APPENDIX C

REC: 21.07.09
Con 18.08.09
Brighton & Hove
City Council



2009 OI48 LAREN SR Trading Standards

2nd Floor Bartholomew House Bartholomew Square Brighton BN1 1JE

Valid / CH.

The Licensing Technical Support Officers Environmental Health Brighton and Hove City Council Bartholomew House Bartholomew Square BRIGHTON BN1 1JP BRIGHTON & HOVE CITY COUNCIL ENVIRONMENTAL HEALTH & LICENSING DATE RECEIVED

2 2 JUL 2009

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 Step 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

(01273) 290000

www.brighton-hove.gov.uk

Director of Environment: Jenny Rowlands

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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 Melta 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.

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	<i>\</i>	hysdu	1	
Dated This _	29+h	<i>O</i> Day Of	May	20 09

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

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
$\hfill \square$ 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
To and any Orth May	4.00pm – 6.30pm	Room 1, Bartholomew House, BN1 1JP	1
Tuesday 27 th May Wednesday 28 th May	9.30am - 12.00pm	Room 1, Bartholomew House, BN1 1JP	‡ ≈1
	12.00pm – 2.30pm	Room 1, Bartholomew House, BN1 1JP	2_
Thursday 29 th May	1.00pm – 3.30pm	Room 1, Bartholomew House, BN1 1JP	1
Friday 30 th May	10.30am - 1.00pm	Room 1, Bartholomew House, BN1 1JP	
Monday 2 nd June	10.30am - 1.00pm	Room 1, Bartilolement House, 2.1.	

Any Special	Requirements?							
Please he a	Please he aware that we have a maximum of 15 places per session.							
Contact Na	me:	Mos M L Boddidwii						
Contact Te	ephone Number:	01273 698264.						
Store Name		STOP TO SHOP.						
Store Addre	ess:	594 London Road.						
BRIGHTON & HOVE CITY COUNCIL TRADING STANDARDS	EXHIBIT No. ITEM No.	Brighton BNI 4 JE:						
INVESTIGATION No.	<u> </u>							

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

	NAME (Please Print)	PREMISES	POSITION
	Minas Abdelseed	ALLStova	
	GEORGEARDELSEE	n Northstreet	
	MARY MOSTERT	THRESHERS	LINNAGER
	Jessie Hadson	Threshers	sales assiler Mt
	DAISY NGANGA	BUDGENS	ASS. MANAGER
	ALOVA POPLOVA	BUDGENS	PALES PNINT
米	NIARASEMHA RAO.	STOP TO SHOP.	ASST. MANAGER.
	F. CHOWDHURY	Lodge Store.	Sales Assistant.
	LUKASZ ZATCZYK	All Stocks	SHOP ASSISTANT
	CHRIS DENMAN	THRESHERS	DISTRICT MANAGER
	FRASER MURRAY	THRESHER	SALES ASISTALO
	PATRICIA MOSTERT	THRESHERS	SALES DE PREISONIT
			BRIGHTON & HOVE CITY COUNCIL TRADING STANDARDS EXHIBIT No. ITEM No. DML/2
			INVESTIGATION NO.
			SIGNATURE: A hyddul
			DATE: 29 May 2009 WM 99 D. 7808

Name:		JAR	ASI.	MHA	RA	O			•••••			• • • • •	
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Do yo	u now	feel mo	re conf	fident al	bout ide	entifying	g approv	ved f	orms o	of ID?			
	Yes	B′	No		No co	ommen	t 🛚						
Whilst	doing	your jo	b have	you eve	er been	subject	ted to:						
	Verba	l Abuse	:	Yes	Q/	No		N	o com	ment	0		
	Physic	al Abus	se	Yes		No		Ν	o com	ment	0		
	Racia	Abuse		Yes	0	No		Ν	o com	ment	0		
ls ther	e anyt	hing else	e you v	vould lik	ke to ha	ve seer	o covere	ed by	the c	ourse	?		
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If so v	vhat w				ered by								
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Is the	re anyt	hing fur	ther yo	ou woul	d like to	add?			INVEST	GATION	No.		
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Do you now feel more confident to contact Training Standards if you need any further advice or assistance?							
	Yes	<u>-</u>	No		No comment		
Was the course easy to understand?							
	Yes	D/	No		No comment		
Were	you abl	e to ask	(questi	ons or e	express opinions?		
	Yes		No		No comment \square		
How did you find the Trainer's ability to communicate and maintain interest?							
	Good	Πz ·	Bad	П	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 2-21/2 hours

