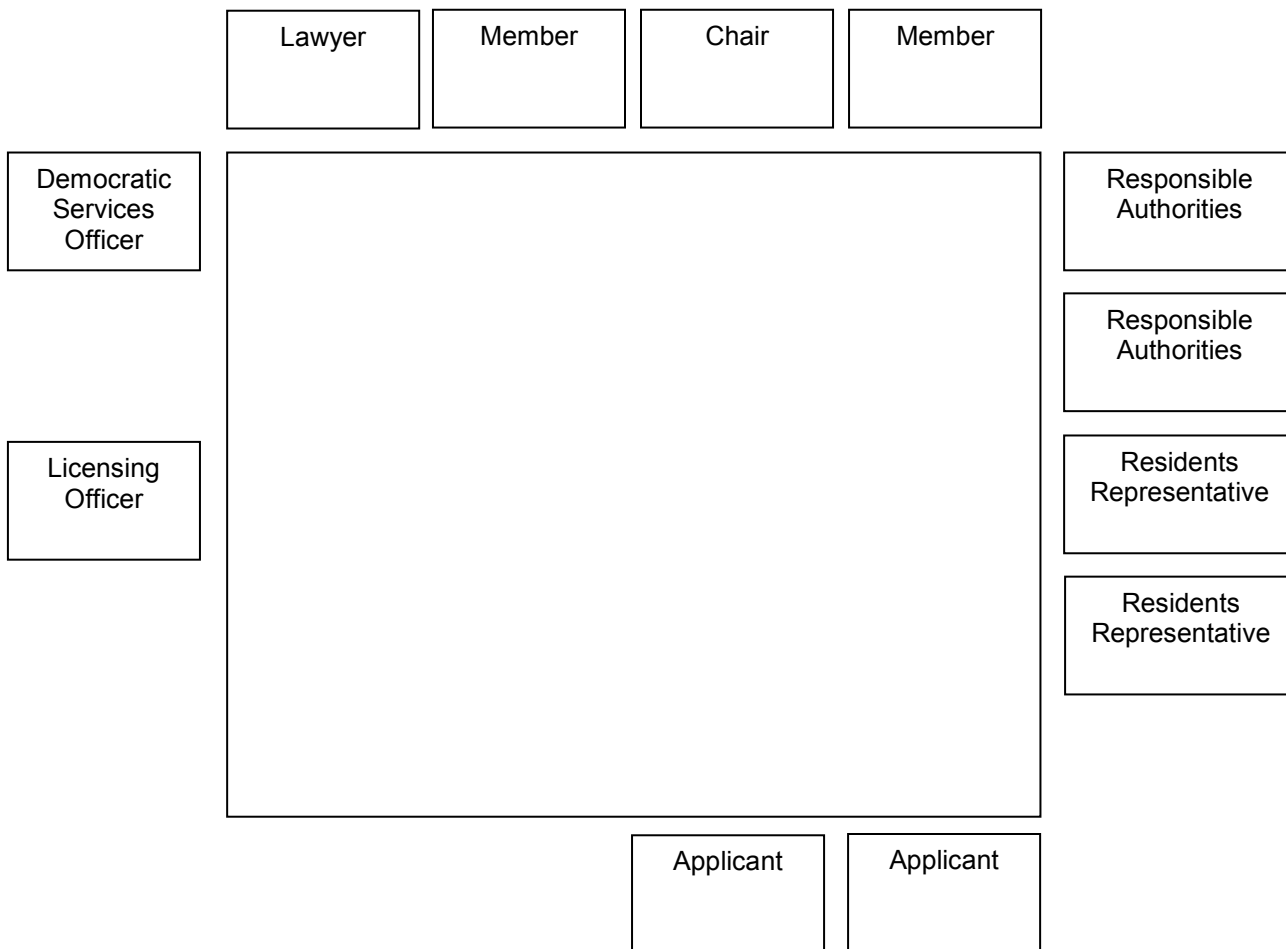
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	16 September 2009
Time:	10.00am
Venue	Committee Room 3, Brighton Town Hall
Members:	Councillors: Mrs Cobb, C Theobald and Lepper
Contact:	Jane Clarke Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

Part One

Page

48. TO APPOINT A CHAIRMAN FOR THE MEETING

49. 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.

50. ONE STEP (STOP TO SHOP), 59A LONDON ROAD, BRIGHTON 1 - 84

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

Contact Officer: Sarah Ranger Tel: 29-5801
Ward Affected: St Peter's & North Laine;

51. WHELAN'S LION & LOBSTER 85 - 142

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

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

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.

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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 - Tuesday, 8 September 2009

LICENSING PANEL (Licensing Act 2003 Functions)

Agenda Item 50
Brighton & Hove City Council

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

Premises: One Step T/A Stop to Shop
59A London Road
Brighton
East Sussex
BN1 4JE

Licence Holder: Mr Boddulri Veeranjanyulu

Date of Meeting: 16 September 2009

Report of: Assistant Director Public Safety

Contact Officer: Name: Sarah Ranger Tel: 29-5801
E-mail: sarah.ranger@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 **One Step** under the Licensing Act 2003

2. SUMMARY OF REVIEW PROCESS:

- 2.1 Existing licence attached at 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 **One Step, 59A London Road, Brighton, East Sussex, BN1 4JE.**
- 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 letter amending the Review Application 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 Protection of Children from Harm supporting the application submitted by Sussex Police seeking a suspension of the licensable activity of the sale of alcohol for a period of 3 months.

3.3 Full details of the representation is attached at Appendix C.

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, 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: 19.08.09

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: 19.08.2009

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 letter amending Review Application
3. Appendix C – Representation
4. Appendix D – Map of the premises location

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.

**Schedule 12
Part A**

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

1445/3/2009/01329/LAPRET

Part 1 – Premises Details

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

One Step
59A London Road
Brighton
East Sussex
BN1 4JE

Telephone number 01273 698264

Where the licence is time limited the dates

Licensable activities authorised by the licence

Late Night Refreshment
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Late Night Refreshment
Every Day 23:00 - 05:00

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

Mr Bodduluri Veeranjanyulu
One Step
59A London Road
Brighton
East Sussex
BN1 4JE
Telephone: 01273 698264

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

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mrs Madhavi Lata Bodduluri

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: Brighton & Hove City Council

Annex 1 – Mandatory conditions

Section 19

- 1) 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 licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Embedded Conditions

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

2. Alcohol shall not be sold in an open container or be consumed on the licensed premises.

3. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

Annex 2 – Conditions consistent with the Operating Schedule

For Prevention of Crime and Disorder

4. Digital CCTV and appropriate recording equipment to be operated and maintained covering key areas of the retail area and external cameras mounted to cover the front and rear of the premises to the reasonable satisfaction of Sussex Police. CCTV recordings will be stored for a minimum of 28 days and will be surrendered to Sussex Police upon reasonable request. The Management will give full co-operation and technical assistance to the Police.
5. The premises will contract a mobile support unit , where all personnel carrying out security will be registered with the Security Industry Authority.
6. The premises will become a member of the Business Crime Reduction Partnership or similar scheme.
7. The premises will employ the use of shopwatch/ nightsafe radio or similar scheme.

For the Protection of Children From Harm

8. The premises will adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID as proof of age. Acceptable forms of ID are passport, photographic driving licence or Portman Group , Citizen Card or other valid proof of age card bearing the 'PASS' mark hologram.
9. The premises will maintain a refusals book to record all incidences relating to refusal of alcohol sales
10. All staff will be provided with full training on alcohol sales before they commence working in the shop and serving the public.

Annex 3 – Conditions attached after a hearing by the licensing authority - N/A

Annex 4 – Plans



LNR KEY

- ▬ Point of Sale
- ▬ Point of Display

Key

-  Fire Extinguisher
-  CCTV

One Step
59a London Road
Brighton
Sussex
BN1 4JE

Scale 1:100

July 2007

APPENDIX B

21.07.09
18.08.09

2009/01484/LAPREV
SR

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

valid ✓
CD
CH

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	
One Step T/A Stop to Shop 59A London Road	
Post town Brighton, East Sussex	Post code (if known) BN1 4JE
Name of premises licence holder or club holding club premises certificate (if known)	holding club premises certificate (if known)
Mr Boddulri Veeranjanyulu 59A London Road Brighton East Sussex BN1 4JE	BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED 21 JUL 2009
Number of premises licence or club premises certificate (if known)	
1445/3/2007/01306/LAPREV	

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

Please tick yes

I am 18 years old or over

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 Inspector Victoria HARRIS 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) Victoria.harris@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 which were conducted in the London Road area due to intelligence being received by both Sussex Police and Trading Standards of alcohol related anti social behaviour amongst youths within this area.

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

12th January 2009 – FAIL

21st February 2009 - PASS

19th March 2009 - FAIL

8th May 2009 - FAIL

Sussex Police and Trading Standards have attempted to engage and work with the premises to provide training and support. For three of the five staff training sessions booked with Trading Standards, all those booked to attend failed to do so. Of the two that took place, one of the sessions was not completed, as the two attendees were unable to understand the questions being asked of them.

Please provide as much information as possible to support the application

(please read guidance note 2)

On Monday 12th January 2009 one Sussex Police volunteer test purchaser aged 16 entered the premises at 21:06 and was sold three cans of Fosters lager by a cashier. At no time was the child challenged for ID by the seller. This was witnessed by police officers in plain clothes. The seller was issued a £80 fixed penalty notice. Subsequently, a letter was sent to the DPS and premises licence holder, Mr Bala Suresh, on 19th January 2009 making him aware of the incident and giving him advice to prevent further sales.

A further test purchase at the premises took place on 21st February 2009. In this instance the child was refused alcohol by the cashier.

A further test purchase was conducted at this premises on Thursday 19th March 2009 due to the previous failure on the 19th January 2009. Alcohol was sold to a 16-year-old child volunteer in the form of four cans of Budweiser lager. The seller did not challenge the child for proof of age despite 'Challenge 21' posters on display in the premises. The seller was issued with an £80 Fixed Penalty Notice.

Mr Bala Suresh was invited to Hove Police Station on 23rd March to discuss the two failed test purchases. At the meeting Mr Suresh was given advice on measures to prevent underage sales and signed a formal written warning in relation to the two test purchase failures.

A further test purchase was conducted on Friday 8th May. Plain-clothes officers entered the store at 18:50 and witnessed the sale of alcohol comprising of four cans of Budweiser to a 16-year-old child volunteer. At no point was challenge of age made, the seller even asked the underage child for clarification on the price of the items and was then served. The seller on this occasion was the same person who failed the test purchase conducted on Monday 12th January and has subsequently been reported for summons under section 146 of the Licensing Act.

Five sessions were booked for employees and management of the premises to receive training with Trading Standards between 27th May 2008 and 5th February 2009. None of the attendees showed up at three of the five sessions and of the other two sessions, only three of the five staff members booked on the sessions attended.

Mr Suresh was not on the premises for any of the failed test purchases.

This premises is situated in London Road which is a particular hotspot for street drinking and alcohol related anti social behaviour. The area is experiencing a disproportionate number of anti social incidents in comparison to surrounding areas.

