

Appendix B

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

**I Chief Supt Justin BURTENSHAW, Brighton & Hove Divisional Commander,
Sussex Police on behalf of Sussex Police Chief Constable Jo SHINER.....**

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 Booze Corner, 92 Lewes Road,	
Post town Brighton	Post code (if known) BN2 3HZ

Name of premises licence holder or club holding club premises certificate (if known) The Booze Corner Shop Ltd
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Number of premises licence or club premises certificate (if known) 1445/3/2017/03768/LAPRET

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

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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 Sussex Police, Licensing, John Street, Brighton, East Sussex, BN2 0LA.
Telephone number (if any) 01273 404 535 - Ext 550809
E-mail address (optional) brighton.licensing@sussex.police.uk

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

Please tick one or more boxes

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

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

Please state the ground(s) for review (please read guidance note 2)

A review is being sought by Sussex Police due to serious concerns following a visit by Police Licensing officers during an Underage Test Purchase operation at the premises.

This premises was visited on the 30th of January 2023, where a test purchase operation was conducted, and a member of staff/person present sold to a 17-year-old male.

Following the failed underage test purchase, uniformed officers were greeted by 3 males who all claimed not to be working at the premises, and none of them would communicate with us. Therefore, the premises was not being managed, run responsibly and in accordance with the premises licence.

Sussex Police would therefore contend that the licensing objectives for the prevention of crime and disorder and for the protection of children from harm has been seriously undermined.

Please provide as much information as possible to support the application
(please read guidance note 3)

On the 28th of December Police Licensing were briefed by a Neighbourhood Response Officer about an underage vulnerable male who had been reported as missing, upon locating this male, who was slightly intoxicated and returning him home, the officers were informed by the Underage male's parents that he had been able to purchase alcohol in relevant premises.

On the 30th of January 2023 at 17:18 Police licensing conducted a test purchase operation at this premises. The member of staff behind the till (where 3 males were stood) sold a single bottle of Corona to a 17-year-old police volunteer.

A plain clothes officer witnessed the transaction.

Uniformed Officers were called to the premises and arrived at the premises at 18:20

Police Licensing officer Hannah Staplehurst and Trading Standards Officer Donna Lynsdale attended with the Uniformed Officers, PC Kate Hancox and Insp Mark Redbourn.

At 18:20 the plain clothes officer was stood outside the premises with 3 males and stated what she had witnessed and the fact that no Identification had been asked for during the transaction of alcohol, and Hannah Staplehurst asked for confirmation that we had possession of the bottle of alcohol that had been sold, which the Plain clothes officer confirmed.

At 18:21 – Everyone entered the premises and one of the males (male 1) made a phone call to the manager.

The Phone was handed to PC Hancox, and she spoke to the DPS **REDACTED**

.PC Hancox informed the DPS that an underage test purchase had just been failed

and asked if the DPS knew who was working in the premises at this exact time. The DPS stated to PC Hancox that he knew Male 2 (the male who had made the sale). The DPS said he was supposed to be observing and learning and then the Phone was passed back to Male 1.

At 18:24 communication begun with the 3 males to establish their names and if they had any Identification.

Questions were asked if there was an employment paperwork at the premises and how they got paid. These questions were never answered as there was a language barrier. The males claimed not to speak any English and not understand.

Male 3 was asked to confirm the language that was being spoken between the males as he spoke a minimal amount of English.

At 18:27 Male 1 declared to Police Licensing that he did not work at the shop and was a friend of the DPS.

At this point we were led to believe that Male 2 made the sale but unfortunately, he could not communicate with us and Male 1 and Male 3 did not work at the premises.

The decision was made to have a look for any paperwork near the serving counter which may assist with the enquiry.

At 18:29 PC Hancox stated there was nothing of any assistance behind the serving counter such as training logs which would provide names of all persons working at the premises.

At 18:30 – communication with Male 2 commenced again where PC Hancox asked for any form of Identification – including bank card, passport (which we established was with the Home Office)

At 18:33 – Donna Lynsdale had a phone call with the DPS, who stated he wasn't coming to the premises as he was in Hastings.

Donna Lynsdale asked the DPS, as the person of responsibility who he believed was actually working at the premises as now all 3 males have stated that they were NOT working, and no one was able to provide any personal details or identification.