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

Contact Name:	SURESH
Contact Telephone Number:	500 07830 2047780r 698264
Store Name:	STOP TO SHOP
BRIGHTON & HOVE CITY COUNCIL TRADING STANDARDS INVESTIGATION No. SIGNATURE: DATE: 29 May 2009 WM 99 D.7808	59A LONDON ROAD BRIGHTON

5/2/09

ATTENDENCE SHEET

NAME (Please Print)	PREMISES	POSITIO	N
METLA BHAYANI		`	
B. SIVA PARVATHI			
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		INVESTIGATION No.	0.,013
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Did yo	u find	the cou	rse help	pful?		Agree	e 9	Disagree [
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Do yo	u now	feel mo	re conf	fident a:	sking fo	or ID?	Yes	□ No		
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	Physi	cal Abus	se	Yes	8	No		No comme	nt 🛭	
	Racia	l Abuse		Yes	D.	No		No comme	nt 🛚	
Is ther	e anyt	hing els	e you v	vould lil	ke to h	ave seer	cover	ed by the cour	rse?	
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Is there	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	8	No	D	No comment []			
Was t	Was the course easy to understand?							
	Yes	Q	No		No comment []			
Were	you ab	le to as	k questi	ions or	express opinions?			
	Yes		No		No comment \square			
How	did you	find the	e Traine	er's abili	ty to communicate and maintain interest?			
	Good	ΙĐ	Bad	0	No comment []			

Name:	M	le.lla	Bla	LOV.	Λ							•••		
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	Verba	I Abuse		Yes	- 🛮	No		No	comn	nent				
	Physic	al Abus	e	Yes		No	0	No	comn	nent				
	Racial	Abuse		Yes	ð	No		No	comr	nent	О			
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ls the	ere anyt	hing furt	her yo	u would	like to add?
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Wer	e you a	ble to as	k quest	ions or	express opinions?
	Yes		No		No comment []
How	did you	u find the	e Train	er's abili	ity to communicate and maintain interest?
	Coo	d D∤	Rad	П	No comment []

18/5/09

ATTENDENCE SHEET

NAME (Please Print)	PREMISES	POSITION	1
Recai Kun DUSUNSEL	Wine me up		
CAGDAS CAKIR	WINE ME UP Blatchington RD.	Manager	
Fehmi Sokun	Wine Me Up Western Road Western Road		
INAM HAS	Western Rosal. Whe me up.		
SAMIR KANSWAR	BOUNDARY ROAD.		
PAUMIL DARJI	LONDIS BOUNDARY ROAD		
Sally Daldeniz	Wine Me Up. Corner Newz + Booze	Owner	
Shaon Birnle	Corres Nu 5+ Roozo	Monagor	
SIVA SANKAR RAZMETK	A STUD to SLOJO	51-41	
S.K. METLA	M. P. TRADING	14041.	
		BRIGHTON & HOVE CITY COUNCIL TRADING STANDARDS	DMUS
		INVESTIGATION No.	
		SIGNATURE:	2009 WM 99 D 7808
	·	DATE: 29 May	2009 WM 99 0.7808

22/5/09.

ATTENDENCE SHEET

NAME (Please Print)	PREMISES	POSITION	
A. SLEHAK.	PURIC ROPTAGE	, ow ser	
Mrs ML BODDLILURI	STOP TO SHOP	STAFF	· .
MIS BHAVANI METLA	STOP. TO SHOP	STAFF	
Mr Kayan Intran	STOP-TO SHOP	STAFF	
ande m		1000000	
Cenk Daldeniz	International Winer	owner	
Tayfor Ozturk	International wine	STAFF	.v
HANI ABADI	1) 1 50845 Sood 8mm	Owner	
Talha YILDIZ	International wine	FIAFE	
Serdest Karacadagli	The Bare Factor	Staff	
Hakon GUVEN	International wine	Staff	****
Hakan Yamak	Booze factor	Staff	
ESER CAPAR	WINE MEUP	Staff	
Can KARATAS	International Wines	Staff	
		BRIGHTON & HOVE CITY COUNCIL TRADING STANDARDS	EXHIBIT No. ITEM No.
		INVESTIGATION No.	
		SIGNATURE:	