Further to the above, on the 8th June 2009 Police Licensing received an application to transfer the premises licence and change the DPS. After

further enquiries it transpired that the applicant that was to become the DPS and holder of the premises licence in doing so would be in violation of the terms and conditions of his immigration status.

Sussex Police believe that this further demonstrates the mis management of this premises.

In view of these three failed test purchases within a four month period and the employment of a person who following this was breaching their immigration status, Sussex Police contend that the following licensing objectives have been undermined:

- (1) The protection of children from harm; and
- (2) Prevention of crime and or disorder

It is the submission of Sussex Police that the management of these premises has fallen below what is expected of it. In order for the premises to promote the licensing objectives, Sussex Police respectfully request that the licensing committee apply a suspension of the licensable activity of the sale of alcohol for a period of three months.

Sussex Police contend that this is both proportionate and necessary in breaking the cycle between these premises and the sale of alcohol to children, and the period requested adequate for the necessary training and other remedial measures to be implemented.

Sussex Police respectfully request that the committee consider amending / applying the following conditions to the premises licence:

- The premises will adopt 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 ID that will be accepted are passports and UK driving licenses with a photograph or Portman group proof of age cards bearing the 'PASS' mark hologram.

In addition to the new condition requested as detailed above, we request that the committee consider the following amendments to current conditions on the premises licence which read as follows:

1. 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 Standard Time starts and ends.
2. The premises will maintain a refusals book to record all incidences of age related products being refused and refusals to persons who are

drunk. This book is to be checked and signed by the DPS once a month and readily available for inspection by Police or Trading Standards when requested.

3. All staff will be provided with full training on alcohol sales before they commence working in the shop and serving the public. Training records will be held in the premises at all times and available to Police for inspection upon request. There will be a regular review of training by the DPS.
4. A Personal Licence Holder to supervise all sales of alcohol between the hours of 1600 hours and 0000 hours (or close, whichever comes later) Thursday to Saturday inclusive.
5. Hours for the sale of alcohol to be reduced from 24 hours a day seven days a week to:
Monday – Sunday 08:00-23:00

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)



Date 16/07/2009

Capacity Police Licensing Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Rebecca Walls Brighton & Hove Licensing Unit Police Station Holland Road	
Post town Hove	Post Code BN3 1JY
Telephone number (if any) 01273 665523	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) rebecca.walls@sussex.pnn.police.uk	

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.

R-21.07.09
E-18.08.09

2009/01484/LAREV

SR



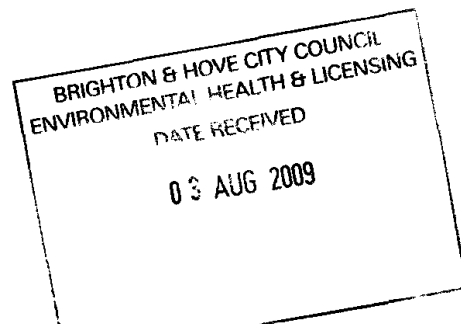
HOVE POLICE STATION

Brighton & Hove Licensing Unit
Hove Police Station
Holland Road
Hove, East Sussex
BN3 1JY

Tel: 01273 66 55 23
Fax: 01273 66 55 24

28th July 2009

Licensing Technical Support Officers
Environmental Health and Licensing
Brighton and Hove City Council
Bartholomews House
Bartholomews Square
Brighton
BN1 1JP



Dear Sirs,

Re: Change to the review paperwork of One Stop, 59A London Road, Brighton

On the 16th July 2009 Sussex Police submitted a premises licence review application in respect of the above premises.

Included in the review application is the following paragraph:

'On the 8th June 2009 Police Licensing received an application to transfer the premises licence and change the DPS. After further enquiries it transpired that the person named as the new Premises Licence Holder, Mr Veeranjanyulu Boddulri would be in violation of the terms and conditions of his personal work visa under section 24 of the Immigration Act 1971. Furthermore Mr Boddulri's wife, Mrs Madhvilata Bodduluri who is the proposed DPS would also be violating the same work Visa under Section 24 of the Immigration Act 1971.

This information further emphasises the serious concerns of Sussex Police about the current management of the premises based on the recent transfer/DPS application.'

Following further legal advice post submission of the representation, I write to confirm that the above paragraphs only should be withdrawn from the review application.

Yours sincerely,



Becky Walls
Police Licensing Officer
Licensing Unit
Hove Police Station

cc: Mr Veeranjanyulu Bodduri
Mrs Madhavalata Bodduri

APPENDIX C

REC: 21.07.09
CON: 18.08.09



(A)

2009/0148/LAREV SR

Trading Standards

2nd Floor Bartholomew House
Bartholomew Square
Brighton BN1 1JE

Valid ✓ CH.

BJR

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

<p>BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED 22 JUL 2009</p>

Our Ref: JP/CM

Tel No: (01273) 292488
Fax No: (01273) 292524

22nd July 2009

Dear Sirs

Representations in support of an application by Sussex Police seeking a review of the Premises Licence of One Stop t/a Stop to Shop 59A London Road Brighton BN1 4JE

I refer to the application by Sussex Police seeking a review of the premises licence of the above premises and in particular recommending that additional conditions be placed upon the licence.

The Committee should be aware that Brighton and Hove Police Licensing Unit and Trading Standards work closely to deal with combating the sale of alcohol to children. This involves the sharing of intelligence, joint Test Purchase Operations and in respect of Trading Standards offering businesses support and training to assist them with complying with the law and to meet the Licensing Objective of Protecting Children from Harm.

During January to March 2009, Trading Standards participated in a police led test purchasing operation in Brighton and Hove targeting premises either as a result of intelligence that children were able to buy alcohol from the premises or as a result of alcohol related youth disorder in the vicinity.

Due to the on going issues in the area in relation to alcohol related youth disorder, Stop to Shop was considered suitable for a test purchase operation. On 12th January 2009 Ms Bridie Creely, Fair Trading Officer assisted with a joint test purchase operation with Sussex Police. She entered the premises following a sale of alcohol to a 16 year old child to make observations about it in relation to underage sales. She handed a letter to a member of staff Ratna Gopal Hazupuch and asked her to sign her notebook. The letter was addressed to the premises licence holder and the DPS and offered training on prevention of underage sales and a business support visit. She also asked to see the refusals book which staff were unable to locate suggesting that the book was not used on a regular basis.

A further test purchase was carried out on the premises on 21st February but although alcohol was not sold to the child assisting with the operation, the member of staff had to be

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www.brighton-hove.gov.uk

Director of Environment: Jenny Rowlands

printed on recycled, chlorine-free paper

prompted by other members of staff to ask for ID. In light of the concerns that a sale would have taken place without the intervention of the staff, a further test purchase was carried out on 19th March 2009. Four cans of Budweiser were sold to the sixteen year old child volunteer. The seller Kayan Intrananda did not ask for ID even though the shop was not busy and he asked if the child would like a carrier bag.

Although statutory signage was displayed on the premises in relation to tobacco sales, one of the notices displayed showed the age of 16 rather than 18. The legislation raising the age to buy cigarettes from 16 to 18 was introduced in October 2008. There was also signage around the shop stating that alcohol should not be sold to under 18s and a work instruction to staff about alcohol sales to children even though this was not placed in a suitable position for staff to see it.

A further letter offering a business support visit and outlining what had happened was left with Suresh Kumar an employee, for the premises licence holder and the DPS. On this occasion the refusals book was signed by the attending Fair Trading Officer, Ms Catriona Macbeth. However she noted that there were very few entries in it.

Whilst Ms Macbeth looked at the refusals register, her colleague Ms Fran Evans checked the labelling and dates of the food on display. Several items were out of date and had no labelling in English. Mr Kumar was advised about these breaches of legislation. I would point out that this department issued a simple caution to the shop on 21st August 2008 for selling food past its date. The caution was signed by Suresh Kumar trading as Stop to Shop.

I am aware that the premises licence holder and DPS Mr Bala Suresh was advised by Sussex Police about the measures he should consider to prevent the sale of alcohol to children. He was asked to sign a written warning to this effect.

On 8th May 2009 a further test purchase was carried out at the premises and alcohol was sold to a 16 year old child volunteer. The seller was Metla Bhavani who asked her colleague Kayan Intrananda for clarification of the price of the alcohol but failed to ask for ID. The refusals book was signed by a police officer but there were very few entries in it again suggesting that it was not used on a regular basis. Whilst in the premises Ms Macbeth seized 3 bottles of High Commissioner Whisky which she believed carried counterfeit duty stamps. This department is currently investigating these matters.

In May 2008 this department received a booking form from Stop to Shop requesting underage sales training. Only 1 person Narasemha Rao attended the training in June 2008. In January 2009 a further request was received from Stop to Shop for staff training for four people. Only two Metla Bhavani and B Sivaparvathi attended. During May 2009 a further 5 staff from the shop attended the training including Suresh Metla who also requested a business support visit following the failed test purchase operation on 8th May 2009.

Whilst I appreciate the steps the business has taken to train its staff and receive advice from Trading Standards and the police, I am concerned that many of these steps were not taken or not taken seriously until the third failed test purchase operation.

In the circumstances Trading Standards supports the Application of the Police seeking the placing of additional conditions on the Premises Licence in order to protect children from harm.

Yours faithfully

Jo Player
Acting Head of Trading Standards

BRIGHTON AND HOVE ENVIRONMENTAL SERVICES

STATEMENT OF WITNESS

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

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

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

Signature Donna Lynsdale

Dated This 29th Day Of May 2009

I am a Fair Trading Officer employed by Brighton & Hove City Council Trading Standards Section. At the beginning of May 2008 I received a Training Booking Form from Stop To Shop, 59A London Road, Brighton BN1 4JE requesting Underage Sales Training. I can confirm that only one person attended on 2 June 2008. I enclose a copy of the booking form as Exhibit DML/1, a copy of the Attendance Sheet as DML/2 and a copy of the Course Evaluation Form as DML/3 all duly signed and dated by me as being associated with this statement. During January 2009 I received a phone call from Suresh METLA of Stop To Shop requesting training for his staff. I completed an Underage Sales Booking Form on his behalf for four people. I can confirm only two attended. I now produce a copy of that booking form as DML/4, a copy of the Attendance Sheet as DML/5 and completed Course Evaluation Forms as DML/6 and DML/7 all duly signed and dated by me as being associated with this statement. On 18 May 2009 I received a telephone call from Suresh METLA requesting Underage Sales training. I can confirm himself and another member of staff attended training that afternoon, and on 22 May 2009 three more staff attended. I now produce a copy of the Attendance Sheets as DML/8 and DML/9 and copies of the Course Evaluation Forms as Exhibits DML/10, DML/11, DML/12, DML/13 and DML/14 all duly signed

Signed Donna Lynsdale Signature witnessed by

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

Home Address _____

Telephone _____

Occupation Fair Trading Officer

Work Address Bartholomew House, Bartholomew Square, Brighton BN1 1JP

Work Telephone 01273 292494

Dates to Avoid:

STATEMENT OF WITNESS

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

Continuation of statement by Donna Michelle Lynsdale

and dated by me as being associated with this statement. Following the Underage Sales Training I conducted a business support visit at the request of Suresh METLA on Tuesday 26 May 2009. During this visit Suresh METLA informed me on all the changes he had implemented. He now is operating Challenge 25 and has also stopped selling super strength lagers and ciders.