At 18:38 PC Hancox confirmed with Male 3 if he works at the premises and his response was "No"

Male 1 was asked if he worked at the Premises and he points to Male 2 and says he is but when questioned regarding if he was working at the premises, he declared he wasn't working and was only at the premises as he was a friend of the DPS.

By 18:40 there was no clear answer if Male 1 was working at the premises, even the DPS was unable to answer.

At 18:41 the DPS stated that Male 2 should not have been behind the till or serving.

The DPS was asked by PC Hancox to speak to all 3 males and ask them to provide their Identification so Police can run the necessary checks.

At the end of the phone call, the DPS declared that male 1 was working and was training Male 2.

At 18:46 Male 1 provided his full name and Date of Birth to PC Hancox, but no

identification was provided to support this and he was also unable to provide his address.

At 18:50 – a family member of Male 1 via a text message was able to provide a full address.

At 18:52 Male 1 assisted with providing details for Male 2. Police licensing had finally established a full name and a date of birth.

At 18:56 Insp Mark Redbourn asked the males who was in control or in charge of the shop and was highlighting what a concern this is and stated how worrying this is. The Insp continued to state that at this exact moment, nobody in this premises has control over any of the alcohol being sold.

During this Licensing officer Hannah Staplehurst received a phone call from the plain clothes officers who informed us that Male 2 had spoken clear English to them. When PC Hancox questioned Male 2, stating that he had understood the plain clothes officer and spoken in English. Male 2 just smiled and looked down at his phone. When questioned again if he spoke English – his response was “No English – Zero”

At 19:00 – Insp Redbourn stated if we cannot find their details, he will have to be arrested, which is when Male 2 made another phone call to a friend to translate. Once Insp Redbourn has clarified who this person on the phone was, he asked for Male 2's full name – which was spelt for clarification.

Then his Date of Birth was confirmed.

Then his full address was given, and it was asked who else lives there and if he has identification at the address. The answer to this was No.

From this time, Police checks with Immigration commenced.

At 19:19 another male member of staff arrived, he stated he worked over night at the premises (Male 5). Licensing Officer Hannah Staplehurst informed male 5 of what was happening.

At 19:25 Immigration requested Police Licensing to get a fingerprint machine to assist with identifying the males. A call to the Plain clothes officers was made to ask a fingerprint machine is brought to the shop.

At 19:26 Male 5 begun talking to Male 2, with his assistance Police Licensing were informed Male 2 had a passport, but the Home Office currently had it, but there was belief Male 2 had a photo of it.

At 19:27 – photos of documents were shown on a phone but nothing with a photo. These documents highlighted that Surname of male 2 had been provided incorrectly.

At 19:29 – Insp Redbourn commences speaking with Male 5 and informs him that how worrying this whole situation is that this shop is open, with no one working here who is in charge, able to take responsibility and selling alcohol to kids and the possibility of Male 2 being arrested if we are not able to identify him

At 19:33 Immigration informed PC Hancox that we had finally identified Male 2 and he did not have the right to work and requested Police send all the information to them.

At 19:35 Male 5 was informed that Male 2 did not have the right to work, and that

contact would be made by Immigration to the premises owners. Male 5 tried to tell the Officers that male 2 was not working. Police Licensing informed Male 5 that Male 2 had been working and was the member of staff who made the sale to our Underage minor.

At 19:37 Licensing officer Hannah Staplehurst informs PC Kate Hancox that Male 1 had stated to her that he does not have the right to work either.

At 19:38 Male 2 had his fingerprints taken.
At 19:41 Male 1 had his fingerprints taken.

At 19:43 Immigration was contacted about Male 1.

At 19:54 Immigration informed PC Hancox that Male 1 also did not have the right to work.

At 19:56 – Insp Redbourn spoke with Male 5 to ensure that he was responsible for the shop once we had left and that he knew he must sell alcohol in accordance to the licence.

At 19:58 – Police Licensing and Trading Standards officer Donna Lynsdale left the premises with male 5 being responsible for the premises remaining open. The three males also had to leave the premises.

During the evening, Licensing officer Hannah Staplehurst and Trading standards Donna Lynsdale did a licence check.

The conclusion of this check was:-

Condition 1

The licensees will ensure that the premises are responsibly supervised at all times to ensure that appropriate steps are taken to promote the four licensing objectives.