DATE: 29 May 2009 WM 99 D 7808

Name:	B.Kis	28.07K	ARRAD	M.E.T.4.F	ł	
Job Title:	S. 1.0.2.	W-88 1::	·····			
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			n Road			
	BB.1	205T.H. 162.	D PoS	7 see 02 7	127.100	<u>^</u>
Did you find the	e course hel	pful?	Agree	Disagree		
			n part(s) did you			
	el more cor Yes	nfident iden No	tifying if people No comm		e challenged fo	r
Do you now fe	el more con	fident askin	g for ID? Ye	s No	>	
Do you now fe	el more cor	ifident abou	it identifying app	roved forms o	f ID?	
Yes	No	N	lo comment			
Whilst doing yo	our job have	you ever b	peen subjected to	0:		
Verbal A	Abuse	Yes	No	No comm	ient	
Physical	Abuse	Yes	No	No comm	ient	
Racial A	Nbuse	Yes	No	No comm	nent	
Is there anythin	ng else you v	would like t	o have seen cov	ered by the co	urse?	
Yes	No	1	No comment			
If so what wou	ld you have	like covere	d by the course?	?		
***************************************	•••••		• • • • • • • • • • • • • • • • • • • •			
Did you find th	e style of th	e course h	elpful?			
Yes	No			BRIGHTON COUNCIL	1 & HOVE	EXHIBIT No.
Would you ha	ve preferrec	written tra	aining materials?		MENTAL SERVICES ENT	DML/10
Yes	No			INVESTIGA	RE: 1	dah
				DATE:	Hyll 29 May 2	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						

Name: SURESH	Kumar	METLA.	••
Job Title: SALES	ASSISTANT		
		AD	
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Did you find the course helpful	? Agree	Disagree	
If you found the course helpful	- which part(s) did	you find the most helpful?	
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2 31	ent identifying if peop Io No coi	ple who need to be challenged fo mment	or
Do you now feel more confide	nt asking for ID? (Yes No	
Do you now feel more confide	nt about identifying a	approved forms of ID?	
Yes No	No comment		
Whilst doing your job have you	u ever been subjecte	d to:	
Verbal Abuse Y	es No	No comment	
Physical Abuse Y	es No	No comment	
Racial Abuse	es No	No comment	
Is there anything else you wou	ld like to have seen o	covered by the course?	
(Yes No	No comment		
If so what would you have like	covered by the cour	rse?	
Graphica Vision Did you find the style of the co	» will d	o muse Ompad	
Did you find the style of the co	ourse helpful?	enomple, vid	e0
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Would you have preferred wr	itten training materia	COUNCIL	DML 1
Yes (No)		INVESTIGATION No.	
		SIGNATURE:	
		Nysd	al.
		DATE: 29 May 20	09 WM 99 D.7808

Is there anything	further you w	ould like to add?
- NO -		
Do you now fee further advice or		dent to contact Training Standards if you need an
Yes	No	No comment
Was the course e	easy to unders	stand?
Yes	No	No comment
Were you able to	ask question:	s or express opinions?
Yes	No	No comment
How did you find	the Trainer's	ability to communicate and maintain interest?
Good	Bad	No comment

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If you for	und the	he cour L. II O.G.	se help S Sal	ful – wl Lot	hich par 807.	t(s) dic	lyou fin	d the mos	st helpful?	
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								DATE:	29 May	2009 WM 99 D.7808

Is there a	Is there anything further you would like to add?								
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	Racial	Abuse		Yes		No		No	comme	ent 🗆	
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	• • • • • • • • •						
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	Good		Bad		No comment []		



BRIGHTON & HOVE CITY
COUNCIL
TRADING STANDARDS

INVESTIGATION No.

SIGNATURE:

Trading Standards

2nd Floor Bartholomew House Bartholomew Square Brighton BN1 1JE

TO THE PREMISES LICENCE HOLDER

DATE

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

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

www.brighton-hove.gov.uk

Director of Environment: Jenny Rowlands

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")

Occupation Fair Trading Offcer

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.

Dated This 28th Day Of July 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/0

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 1 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 _	Jun Ga	3	
		1	~~
Dated This	29cm	Day Of () Uu Q	20 <u>09</u>

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 Bof 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.