Under Age Sales Training

Booking Form

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

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

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

Please select one of the following:

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

Date	Time	Venue	Number of Attendees
Tuesday 27 th May	4.00pm – 6.30pm	Room 1, Bartholomew House, BN1 1JP	1
Wednesday 28 th May	9.30am – 12.00pm	Room 1, Bartholomew House, BN1 1JP	1
Thursday 29 th May	12.00pm – 2.30pm	Room 1, Bartholomew House, BN1 1JP	2
Friday 30 th May	1.00pm – 3.30pm	Room 1, Bartholomew House, BN1 1JP	1
Monday 2 nd June	10.30am – 1.00pm	Room 1, Bartholomew House, BN1 1JP	1

Any Special Requirements? _____

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

Contact Name: _____

Mrs M L Bodduluri

Contact Telephone Number: _____

01273 698264.

Store Name: _____

STOP TO STOP.

Store Address: _____

59A London Road.

Brighton

BN1 4JE.

BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.

DML11

INVESTIGATION No. _____

SIGNATURE: _____

Alysdal

DATE: _____

29 May 2009

WM 99 D.7808

ATTENDENCE SHEET
2 JUNE 2008 - MEETING ROOM I - BARTHOLOMEW HOUSE

NAME (Please Print)	PREMISES	POSITION
Minas Abdelseed	All Stars	
GEORGE ABDELSEED	North Street	
MARY MOSTERT	THRESHERS	MANAGER
Jessie Halson	Threshers	sales assistant
DAISY NGANGA	BUDGENS	ASS. MANAGER
ALEVA POFLOVA	BUDGENS	SALES ASSISTANT
* NARASEMHA RAO	STOP TO SHOP	ASSI. MANAGER
F. CHOUDHURY	Lodge store	Sales Assistant
LUKASZ ZATCZYK	ALL STORES	SHOP ASSISTANT
CHRIS DENMAN	THRESHERS	DISTRICT MANAGER
FRASER MURRAY	THRESHERS	SALES ASSISTANT
PATRICIA MOSTERT	THRESHERS	SALES ASSISTANT

BRIGHTON & HOVE CITY
 COUNCIL
 TRADING STANDARDS

EXHIBIT No. ITEM No.
 DML/2

INVESTIGATION No.

SIGNATURE: *[Signature]*

DATE: 29 May 2009

WM 99 D.7808

COURSE EVALUATION FORM

Name:NARASIMHA RAO.....

Job Title: ASST. MANAGER.....

Shop Name:STOP TO SHOP.....

Shop Address:59A, LONDON ROAD, BN1 4JE.....

Did you find the course helpful? Agree Disagree

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

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

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

Do you now feel more confident about identifying approved forms of ID?
Yes No No comment

Whilst doing your job have you ever been subjected to:

Verbal Abuse Yes No No comment

Physical Abuse Yes No No comment

Racial Abuse Yes No No comment

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

Yes No No comment

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

.....
.....

Did you find the style of the course helpful. Would you have preferred written training materials?

Yes No

Is there anything further you would like to add?
.....
.....

BRIGHTON & HOVE CITY COUNCIL TRADING STANDARDS

EXHIBIT No. ITEM No.

DML13

INVESTIGATION No.

SIGNATURE:

[Handwritten Signature]

DATE:

29 May 2009

WM 99 D 7808

Do you now feel more confident to contact Training Standards if you need any further advice or assistance?

Yes No No comment

Was the course easy to understand?

Yes No No comment

Were you able to ask questions or express opinions?

Yes No No comment

How did you find the Trainer's ability to communicate and maintain interest?

Good Bad No comment

Under Age Sales Training

Booking Form

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

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

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

Please select one of the following:

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

Date	Start Time	Venue	Number of Attendees
Monday 26 January	2 pm	Room 1, Bartholomew House, Brighton	
Thursday 29 January	9.30 am	Room 1, Bartholomew House, Brighton	
Thursday 5 February	12 noon	Room B2, Hove Town Hall, Norton Road	4
Wednesday 11 February	10.30 am	Room 1, Bartholomew House, Brighton	
Friday 13 February	4 pm	Room B3, Hove Town Hall, Norton Road	
Tuesday 17 February	2 pm	Room B3, Hove Town Hall, Norton Road	

Session last 2-2½ hours

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

Contact Name: SURESH

Contact Telephone Number: ~~07830~~ 07830 2047780 or 698264

Store Name: STOP TO SHOP

59A LONDON ROAD

BRIGHTON

BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.

DML14

INVESTIGATION No.

SIGNATURE:

[Handwritten Signature]

DATE:

29 May 2009

WM 99 D.7808

COURSE EVALUATION FORM

Name: B. SIVAPARVATHI

Job Title:

Shop Name: STAP.T.O.S.N.O.P

Shop Address: 59A LONDON ROAD BRIGHTON
BRIGHTON

Did you find the course helpful? Agree Disagree

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

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

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

Do you now feel more confident about identifying approved forms of ID?
Yes No No comment

Whilst doing your job have you ever been subjected to:

Verbal Abuse Yes No No comment

Physical Abuse Yes No No comment

Racial Abuse Yes No No comment

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

Yes No No comment

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

Did you find the style of the course helpful?

Yes No

Would you have preferred written training materials?

Yes No

BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.
DMU6

INVESTIGATION No.

SIGNATURE: *[Signature]*

DATE: 29 May 2009 WM 99 D.7808

Is there anything further you would like to add?

.....
.....

Do you now feel more confident to contact Training Standards if you need any further advice or assistance?

Yes No No comment

Was the course easy to understand?

Yes No No comment

Were you able to ask questions or express opinions?

Yes No No comment

How did you find the Trainer's ability to communicate and maintain interest?

Good Bad No comment

COURSE EVALUATION FORM

Name:Mekla Bhavani.....

Job Title:

Shop Name:STAP TO SHOP.....

Shop Address:

Did you find the course helpful? Agree Disagree

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

.....verification of identity proofs.....
passport.....driving licences.....

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

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

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

Yes No No comment

Whilst doing your job have you ever been subjected to:

Verbal Abuse Yes No No comment

Physical Abuse Yes No No comment

Racial Abuse Yes No No comment

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

Yes No No comment

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

.....Mainly How to know about the original and
for identity proofs.....

Did you find the style of the course helpful?

Yes No

Would you have preferred written training materials?

Yes No

BRIGHTON & HOVE CITY
 COUNCIL
 TRADING STANDARDS

EXHIBIT No. ITEM No.

041/7

INVESTIGATION No.

SIGNATURE:

Mysdal

DATE:

29 May 2009

WM 99 D.7608

Is there anything further you would like to add?

.....
.....

Do you now feel more confident to contact Training Standards if you need any further advice or assistance?

Yes No No comment

Was the course easy to understand?

Yes No No comment

Were you able to ask questions or express opinions?

Yes No No comment

How did you find the Trainer's ability to communicate and maintain interest?

Good Bad No comment

18/5/09

ATTENDANCE SHEET

NAME (Please Print)	PREMISES	POSITION
Recai Kaun DUSUNSEL	Blatchington RD. Wine me up	
CAGDAS CAKIZ	WINE ME UP Blatchington RD.	Manager
Fehmi Sokun	Wine Me Up Western Road	
INAN HAS	Western Road. Wine me up.	
SAMIR KANSWAR	LONDIS BOUNDARY ROAD	
PAUMIL DARJI	LONDIS BOUNDARY ROAD	
Sally Daldeniz	Wine Me Up, Corner Newz + Booze	Owner
Shaon Bumle	Corner Newz + Booze	Manager
SIVA SANKAR RAZ METLA	STVD to SLOP	Staff
S.K. METLA	M.P. TRADING	Staff

BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.
0M48

INVESTIGATION No.

SIGNATURE:

Alyden

DATE:

29 May 2009

WM 99 D 7808

22/5/09.

W

ATTENDANCE SHEET

NAME (Please Print)	PREMISES	POSITION
A. SUREHAK	PARK ROAD	OWNER
Mrs M L BODDULURI	STOP TO SHOP	STAFF
Mrs. BHAVANI METLA	STOP TO SHOP	STAFF
Mr Kayan Intran an d m	STOP TO SHOP	STAFF
Can Daldeniz	International Wines	owner
Tayfun Ozturk	International wine	STAFF
HANI ABADI	All sorts ^{Food & wine} _{Wine & food}	owner
Talha YILDIZ	International wine	STAFF
Serdest Karacadagli	The Booze Factor	Staff
Hakan GUVEN	International wine	Staff
Hakan Yamak	Booze factor	Staff
ESEK CAPAR	WINE MEUP	Staff
Can KARATAS	International wines	Staff

BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.

DML19

INVESTIGATION No.

SIGNATURE:

Diyadin

DATE: 29 May 2009

WM 99 D.7808

COURSE EVALUATION FORM

Name: SINA SANKAR RAO METLA
Job Title: Sales Assst
Shop Name: STOP TO SHOP
Shop Address: SA.A, London Road East Sussex
BRIGHTON POST code BN1 4JF

Did you find the course helpful? Agree Disagree

If you found the course helpful – which part(s) did you find the most helpful?
Challenging 25 years old

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

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

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

Yes No No comment

Whilst doing your job have you ever been subjected to:

Verbal Abuse Yes No No comment

Physical Abuse Yes No No comment

Racial Abuse Yes No No comment

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

Yes No No comment

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

Did you find the style of the course helpful?

Yes No

Would you have preferred written training materials?

Yes No

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

EXHIBIT No.
DML10

INVESTIGATION No.

SIGNATURE:

Alydah

DATE: 29 May 2009 WM 99 D.7808

Is there anything further you would like to add?

.....
.....

Do you now feel more confident to contact Training Standards if you need any further advice or assistance?

Yes No No comment

Was the course easy to understand?

Yes No No comment

Were you able to ask questions or express opinions?

Yes No No comment

How did you find the Trainer's ability to communicate and maintain interest?

Good Bad No comment

COURSE EVALUATION FORM

Name: SURESH KUMAR METLA
Job Title: SALES ASSISTANT
Shop Name: STOP TO SHOP
Shop Address: 59A LONDON ROAD
BRIGHTON

Did you find the course helpful? Agree Disagree

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

Practical & examples given by the Trainee

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

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

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

Yes No No comment

Whilst doing your job have you ever been subjected to:

Verbal Abuse Yes No No comment

Physical Abuse Yes No No comment

Racial Abuse Yes No No comment

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

Yes No No comment

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

Graphical vision will do more impact,

Did you find the style of the course helpful? example, video

Yes No

Would you have preferred written training materials?

Yes No

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

EXHIBIT No.

DML/11

INVESTIGATION No.

SIGNATURE:

Mysdal

DATE: 29 May 2009 WM 99 D.7808

Is there anything further you would like to add?

.....
- No -
.....

Do you now feel more confident to contact Training Standards if you need any further advice or assistance?

Yes No

Was the course easy to understand?

Yes No

Were you able to ask questions or express opinions?

Yes No

How did you find the Trainer's ability to communicate and maintain interest?