Sussex Police believe this condition was being breached at the time of the check, there were 3 males inside the premises and all 3 stated they did not work at the premises and none of them took any responsibility for the sale of alcohol to an underage minor. Therefore, at the time of the check, the licensing objectives were not being promoted as there was not a single member of staff who could communicate effectively with customers and who took control of any sale of alcohol.

Condition 2

The licensee and staff will at all times be aware of their responsibility for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.

Sussex Police would contend this condition was also breached, as stated above there was no member of staff working at the premises who had a responsible attitude for the sale of alcohol at the time of the check.

Condition 3.

Crime prevention and security measures shall be instigated throughout the premises following consultation with police

Sussex Police believe at the time of the check nothing could be seen to suggest any consultation had taken place with police and no policy was in place.

Condition 4

A Secure kiosk must be used for late hours sales.

Sussex Police believe this condition was also in breach, when Male 5 was asked about the overnight operation, we were informed the shop remains open for customers to enter and shop at their convenience.

Condition 5

The CCTV covering the entrance and alcohol sales areas will be maintained in good working order.

There was a screen showing CCTV opposite the serving counter. No member of staff was able to operate the CCTV. However, Hannah Staplehurst states on the Body Worn Video that the time on the CCTV is 10 Minutes slow.

Condition 6

There will be suitable signage at the exit requesting the co-operation of customers in making as little noise as possible when leaving the premises

This condition was breached as there was no signage at the exit of the premises.

Condition 7

Patrons will be asked not to hang around outside the shop but to leave quickly and quietly.

Sussex Police would contend this condition was breached due to the language barrier with the three males present in the shop.

Condition 8

Staff will take care to minimise noise from operations such as use of refuse bins and closing up the premises.

Sussex Police were unable to comment on this condition.

Condition 9

Any person seeking to buy alcohol who appears to be under the legal age to do so will be asked to produce suitable identification as proof of age. The only identification that will be acceptable will be a passport, photographic driving licence or a Portman group proof of age card bearing a "Pass" hologram.

Sussex Police would contend that this condition has been breached following the sale of alcohol to an underage minor.

Condition 10

Any group of youths congregating outside the premises will be asked to leave quickly and quietly.

Sussex Police are unable to comment as no youths were seen outside the premises.

On 31st January 2023, an email was sent to Immigration with all the details of both males who were working at the premises, the premises details and details of the Premises licence holder/ Designated Premises Supervisor.

No communication has been received or made to the DPS **REDACTED** since the 30th January 2023.

In conclusion, Sussex Police have brought this premises to review after two of the licensing objectives - For the prevention of crime and disorder and For the protection of children from harm have been seriously undermined.

The premises was left to operate with 3 males, who claimed not to be working there, of which after police checks 2 of the males did not have the right to work.

The 3 males delayed Police processes by not providing paperwork when initially asked, despite Male 2 having copies of paperwork as photographs on his phone. Initially wrong spellings of names were given which hindered Police checks and slowed the checks down.

However, these males were evidently working at the premises as Male 2 made the sale of alcohol, a single bottle of Corona, to an underage Police Volunteer, which was witnessed by a plain clothes officer.

The Premises licence conditions were also not being adhered too and the information provided by the Police response officer which initiated the test purchase, with the comments above causes a total loss of confidence in the management over the running of this premises which operates for 22 hours a day, Monday to Sunday in an area of Brighton and Hove that is defined within the Brighton and Hove Statement of Licensing Police Special Stress Area.

Sussex Police do not believe that a change of DPS, any further conditions or a suspension would assist in ensuring this premises is managed responsibly and the premises licence would be adhered too ensuring the retail of alcohol was managed correctly.

Therefore, Sussex Police would like to propose that the only option of outcome for this review is revocation of the premises licence.

Please tick yes

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

If yes please state the date of that application: N/A

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

N/A

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)

REDACTED

Insp M. Redbourn

Date 24th February 2023.

Capacity: Operations, Planning and Licensing Inspector.
Force Licensing & Public Safety Manager on behalf of Chief Superintendent,
Divisional Commander, Brighton & Hove Division

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Insp M. Redbourn Sussex Police Licensing John Street	
Post town Brighton	Post Code BN2 0LA
Telephone number (if any) 01273 404 535 Ext REDACTED	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) brighton.licensing@sussex.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.