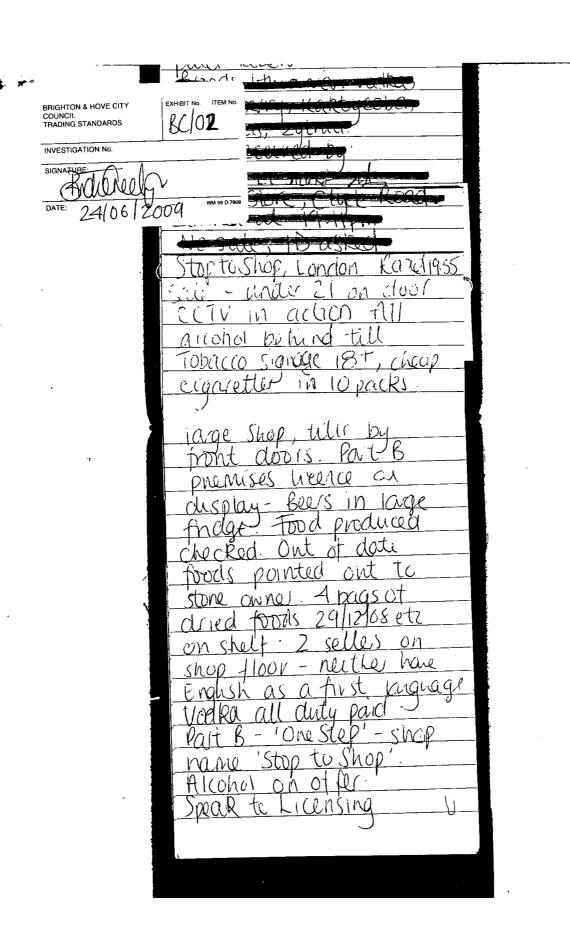
Signed

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 Fa	ir Trading Officer
Work Address Bai	tholomew House, Bartholomew Square, Brighton BN1 1JP
Work Telephone	01273 293340
Dates to Avoid:	



16 Some foods past their best before date Casher and Seller Female 30 years +. other Received by: Name: Ration Good Hazupuch Employee looks to find nethrals register. Not sure where it's kept No Book. Stall advised received, KONLON

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Slep to Shop Sale EXHIBIT No. BRIGHTON & HOVE 15.45. COUNCIL Tobacco notice above **ENVIRONMENTAL SERVICES** FE/1 Ciquette obosplay Unit DEPARTMENT Avother tobacco while INVESTIGATION No. above religionst chill SIGNATURE: fun Cur. Cabinet with Inconfect age on Thee Under 21 posters and 2 other DATE: 3/06/09. wm 99 D.7808 tobucco Notices an bocraing Next to Chill cabinets. MILYENS IN Blind corners and CCTV hiersing Let Notices an display BNA Notice Not essy to see him HI around snep One Cashier worker tory quiet Till Nest to Cushing male Enterance 57 late twenties early thinks. Carlet John Sold to Graphish second lenguage: But can understand to problems NO youths outside quer Cigarethes he sale sine available in 10's. GUTECHANZ G Capa 75 411 to inte C481~121 9 CML entines

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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.

Dated This ST 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:

Home Address	
Telephone	_
Occupation	
Work Address	
Work Telephone	
Dates to Avoid:	
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(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

Home Address	
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Dates to Avoid:	•

(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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(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 that 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

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(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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(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

Home Address	
Telephone	_
Occupation	-
Work Address	
Work Telephone	_
Dates to Avoid:	

(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



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

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

INVESTIGATION No.

SIGNATURE:

DATE:

ww 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

www.brighton-hove.gov.uk

EXHIBIT No.

Director of Environment: Jenny Rowlands

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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 2-21/2 hours

Please be aware that we have a	maximum of 15 plac	ces per session.	
Contact Name: Contact Telephone Number:			
Store Name:			
Store Address:		-	
Email:		BRIGHTON & HOVE COUNCIL ENVIRONMENTAL SERVICES DEPARTMENT INVESTIGATION No. SIGNATURE:	EXHIBIT Ng.
		DATE: 1/7/09	wм 99 D.7808

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Trading Standards

2nd Floor Bartholomew House Bartholomew Square Brighton BN1 1JE

TO THE PREMISES LICENCE HOLDER

AND DESIGNATED PREMISES

SUPERVISOR

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