Good Bad

COURSE EVALUATION FORM

Name: MRS ML BODDILLURI
Job Title: STAFF
Shop Name: STOP TO SHOP
Shop Address: 59A LONDON ROAD
BRIGHTON

Did you find the course helpful? Agree Disagree

If you found the course helpful – which part(s) did you find the most helpful?
checking ID's, lots of tips to prevent
underage sale

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

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

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

Yes No No comment

Whilst doing your job have you ever been subjected to:

Verbal Abuse Yes No No comment

Physical Abuse Yes No No comment

Racial Abuse Yes No No comment

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

Yes No No comment

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

Did you find the style of the course helpful?

Yes No

Would you have preferred written training materials?

Yes No

BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.

DML12

INVESTIGATION No.

SIGNATURE:

Ayidul

DATE:

29 May 2009

WM 99 D.7808

Is there anything further you would like to add?

.....
.....

Do you now feel more confident to contact Training Standards if you need any further advice or assistance?

Yes No No comment

Was the course easy to understand?

Yes No No comment

Were you able to ask questions or express opinions?

Yes No No comment

How did you find the Trainer's ability to communicate and maintain interest?

Good Bad No comment

COURSE EVALUATION FORM

Name: MS. BHAVANI METLA

Job Title: STAFF

Shop Name: SHOP STOP-TO-SHOP

Shop Address: 59A LONDON Road
BRIGHTON BN1 4JE

Did you find the course helpful? Agree Disagree

If you found the course helpful – which part(s) did you find the most helpful?
checking passports, diving licence, ID

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

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

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

Yes No No comment

Whilst doing your job have you ever been subjected to:

Verbal Abuse Yes No No comment

Physical Abuse Yes No No comment

Racial Abuse Yes No No comment

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

Yes No No comment

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

Did you find the style of the course helpful?

Yes No

Would you have preferred written training materials?

Yes No

BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.

DM413

INVESTIGATION No.

SIGNATURE:

Ajssdal

DATE:

29 May 2009

WM 99 D.7908

Is there anything further you would like to add?

.....
.....

Do you now feel more confident to contact Training Standards if you need any further advice or assistance?

Yes No No comment

Was the course easy to understand?

Yes No No comment

Were you able to ask questions or express opinions?

Yes No No comment

How did you find the Trainer's ability to communicate and maintain interest?

Good Bad No comment

COURSE EVALUATION FORM

Name: Kayan Fintzen
Job Title: STAFF
Shop Name: STOP to Shop
Shop Address: 59A London Road
in Brighton.

Did you find the course helpful? Agree Disagree

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

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

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

Do you now feel more confident about identifying approved forms of ID?
Yes No No comment

Whilst doing your job have you ever been subjected to:

Verbal Abuse Yes No No comment

Physical Abuse Yes No No comment

Racial Abuse Yes No No comment

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

Yes No No comment

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

.....
.....

Did you find the style of the course helpful?

Yes No

Would you have preferred written training materials?

Yes No

BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.

DML/14

INVESTIGATION No.

SIGNATURE:

[Signature]

DATE: 29 May 2009

WM 99 D 7808

Is there anything further you would like to add?

.....
.....

Do you now feel more confident to contact Training Standards if you need any further advice or assistance?

Yes No No comment

Was the course easy to understand?

Yes No No comment

Were you able to ask questions or express opinions?

Yes No No comment

How did you find the Trainer's ability to communicate and maintain interest?

Good Bad No comment



BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.

BC/01

INVESTIGATION No.

SIGNATURE

Handwritten signature

DATE:

28/06/2009

Trading Standards

2nd Floor Bartholomew House
Bartholomew Square
Brighton BN1 1JE

TO THE PREMISES LICENCE HOLDER

AND DESIGNATED PREMISES

SUPERVISOR

Tel No: (01273) 292497

Fax No: (01273) 292524

E Mail: Catriona.Macbeth@brighton-hove.gov.uk

Our Ref: UAS

12 January 2009

Dear Sir/Madam

Licensing Act 2003

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

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

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

Yours faithfully

Handwritten signature of John Peerless

John Peerless
Head of Trading Standards

Telephone: Consumer Advice (01273) 292522 Business Advice (01273) 292523
Internet World Wide Web <http://www.tradingstandards.gov.uk/brighton-hove/>
Electronic Mail: trading_standards@brighton-hove.gov.uk

(01273) 290000

Director of Environment: Jenny Rowlands

www.brighton-hove.gov.uk

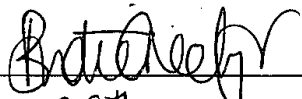
printed on recycled, chlorine-free paper

**Brighton & Hove City Council
STATEMENT OF WITNESS**

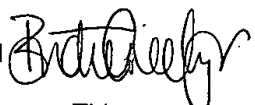
(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Name Bridie Creely
Date of Birth (if over 18 enter "over 18") over 18
Occupation Fair Trading Officer

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

Signature 
Dated This 28th Day Of June 20 09

My name is Bridie Creely and I am a Fair Trading Officer employed by Brighton and Hove City Council. On the 12th January 2009, Trading Standards together with Sussex Police carried out a Test Purchase Exercise on Stop to Shop on London Road, Brighton at approximately 19:35 hours. The volunteer used for this Test Purchase was male, aged 16. Our volunteer entered the premises along with PC Mark Baker in plain clothes. The volunteer then attempted to purchase four beers and was not at any time asked for any identification, nor did the seller ask his age. I then entered the premises along with uniformed Police Officers PC Stuart Ellis and PC Jay Shah. While they interviewed the seller I made some observations about the premises. The seller was female and aged between 26-50. She told the police officers during her interview that her name was Ratna Gopal HAZUPUCH. While Miss HAZUPUCH was speaking with the Police, I spoke to another member of staff, male, named Bhavani MEDTLA. I asked Mr MEDTLA for a copy of his refusals register which he was unable to produce. Nor Miss HAZUPUCH or Mr MEDTLA spoke English as their first language. The part B notice was on display above the counter. 'Under 21' signage was on display on the front door, and CCTV was in operation on the premises. I advised Mr MEDTLA and Miss HAZUPUCH that it would be beneficial for them to attend the free training offered by Trading Standards, and also gave them a letter, dated January 12th, explaining what had occurred. I now produce a copy of this letter, which I produce signed and dated by me as exhibit BC/01. Miss HAZUPUCH signed to say she received this, which I produce signed and dated by me as exhibit BC/02.

Signed  Signature witnessed by

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

Home Address _____

Telephone _____

Occupation _____

Work Address _____

Work Telephone _____

Dates to Avoid:

BRIGHTON AND HOVE ENVIRONMENTAL SERVICES

STATEMENT OF WITNESS

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

Name Fran Evans
Date of Birth (if over 18 enter "over 18") over 18
Occupation Fair Trading Officer

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

Signature Fran Evans
Dated This 29th Day Of June 20 09

I am a Fair Trading Officer employed by Brighton & Hove City Council Trading Standards Section. On 19th March 2009 a test purchase operation in conjunction with Sussex Police took place at Stop To Shop, 59A London Road, Brighton BN1 4JE. A sale took place to a 16 year old male child assisting with the operation who was able to purchase four cans of Budweiser. Following the sale I entered the premises with uniformed Police Officers and Catriona McBeth at approximately 19.50. No challenge was attempted by the seller Kayan INTRANANDA. The shop was quiet, and I noticed signage displayed around the premise consisting of a statutory tobacco notice above the cigarette cabinet. Adjacent to the chill cabinet was another tobacco notice with an incorrect age restriction on it. In addition a number of Under 21 posters and a further tobacco notices were displayed and a Part B of the premises licence notice. Mirrors were used to monitor blind areas of the shop and CCTV appeared to be in operation. I now produce a copy of my notebook entry as exhibit FE/1 duly signed and dated by me as being associated with this statement. *Fran Evans*.

Signed

Signature witnessed by

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

Home Address _____

Telephone _____

Occupation Fair Trading Officer

Work Address Bartholomew House, Bartholomew Square, Brighton BN1 1JP

Work Telephone 01273 293340

Dates to Avoid:

BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

EXHIBIT No. ITEM No.

BC102

~~12/06/09, Kerkby Road,~~
~~25, 29/06/09.~~

INVESTIGATION No.

SIGNATURE

[Signature]

DATE: 24/06/2009

WM 99 D.7808

~~located by~~

~~at~~

~~Store, Clacton Road,~~

~~Clacton, Suffolk~~

~~No sale, ID asked~~

Stop to Shop, London Kazel 19:55
Sali - under 21 on door
CCTV in action all
alcohol behind till
Tobacco storage 18+, cheap
cigarettes in 10 packs.

large shop, till by
front doors. Part B
premises licence on
display - beers in large
fridge. Food produced
checked. Out of date
foods pointed out to
store owner. 4 bags of
dried foods 29/12/08 etc
on shelf. 2 sellers on
shop floor - neither have
English as a first language
Vodka all duty paid.
Part B - 'One Step' - shop
name 'Stop to Shop'.
Alcohol on offer.
Speak to Licensing U

Some frocks past their 'best before' date

Cashier and Seller female 30 years +.

Letter Received by:

Name: Rakhi Gopal Hazurpuchi

Signed: H. Rakhi Gopal

Employee looks to find a refusals register.

Not sure where it's kept. No Book.

Staff advised to attend training

~~Smoking, London Rd.~~
~~is safe, refused about~~
~~being it~~

~~Megopolonia, London Rd~~

~~20:00 hrs 17 Nov 06~~

~~in change, sat.~~

~~view of sign on door~~

~~Alcohol in window.~~

~~CCTV in operation~~

~~Alcohol stored behind~~

~~counter behind passive~~

~~screen part 2 part 4~~

~~were named as being 3~~

~~screening only spirits~~

~~behind glass, all were~~

~~int. of 2 on chair~~

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

EXHIBIT No.

FE/11

INVESTIGATION No.

SIGNATURE:

Junior.

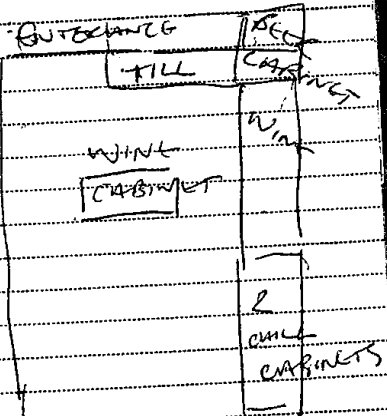
DATE: 3/06/09.

WM 99 D.7808

19.45. Shop to Shop Sale
Tobacco notice above
Cigarette display unit
Another tobacco notice
above adjacent chill
cabinet with incorrect
age on. Three Under 21
posters and 2 other
tobacco notices on
boards next to chill
cabinets. Multis in
blind corners and CCTV
licensing Act notices on
display BNA notice
Not easy to see from
till around shop One
cashier working very
quiet Till next to
entrance Cashier male

57

late twenties early
thirties. Cashier John
Sale to. English second
language. But can
understand no problems
no youths outside quiet
Cigarettes for sale some
available in 10's.



Part B Notice on display
offers on Stella Artois
\$2.29 each or 2 for \$4
Special offer NKD blue
and Smirnoff black
4 for \$5 Beer Merch
deals Stella, Heineken,
Budweiser, Beck's, Cobra
\$1.29 each or 6 for \$6

[Redacted]

[Redacted]

**Brighton & Hove City Council
STATEMENT OF WITNESS**

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

Name Catriona MACBETH

Date of Birth (if over 18 enter "over 18") over 18

Occupation Fair Trading Officer

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

Signature _____

Dated This 1st Day Of July 2009

I am a Fair Trading Officer employed by Brighton and Hove City Council Trading Standards. As part of my duties I am the Lead Officer for Underage Sales and work closely with officers from the Police Licensing Unit at Hove Police Station. As part of these duties I participate in Test Purchase Operations; receive intelligence and complaints about premises selling age restricted products; I undertake business support visits to premises selling age restricted products and also train businesses and their staff on how to prevent the sale of age restricted products to children. During January to March 2009 Trading Standards participated in a Police led Test Purchase Operation in Brighton & Hove targeting premises as a result of either intelligence that children were able to buy alcohol from premises or as a result of alcohol related youth disorder in the vicinity. Stop to Shop in London Road, Brighton was considered suitable for test purchase in view of the problems with alcohol related youth disorder in the vicinity. On 12 January myself and my colleague Bridie CREELY were assisting with a Police Test Purchase Operation targeting premises in the central area of Brighton and Hove. I received confirmation that the premises Stop to Shop in London Road had sold 3 cans of lager to the 16 year old male child assisting with the operation. Miss CREELY entered the premises shortly after the sale together with uniformed officers PC

Signed

Signature witnessed by

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

Home Address _____

Telephone _____

Occupation _____

Work Address _____

Work Telephone _____

Dates to Avoid:

STATEMENT OF WITNESS

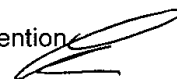
(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

Continuation of statement by

ELLIS and PC SHAH and met with PC BAKER who was in plain clothes and who had witnessed the sale of alcohol to the 16 year old child. Whilst the uniformed officer conducted an interview under caution with the member of staff, Bhavani MEDTLA who had sold the alcohol to the 16 year old child assisting with the test purchase operation, Miss CREELY undertook a number of observations. Miss CREELY handed to a member of staff, Ratna Gopal HAZUPUCH a copy of a letter addressed to the Premises Licence Holder and DPS and asked them to sign her notebook. Miss CREELY also asked to see the shop's refusal book but the shop staff were unable to locate it. This would tend to indicate that shop staff are not completing the refusals book on a regular basis. It should also be noted that Miss CREELY noted that neither member of staff spoke English as a first language. I am aware that the Licensing Unit also sent a letter to the DPS and Premises Licence Holder Mr Bala SURESH on 19 January 2009 about the failed test purchase and providing with advice as to steps he could take to assist in preventing further underage sales. On 21 February 2009 I was again assisting with a police led test purchase operation. Stop to Shop, London Road was again considered suitable for test purchase in view of the failed test purchase on 12 January 2009 and due to the continuing problems with alcohol related youth disorder in the vicinity. On this occasion the member of staff refused to sell alcohol to the 16 year old male child assisting with the test purchase operation, but I received confirmation from the plain clothes police officer observing the transaction that the member of staff was prompted by two other members of staff to ask for ID and that there could be no sale without ID. The initial member of staff was described as being female and in the age group 26-50 years of age. The plain clothes police officer considered that, if these other staff had not been present or had been busy, the alcohol would have been sold to the 16 year old child. In view of this intervention

Signed

Signature witnessed by



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Occupation _____

Work Address _____

Work Telephone _____

Dates to Avoid:

STATEMENT OF WITNESS

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

Continuation of statement by

and concerns about the premises a further test purchase operation was undertaken on 19 March 2009. I was again assisting with this Police led operation together with my colleague Fran EVANS. I received confirmation that the premises had sold 4 cans of Budweiser to the 16 year old male child assisting with the test purchase operation. Shortly after approximately 19.50 hours I entered the premises together Miss EVANS and PS WAUCHOPE and PC HARTLEY where we met with PC Juliette SWIETLIK who was the plain clothes police officer who had witnessed the sale. PC SWIETLIK confirmed that the premises was not busy at the time of the sale and that the sales assistant had looked at the 16 year old volunteer but had proceeded to sell the alcohol to him without asking him for proof of age but had asked the 16 year old if he wanted a carrier bag. The uniformed Police Officers then proceeded to interview the sales assistant who I now know to be Kayan INTRANANDA under caution whilst I undertook a number of observations in the premises. I recorded that there were two "Under 21" posters on the door into the shop facing outwards towards the street. I noted that the shop was displaying two statutory tobacco notices to the effect that it is an offence to sell tobacco products to anyone under the age of 18, but that they were also still displaying a third statutory tobacco notice referring to the age of 16. Also displayed above the spirit section behind the sales counter were a number of "Under 21" posters, plus a "No ID No Sale" notice listing the legal age at which restricted products can be bought. I also observed that there were a number of other notices displayed on this section of wall; namely a sign stating "It is illegal to sell alcoholic drinks to anyone under the age of 18 No ID No Sale"; another sign stating "Licensing Act 1964 – it is an offence for someone under 18 to buy, or attempt to buy intoxicating drinks or for adults to buy or attempt to buy on their behalf. The maximum penalty is a fine of £1000." There was also a further notice which stated "Prevent underage sale all

Signed

Signature witnessed by

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Home Address _____

Telephone _____

Occupation _____

Work Address _____


Work Telephone _____

Dates to Avoid:

STATEMENT OF WITNESS

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

Continuation of statement by

due diligence. 1.0 Maintain refusal log book for intoxicating drinks and tobacco. 2.0 Demand and ensure proof of age if there is doubt. If doubt persists refuse sale. 3.0 Accept valid photo ID and not bogus age card as displayed. 4.0 Ensure staff are trained and records kept No ID No Sale." I would say that this notice was not appropriate for display in this manner as it appeared to relate more to staff instruction and also to the businesses own procedures rather than for information to customers. The positioning of the notice would also mean that it would not be readily noticeable as an aide memoire to staff in any event. There was also a further notice which appeared to have been produced by Lockett & Co, whom I am aware are Licensing Consultants which stated "Think 25, Challenge 21, Prove It 18 – The Alcohol Code – Take care when selling alcohol and always STOP, LOOK and THINK with each sale". I would say that Trading Standards agrees with this message but nothing I saw at these premises either on this occasion or subsequently leads me to believe that the DPS and Premises Licence Holder and their staff are operating such a policy. I would also say that this sign is designed as a visual aide memoire for staff and its positioning high up on a wall facing the customer rather than the sales staff negates its usefulness. There were also "Under 21" shelf edgers on the miniature spirit display and the batteries and drugs shelf and a further shelf edger on the sales counter. All of the alcohol was on display behind the sales counter. Also on display were two certificates of attendance for Trading Standards "Preventing Underage Sales" training courses. Whilst I was in the premises another man, who I now know to be Suresh KUMAR entered and confirmed that he worked at the premises. I explained to him about what had happened and provided him with a copy of a letter addressed to the Premises Licence Holder and DPS, which explained what had happened and offering a business support visit, I now produce a copy of this letter duly signed and dated by me as 

Signed

Signature witnessed by

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

Home Address _____

Telephone _____

Occupation _____

Work Address _____

Work Telephone _____

Dates to Avoid:

STATEMENT OF WITNESS

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

Continuation of statement by

Exhibit CM/1; a course booking form for Trading Standards "Preventing Underage Sales" training course, I now produce a copy of the letter duly signed and dated by me as Exhibit CM/2 and a prepaid return envelope. I asked Mr KUMAR to sign my note book to acknowledge receipt of the letter, I now produce a copy of my notebook entry duly signed and dated by me as Exhibit CM/3. I asked to see the shop's refusal register which I signed and dated and I noted that there were very few entries in the book. Whilst I was undertaking my observations my colleague Miss EVANS checked the labelling and use by dates of the food in the chiller cabinet. She passed to me those items where there was no labelling in English and where the food was being exposed for sale past its use by date, there were a number of items, one of which had a use by date of 01/03/09. I brought these matters to the attention of Mr KUMAR and advised him that they were breaches of food legislation and that I would notify the relevant food officer about what had been discovered. I subsequently discovered that Mr Suresh KUMAR, had previously been advised in 2007 about selling food without any labelling in English and also selling food past its use by date and had accepted a caution from Trading Standards on 21 August 2008 for again selling food past its use by date. The caution was signed by Suresh Kumar trading as Stop to Shop. I am also aware that Mr Bala SURESH as the Premises Licence Holder and DPS was invited to attend a meeting at Hove Police Station on 23 March 2009 in order to discuss the two failed test purchases. He was given advice about measures he should consider and he was also asked to sign a formal written warning. Due to the two failed test purchases, the premises were selected as suitable for a further test purchase on 8 May 2009. I was again assisting with this police led operation. At approximately 18.50 hours I received confirmation that the premises had sold 4 cans of Budweiser to the 16 year old male child assisting with the test purchase operation. I entered

Signed

Signature witnessed by

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Home Address _____

Telephone _____

Occupation _____

Work Address _____

Work Telephone _____

Dates to Avoid:

STATEMENT OF WITNESS

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

Continuation of statement by

the premises shortly after together with uniformed Police Officer PS Malcolm WAUCHOPE and PC Lara ELSHOF and met with PC Daniel SWIETLIK who was the plain clothes police officer who had witnessed the sale of alcohol to the 16 year old child assisting with the operation. PC SWIETLIK confirmed that the shop assistant who had sold was Melta BHAVANI who had also failed a test purchase on 12 January 2009 and that she had asked the second member of staff for clarification of the price of the alcohol before the sale had occurred. Whilst the uniformed officers were conducting the interview under caution, I undertook a number of observations. I noted that at the time I entered the premises, there were two members of staff working in the shop, Melta BHAVANI and Kayan INTRANANDAM, who I recognised as being the member of staff who had failed the test purchase on 19 March 2009. I noted that the age restricted signage was as it had been when I entered the premises in March 2009. I also noted that one of the Certificate of Attendance at Trading Standards "Preventing Underage Sales" course was in the name of Melta BHAVANI. I would say that English is not the first language of either member of staff. PC ELSHOF asked to see the shop's refusal book, which she then signed and dated after the last entry; I noted that the last entries prior to her entry were on 1 May 2009, 30 April 2009, 25 April 2009, 21 April 2009, 18 April 2009 and 16 April 2009. I would say in view of the premises location and the problems associated with it, I would expect to see more entries that this. I also checked the Customs Duty Stamps on the bottle of spirits displayed behind the sales counter, this check is undertaken to identify potentially counterfeit spirit and also counterfeit duty stamps. I identified 3 bottles of High Commissioner Whisky where in my experience I believed the duty stamps were counterfeit, indicating that UK duty had not been paid. I seized these bottles of spirits. I also handed to Melta BHAVANI a copy of a letter addressed to the Premises Licence Holder



Signed

Signature witnessed by

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

Home Address _____

Telephone _____

Occupation _____

Work Address _____

Work Telephone _____

Dates to Avoid:

STATEMENT OF WITNESS

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

Continuation of statement by

and DPS, again offering a business support visit from Trading Standards, I now produce a copy of this letter duly signed and dated by me as Exhibit CM/4. I can confirm that our investigations in to the High Commissioner Whisky are still ongoing. It should be noted that the Premises Licence Holder only requested a business support visit after the third failed test purchase and whilst he has previously sent a few members of staff on Trading Standards training courses, it is his responsibility to ascertain whether his staff are suitable and capable of challenging customers for ID and also of refusing to serve them. Whilst there are a number of age restricted posters in the premises, there again appears to be no appreciation of their effective use and indeed some of the signs and posters do not appear suitable for display to customers and are inappropriately placed if they are acting as a reminder to staff. It also appears that the Premises Licence Holder and owner have a haphazard approach to compliance with the law in view of the other breaches and potential breaches of legislation enforced by Trading Standards.



Signed

Signature witnessed by

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

TO THE PREMISES LICENCE HOLDER
AND DESIGNATED PREMISES
SUPERVISOR

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

March 2009

Dear Sir/Madam

Licensing Act 2003

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

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

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

Yours faithfully



John Peerless
Head of Trading Standards

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

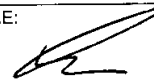
EXHIBIT No.

am/1

INVESTIGATION No.

SIGNATURE:

DATE:



1/7/09

WM 99 D.7808

Telephone: Consumer Advice (01273) 292522 Business Advice (01273) 292523
Internet World Wide Web <http://www.tradingstandards.gov.uk/brighton-hove/>
Electronic Mail: tradingstandards@brighton-hove.gov.uk

(01273) 290000

Director of Environment: Jenny Rowlands

www.brighton-hove.gov.uk

printed on recycled, chlorine-free paper

Under Age Sales Training

Booking Form

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

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

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

Please select one of the following:

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

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

Session last 2-2½ hours

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

Contact Name: _____

Contact Telephone Number: _____

Store Name: _____

Store Address: _____

Email: _____

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

EXHIBIT No.
cm/2

INVESTIGATION No. _____

SIGNATURE: _____

DATE: *1/7/09*

WM 99 D.7808

19.50 Shop to Shop - London Rd
 U21 posters on door facing
 outdoors x2 4 cans of
 Prochuser - asked if wanted
 a bag to offer challenge
 Seller male - aged 26-30
 English second language.
 Tobacco Notice ok x2 but
 also displaying Tobacco
 Notice age 16. Ux U21
 poster above sports
 plus No 10 No Sale legal sign
 Also displaying training
 certificates x2 - CCTV.
 Other posters "It is illegal to
 sell alcoholic drinks to
 anyone under the age of 18
 No 10 No Sale." "Licensing
 Act 1964 - it is an offence

BRIGHTON & HOVE
 COUNCIL
 ENVIRONMENTAL SERVICES
 DEPARTMENT

EXHIBIT No.

CM/3

INVESTIGATION No.

SIGNATURE:



DATE: 1/7/09

Form D 7808

for someone under 18 to buy, or attempt to buy, intoxicating drinks or for adults to buy or attempt to buy on their behalf.

The maximum penalty is a fine of £1,000. Also sign "Prevent underage sale" in all due diligence. 1.0

Maintain refusal log book for intoxicating drinks + tobacco 2.0 Demand + ensure proof of age if there is doubt. If doubt persists refuse sale. 3.0 Accept valid photo ID + not bogus age card as displayed 4.0 Ensure staff are trained + records kept "No ID No Sale."

Also lock + go poster -
 Think 25, Challenge 21
 Prove it 18 - The Alcohol Code - Take care when selling alcohol + always

STOP, Look + THINK with
 each side. " Certificate of
 Approval - Western Union
 with address but not BNA
 compliant. Post B displayed
 not show PTH so not BNA
 compliant. Suresh Kumar
 - DPS letter; Booby Bomb +
 envelope handed to
 Repsels book signed in
 lot entry 2/3/08 - very few
 entries - Also shelf edges
 on machines, batteries +
 drugs + shelf edge on
 counter. Use by date
 Wymy Glaston x1 use by
 17/3/09 Z Salami - ser
 topiony Kremowy - Pilsko
 mleko - no labels in
 English also 1 den post
 use by date, 1/3/09, also
 Vegetali - Bio Schritzel
 Camelot label no use by
 date, 1x pack bottled beer
 use by date 18/3/09



Trading Standards

2nd Floor Bartholomew House
Bartholomew Square
Brighton BN1 1JE

TO THE PREMISES LICENCE HOLDER
AND DESIGNATED PREMISES
SUPERVISOR

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

May 2009

Dear Sir/Madam

Licensing Act 2003

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

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

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

Yours faithfully

John Peerless
Head of Trading Standards

BRIGHTON & HOVE
COUNCIL
ENVIRONMENTAL SERVICES
DEPARTMENT

EXHIBIT No.

cm/4

INVESTIGATION No.

SIGNATURE:

DATE:

17/09

WM 99 D.7808

Telephone: Consumer Advice (01273) 292522 Business Advice (01273) 292523
Internet World Wide Web <http://www.tradingstandards.gov.uk/brighton-hove/>
Electronic Mail: trading_standards@brighton-hove.gov.uk

(01273) 290000

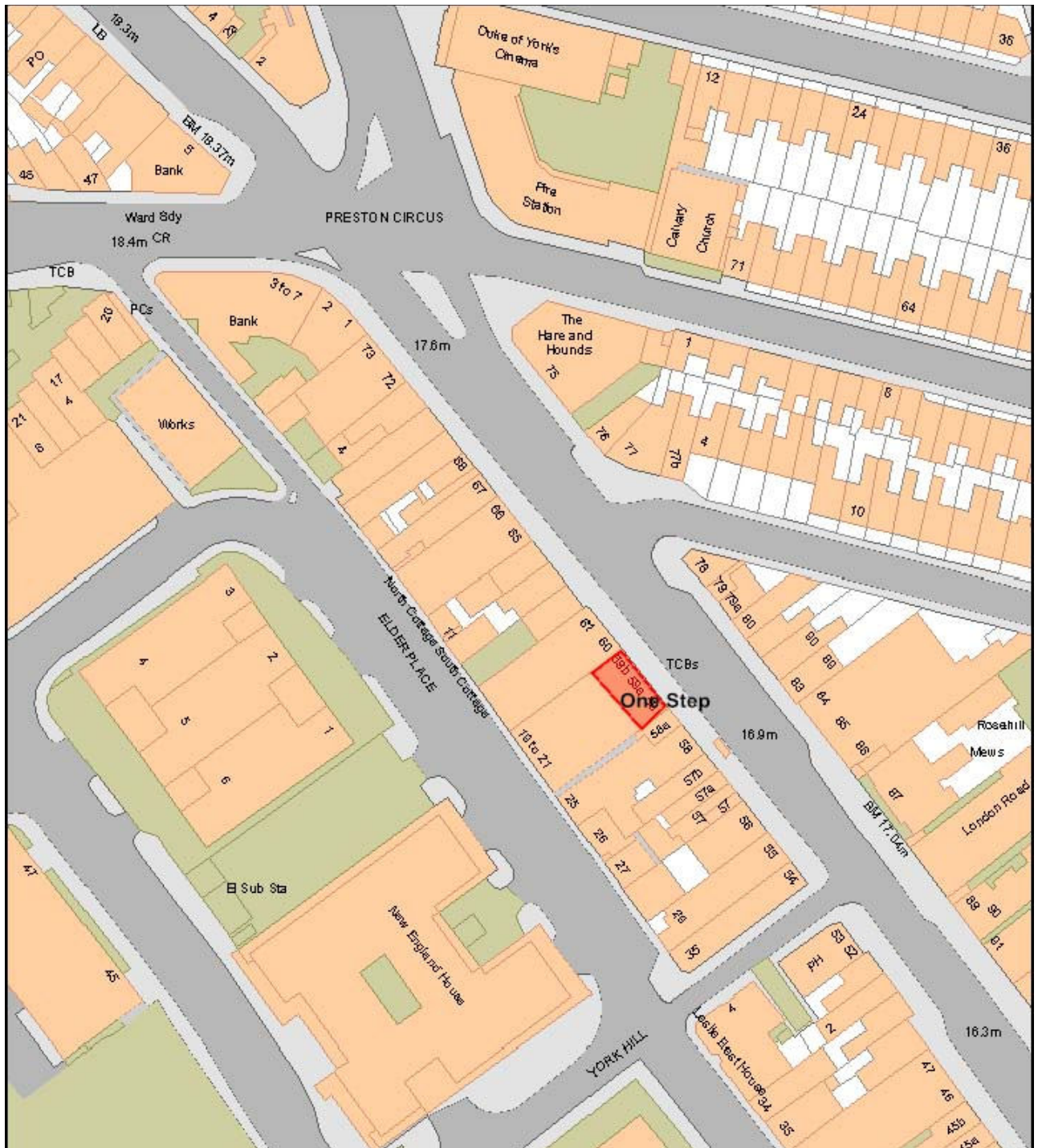
Director of Environment: Jenny Rowlands

www.brighton-hove.gov.uk

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APPENDIX D

One Step, 59A London Road, Brighton BN1 4JE




**Brighton & Hove
City Council**

Date: 18.08.09

Scale 1:1070



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2009/01484/LACEV

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

BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING	
DATE RECEIVED	
27 AUG 2009	
Occupation:	Date: 12/01/09

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: *[Handwritten 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 1920 hours, I entered Stop to Shop in London Road, 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 3 cans of Fosters, 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 or two customers. There was two member of staff on separate tills."

The sales assistant, who I would describe as being a Indian female, aged about 30 with dark hair.

The alcoholic containers were rang up on till, the price being 3 cans for £3. 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] 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 her. I then took her details. I now know the seller to be [redacted]

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 ELLIS then re-
[redacted] the premises and started the fixed penalty notice procedure.

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

[Handwritten Signature]

BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING	
DATE RECEIVED	
27 AUG 2009	

LICENSING PANEL
(Licensing Act 2003 Functions)

Agenda Item 51
Brighton & Hove City Council

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

Premises: Whelan's Lion & Lobster
24 Sillwood Street
Brighton
East Sussex
BN1 2PS

Licence Holder: Gary Joseph Whelan & Patrick Finnarr Whelan

Date of Meeting: 16 September 2009

Report of: Assistant Director Public Safety

Contact Officer: Name: Sarah Ranger Tel: 29-5801
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 **Whelan's Lion & Lobster** under the Licensing Act 2003.

2. SUMMARY OF THE REVIEW PROCESS:

- 2.1 Existing licence attached at 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 Environmental Protection to review the licence granted to the premises known as **Whelan's Lion & Lobster, 24 Sillwood Street, Brighton, East Sussex, BN1 2PS.**
- 2.4 The grounds for the review relates to the following Licensing objectives:
- Prevention of Public Nuisance.

Full details of the grounds for the review 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 Seven representations have been received from local residents on the grounds of the Prevention of Public Nuisance and Crime and Disorder supporting the review application submitted by Environmental Protection seeking the amendment of conditions.

3.3 Twenty representations have been received from local residents on the grounds of Prevention of Public Nuisance supporting the extension of the patio's opening hours.

3.4 Full details of the representations supporting the extension of the patio's opening hours are at Appendix C and full details of the representations supporting the review application are attached at Appendix D. A map detailing the addresses of the persons who have submitted representations supporting the extension of the patio's opening hours are in Appendix E. A map detailing the addresses of the persons who have submitted representations supporting the review application and their location in relation to the premises are attached at Appendix F.

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.
- 2.5.4 Geographical spread
Spreading the siting of large venues (those with a capacity in excess of 250 people) across the city reduces the problems of dispersing large numbers of people leaving premises in close proximity at the same time. Taxi and bus queues can be flash points for public disorder and violence. A good geographical spread coupled with increased taxi ranks and bus stops near venues reduces waiting time and the potential for crime and disorder.

- 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.
- 2.8 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 prevention of public nuisance

- 4.4 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.
- 4.5 Staggered closing times will not be used to combat binge drinking disorder and antisocial behaviour. Zoning will be avoided. A general principle of later opening so that customers can leave for natural reasons, slowly over longer periods will be promoted, to prevent unnatural concentrations of people. The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

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: 27.08.2009

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: 27.08.2009

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.
3. Appendix C – Representations supporting the extension of the patio's opening hours (A-K) and (O – W).
4. Appendix D – Representations supporting the Review Application (L – N) and (X – A1).
5. Appendix E – Map of area and of location of people who have made representations supporting the extension of the patio's opening hours.
6. Appendix F – Map of area and of location of people who have made representations supporting the review application.

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

1445/3/2007/02024/LAPREV

Part 1 – Premises Details

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

Whelan's Lion & Lobster
24 Sillwood Street
Brighton, East Sussex
BN1 2PS

Telephone number 01273 327299

Where the licence is time limited the dates

Licensable activities authorised by the licence

Exhibition of a Film	Indoor Sporting Event
Performance of Live Music and Recorded Music description	Entertainment of a similar
Making music	Dancing
Late Night Refreshment	Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Exhibition of a Film Indoors To permit amplified music video, sport, entertainment programmes and any other entertainment of a like kind. (Excluding anything of an adult nature).

Sunday - Thursday: 10.00 - 01.00, Friday - Saturday: 10.00 - 02.00

Timings to be coterminus with the sale of alcohol when those hours are varied by the premises licence for bank and public holidays including Good Friday, Christmas Day and New Year's Day. In the event of the transmission of any recognised international sporting event which falls outside the permitted hours of the premises licence to permit licensable activities commencing one hour before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the licensing authority and the police 10 days beforehand,

Indoor Sporting Event May include darts, dominoes, cribbage and pool or other minor pub or sporting games of a similar kind that may attract an audience occasionally.

Sunday - Thursday: 10.00 - 01.00, Friday - Saturday: 10.00 - 02.00

Performance of Live Music Indoors The use of live music is restricted to short sessions on an ad hoc basis at different times and on different days during the week and may be

unamplified or amplified, Music may be via artists singing, karaoke, DJ and other of a similar nature. (Excluding anything of an adult nature). There will be no permanent stage area for the performer(s) as the performance is intended to contribute to the premises' ambience and not be a stage focused concert style performance.

Monday - Saturday: 18.00 - 23.00, Sunday: 15.00 - 22.30.

All performances will be limited to end at 23.00, or before to minimise any possible nuisance.

Performance of Recorded Music Indoors Recorded background music via in house sound system or jukebox during the permitted hours for which alcohol is sold.

Sunday - Thursday: 10.00 - 01.00, Friday - Saturday: 10.00 - 02.00

Volume will be reduced Monday - Saturday: after 23.30, Sunday: after 22.30 to minimise any possible nuisance. Timings to be coterminus with the sale of alcohol when those hours are varied by the premises licence for bank and public holidays including Good Friday, Christmas Day and New Year's Day.

Entertainment of a similar description Indoors Comperes for quizzes, comedians and similar performances, in any case using voice amplification or other similar events using voice amplification throughout opening hours.

Monday - Saturday: 10.00 - 23.00, Sunday: 10.00 - 22.30.

All will be limited to end at 23.00 or before to minimise nuisance. New Year's Eve until 01.00 on New Year's Day.

Making music Indoors From time to time the following facilities may be provided at the premises: in house sound/music system, musical instruments, video or tv screens or other amplification/instrumentation provided by performers.

The use of music making facilities is restricted to short sessions on an ad hoc basis at different times and on different days during the week and may be unamplified or amplified. There will be no permanent stage area for the performer(s) as the performance is intended to contribute to the ambience of the premises and not be a stage focussed concert style performance.

Monday - Saturday: 18.00 - 23.00, Sunday: 15.00 - 22.30.

All will be limited to end at 23.00, or before to minimise nuisance. New Year's Eve until 01.00 on New Year's Day.

Dancing Indoors No dance floor area will be provided to encourage dancing but it is recognised however that as a result of the provision of live music/music making facilities customers may move in a rhythmic manner where they stand which could be interpreted as dance and as such should not be prohibited.

Monday - Saturday: 18.00 - 23.00, Sunday: 15.00 - 22.30

New Year's Eve until 01.00 on New Year's Day.

Late Night Refreshment Hot drink or food which may or may not be sold in conjunction with the supply of alcohol if required.

Monday - Sunday: 23.00 - 01.30

Timings will cease 30 minutes after the last permitted sale of alcohol when those hours are varied by the premises licence for bank and public holidays including Good Friday, Christmas Day and New Year's Day.

Sale by Retail of Alcohol

Sunday - Thursday: 10.00 - 01.00, Friday - Saturday: 10.00 - 02.00. No off sales after 23.00.

An additional three and a half hours for each Sunday of every bank holiday weekend (until 02.00 the following day). An additional three hours for the Thursday preceding Good Friday (until 02.00 the following day). Good Friday and Christmas Eve until 02.00 and Christmas

Day to reflect the relevant premises licence hours of the day upon which it falls. In the event of the transmission of any recognised international sporting event which falls outside the permitted hours on the premises licence to permit licensable activities commencing one hour before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the following authority and the police 10 days beforehand.

The opening hours of the premises

Sunday - Thursday: 10.00 - 01.30, Friday - Saturday: 10.00 - 02.30
For each Sunday of every bank holiday weekend until 2.30 the following day. For the Thursday preceding Good Friday until 2.30 the following day. Good Friday and Christmas Eve until 2.30 and Christmas Day to reflect the relevant premises licence hours of the day upon which it falls. New Years Eve/Day to reflect existing hours.
In the event of the transmission of any recognised international sporting event which falls outside the current permitted hours on the premises licence to open one hour before the start of the event and to close one hour after the end of the event, the details of the activity to be notified to the police 10 days beforehand.

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

Alcohol is supplied for consumption both on and off the Premises. There will be no off sales after 23.00

Part 2

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

Gary Joseph Whelan 69 Hove Park Road Hove East Sussex BN3 6LL Telephone: 07949 109611	Mr Patrick Finnbar Whelan Whelan's Lion & Lobster Sillwood Street Brighton, East Sussex BN1 2PS Telephone: 01273 327299 or 07899 845992
--	--

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

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Patrick Finnbar Whelan

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

Personal licence no.:

Issuing Authority: Brighton & Hove City Council

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)

Embedded Conditions

On Licence

Alcohol may be sold or from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

All restrictions removed.

Changes to Embedded Conditions

Annex 2 – Conditions consistent with the Operating Schedule

For the prevention of crime and disorder:

- Lighting to the external areas of the pub will be maintained in good working order.
- Door supervisors will be employed when appropriate and in accordance with a suitable risk assessment.
- All door supervisors employed will be licensed by the Security Industry Authority (SIA).
- No drinks (except where sold in sealed containers) will be allowed to be taken off the premises.
- The premise operates a zero tolerance policy in relation to drug misuse reinforced by notices around the premise.

For public safety:

- A safe maximum occupancy level will be established and maintained.
- Toughened glassware will be used wherever possible.

For the prevention of public nuisance:

- Signs will be placed adjacent to the entrances/exits requesting departing customers to respect neighbouring residents and to minimise noise whilst leaving

the premises. Managers and staff will monitor those leaving to ensure that this is observed.

- A 30 minute drinking up time will allow appropriate time for dispersal.
- A free phone taxi service is available.
- Regulated entertainment when provided will cease at 23.00 on weekdays and 22.30 on Sundays (save for New Years Eve).

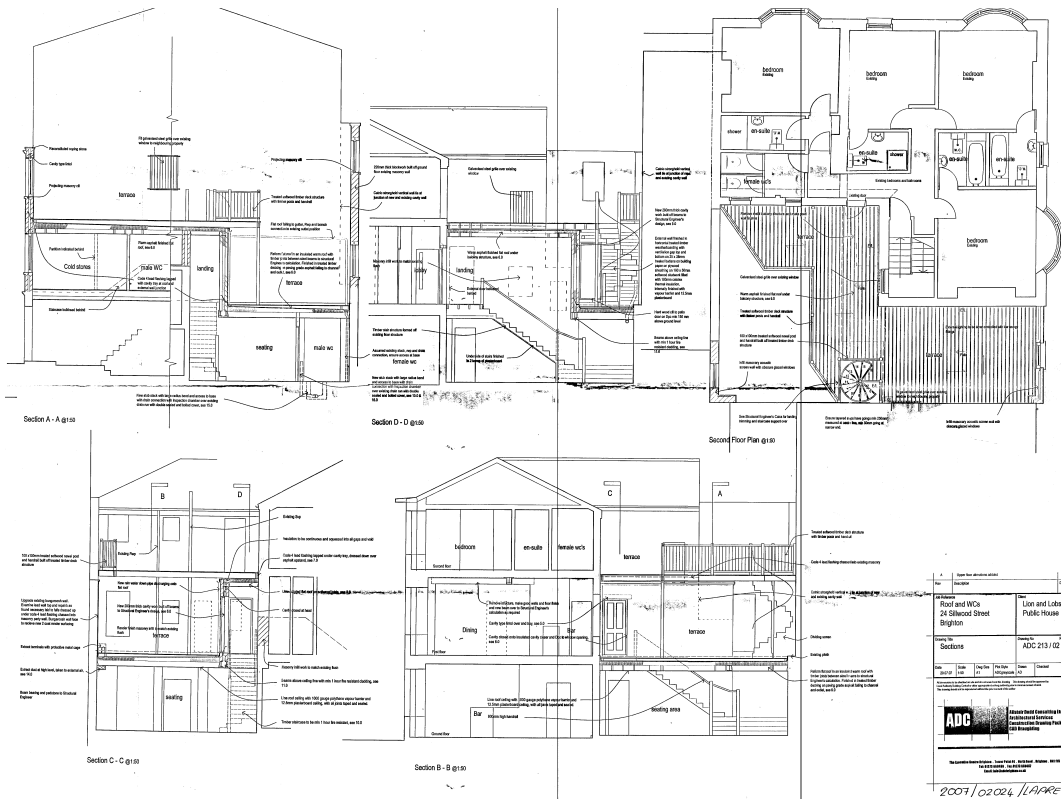
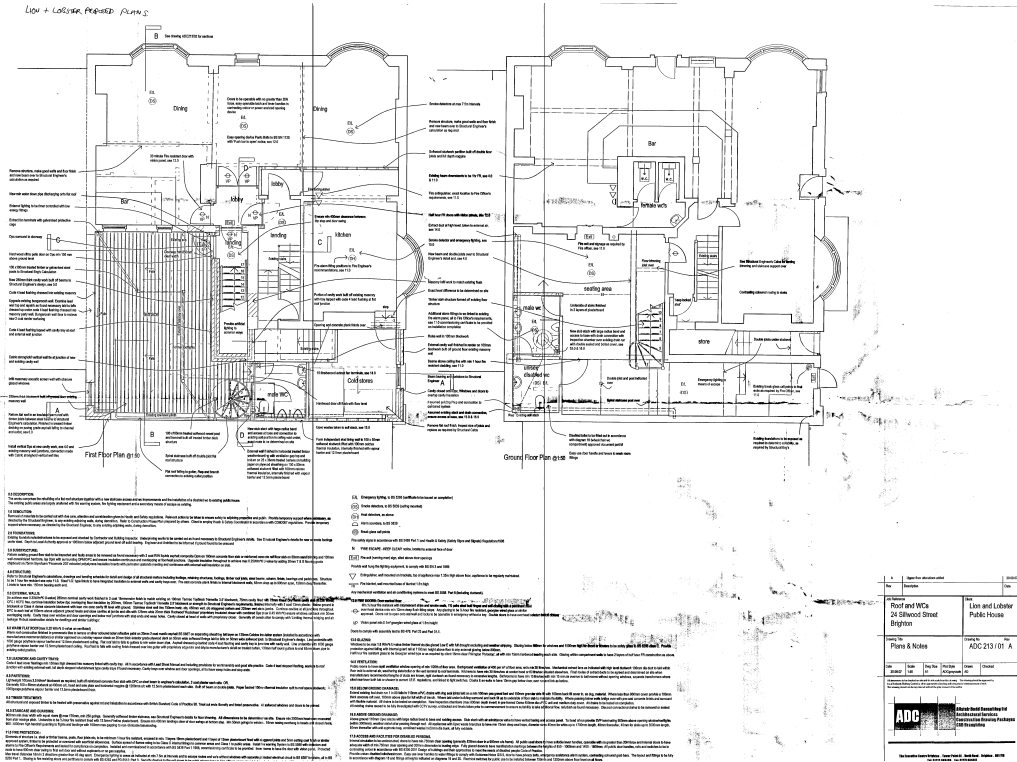
For the protection of children from harm:

- Children and young persons are permitted in the public house only when accompanied by a responsible adult and then only for table meals in the rear 'non-smoking' dining area.
- Persons seeking to buy or consume alcohol who appear to be under the legal age to do so will be required to produce suitable proof of age. Only photographic documentation will be accepted.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. There will be no off sales after 23.00.
2. All outside areas will be closed and cleared by 23.00.
3. External doors and windows will be closed by 23.00 except for access and egress.
4. Sound absorbent curtains will be installed within six months of the premises licence coming into force. Once installed, such curtains will be drawn by 23.00 and remain drawn until the premises closes to the public.
5. No refuse will be placed outside the premises between 23.00 and 08.00 the following day.
6. Background music will be reduced in volume at 23.00.
7. There will be no admittance to the premises after 00.00.

Annex 4 – Plans



APPENDIX B



Public Safety

Bartholomew House
Bartholomew Square
Brighton BN1 1JP

Licensing
Brighton & Hove City Council
2nd Floor
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

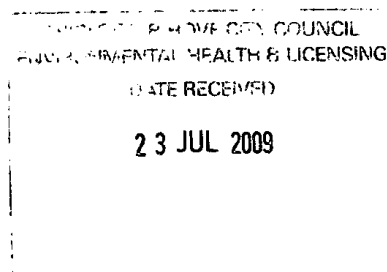
Date: 23 July 2009
Our Ref: EB/2009/02048/NOH/EH
Your Ref: 1445/3/2005/03337/LAPREV
Phone: (01273) 292167
Fax: (01273) 292196
e-mail: edward.bulger@brighton-hove.gov.uk

Dear Sir/Madam

**Review of Premises Licence: Whelan's Lion & Lobster 24 Sillwood Street
Brighton BN1 2PS**

Please find enclosed my application for a review of the premises licence for the above establishment. I enclose a copy of the letter sent with the review document to the premises licence holder. I confirm that I have sent a copy of the enclosed documents to the Responsible Authorities listed below.

Licensing, Brighton & Hove City Council
Licensing Unit, Sussex Police
East Sussex Fire and Rescue Service
Trading Standards, Brighton & Hove City Council
Planning, Brighton & Hove City Council
Health & Safety, Brighton & Hove City Council
Child Protection, c/o Licensing Unit, Sussex Police.



Yours faithfully

Edward Bulger
Environmental Protection Team



Street 24 Lion & Lobster. Letter to licensing 23.07.09 .doc

2009-2010
After dark: managing
the right time economy



INVESTOR IN PEOPLE

Director of Environment: Jenny Rowlands

Web: www.brighton-hove.gov.uk

Telephone: (01273) 290000

Printed on recycled, chlorine-free paper

23.07.09
20.08.09

2009/01499/LAPREV

SR

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

valid ✓
PN
372.

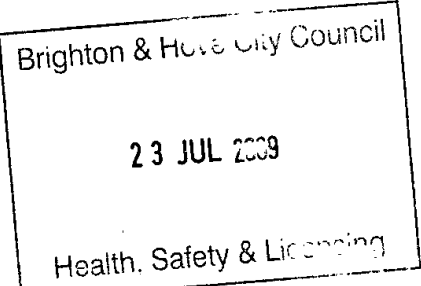
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Edward Bulger
(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 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Whelan's Lion & Lobster 24 Sillwood Street Brighton, East Sussex BN1 2PS	
Post town Brighton & Hove	Post code (if known) BN1 2PS

Name of premises licence holder or club holding club premises certificate (if known) Gary Joseph Whelan 69 Hove Park Road Hove, East Sussex BN3 6LL Mr Patrick Finnbar Whelan Whelan's Lion & Lobster Sillwood Street Brighton, East Sussex BN1 2PS	
---	--

Number of premises licence or club premises certificate (if known) 1445/3/2005/03337/LAPREV

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 Edward Bulger Environmental Protection Team Environmental Health & Licensing Brighton & Hove City Council 2 nd Floor Bartholomew House Bartholomew Square Brighton BN1 1JP
Telephone number (if any) 01273 292167
E-mail address (optional) edward.bulger@brighton-hove.gov.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 type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

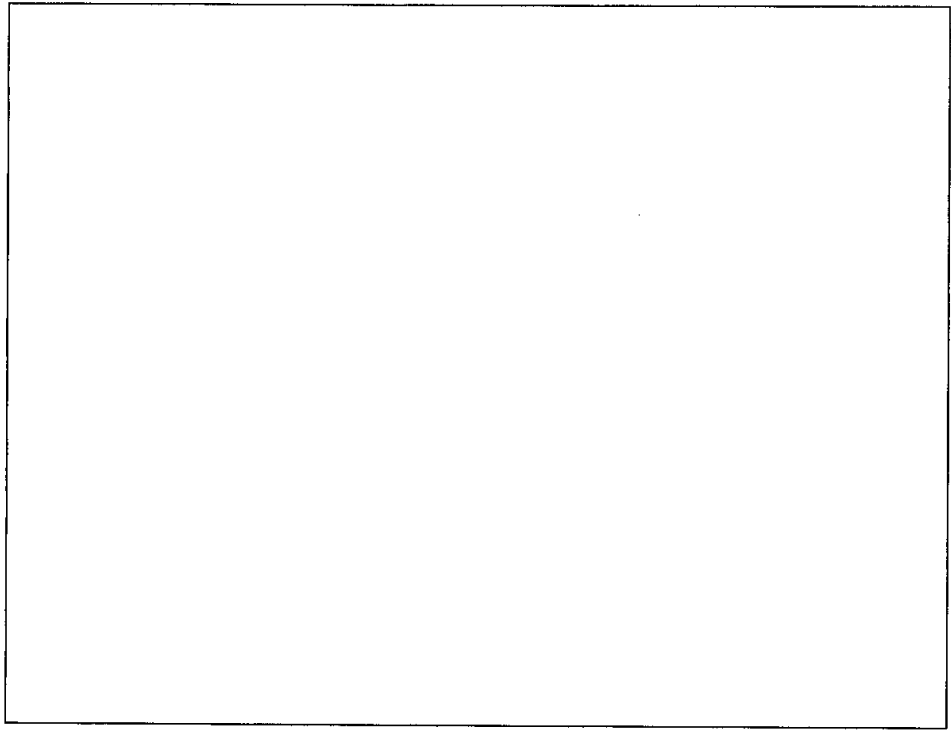
Summary: The Premises Licence Holders have not complied with the licensing objective of preventing public nuisance as set out in the Licensing Act 2003 and have not complied with conditions set out in the premises licence reference 1445/3/2005/03337/LAPREV.

A noise abatement notice under Section 80 of the Environmental Protection Act 1990 was served on the Premises Licence Holders, one of whom is also the Designated Premises Supervisor together with the manager of the Lion & Lobster on the 15th August 2008. This was the result of a statutory noise nuisance witnessed by council officers following a complaint about loud amplified music noise coming from inside the pub.

Further complaints about noise from the premises were received on the following dates: 1 December 2008; 20 December 2008; 9 March 2009; and 22 March 2009.

On the 19th June 2009 officers of the council witnessed a breach of the notice issued on the 15 August 2008. The Premises Licence Holders, Designated Premises Supervisor and the manager are the same personnel who were issued with the notices.

On the same visit officers observed customers drinking on the pavement outside the pub in contravention of a licence condition(Annex 2 -No drinks (except where sold in sealed containers) will be allowed to be taken off the premises. Officers also noted that windows on the first floor were not closed in contravention of a condition of the premises licence. (Annex 3 -External doors and windows will be closed by 23.00 except for access and egress.)



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

For the prevention of public nuisance I put forward for consideration the following amendments:

Add: The operator of the premises shall employ not less than one SIA registered door supervisor from 21:00 on any day when the premises are open at that time until 15 minutes after the premises shall be closed.

Add: All live music shall cease at 22.30 and not restart before 09.30 the next morning.

Add: Recorded music shall be performed only through a sound level limiter which shall be set, using tamper proof technology in conjunction with an authorised officer of Environmental Health and Licensing.

Omit: reference to outdoor areas being closed and cleared by 23.00

Add: Outside first and second floor areas shall be closed and cleared of drinkers by 02.00 and not reoccupied before 09.30 the next day.

Add: Outside first and second floor areas shall be available to smokers only (without drinks) until 15 minutes before the end of the alcohol consumption times permitted by this licence.

The extended use of the outside areas within the curtilage of the premises is intended to reduce congestion and the pressure on customers using the highway outside the front of the building.

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

EMBulger

Date

23 July 2009

Capacity

Environmental Protection Officer

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

Edward Bulger
Environmental Protection Team
Brighton & Hove City Council
2nd Floor
Bartholomew House
Bartholomew Square
BN1 1JP

Post town

Brighton & Hove

Post Code

BN1 1JP

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) edward.bulger@brighton-hove.gov.uk

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APPENDIX E

Whelan's Lion and Lobster, 24 Sillwood Street, Brighton BN1 2PS



Date: 28/08/2009 11:00:27 Scale 1:1384



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Whelan's Lion & Lobster, 24 Sillwood Street, Brighton, BN1 2PS



Date: 28/08/2009 08:42:55 Scale 1:657



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