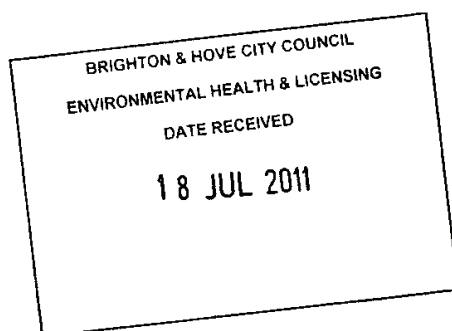


APPENDIX C

(A)



Sussex Police
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Valid ✓ CD

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

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

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

14th July 2011

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

Dear Sirs,

Re: Representation in support of the review of the premises licence for Best One/Dharni Stores, 165 Hangleton Way, Hove, BN3 8EY, under the Licensing Act 2003, by Brighton & Hove City Council Trading Standards.

Sussex Police wish to make representations in respect of this review application on the grounds of the prevention of crime and disorder.

Dharni Stores has had a history of failed test purchases when alcohol and cigarettes has been sold to children. Trading Standards received intelligence that alcohol was being sold by this premises to children, and therefore a test purchase operation was conducted. The premises failed a test purchase on the 12th May 2007 when alcohol was sold to a child.

Two further test purchases were conducted on the 25th March 2010 and 1st April 2010, both of which were passed.

A licensing visit was conducted at the premises on the 17th January 2011 by uniformed police officers. They spoke to the duty manager and to Mr Dharni via the telephone. Mr Dharni was both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS). The officers asked to see a refusals book, but the duty manager was unable to find it. Therefore the officers

instructed the duty manager to ensure this was rectified with the refusals register retrieved, kept in a safe place and updated as appropriate.

Further intelligence suggested alcohol was being sold to children, and on the 25th February 2011 the premises failed a second test purchase by selling four cans of lager to a child. Mr Dharni was present at the time, but was unable to provide a copy of either part A or part B of the premises licence, as the paperwork had allegedly been sent to the Council to have the premises name changed. The CCTV system had four poor quality cameras, and the monitor did not work. The premises did not display any proof of age posters, either challenge 21 or challenge 25. This is despite the Home Office mandatory code of licensing conditions which requires licensed premises to have a proof of age system in place. Staff when questioned showed little knowledge of challenging for ID. Super strength beers and ciders were on display along with a buy one, get one free offer for wine. A number of suspected counterfeit spirits on display were identified. Officers commented at the time that premises staff were hostile to police.

Mr Dharni subsequently had a meeting with Inspector Harris on the 4th March 2011 to discuss the failure. Mr Dharni was told about the possibility of review proceedings.

Inspector Harris discussed the premises issues with Mr Dharni, and gave him words of advice re CCTV, challenge 25 and staff training. Inspector Harris noted at the time that "Mr Dharni did not seem very aware of the requirements under the Licensing Act 2003 in terms of licensing objectives". Mr Dharni was also advised to seek advice in respect of his apparent lack of knowledge of licensing. Mr Dharni stated when asked about training that he had received training two years previously, but had arranged further training the following week.

A warning letter was issued to Mr Dharni together with recommended actions to prevent further underage sales on the 11th May 2011, a copy of which is attached.

A licensing visit was conducted by licensing police officers on the 6th April 2011. Mr Dharni was unable to provide either part A or part B of the premises licence upon request, stating that the documents had been sent off to the Council for amendment. Mr Dharni had stated on the 25th February at the time of the failed test purchase that part A and B of the licence had been sent to the Council for amendment. Mr Dharni also stated that he had not arranged staff training as he was awaiting contact from Trading Standards. These claims were investigated by Police Licensing and both found to be untrue. Subsequently Inspector Harris sent a letter to Mr Dharni on the 12th April 2011, a copy of which is attached. Police Licensing did not receive any formal response to this letter from Mr Dharni, despite a specific request that he make contact with Mr Bateup.

During the visit of the 6th April the CCTV was checked. Only four cameras were working and the images were of poor quality. The DPS stated that he had no idea how to operate the CCTV system. A new CCTV system had been acquired but had not been installed.

Mr Dharni was then asked about his refusals register, and he showed the officers a till based refusals system. However when Mr Dharni was asked by the officers to produce a print out or other output to show the refusals in the system, he admitted that he had no idea how to use it, in contravention of what he was asked to do on the 17th January 2011.

Police licensing officers conducted a visit at the premises on the 24th June 2011. They met Mr Tierri Gobeil, who introduced himself as the new manager of the premises and advised that the premises was under new management, and Mr Dharni was no longer contactable or the DPS of the premises. Mr Gobeil stated that he was attending a DPS training course on the 27th June and had applied for an alcohol licence. Alcohol was clearly on display inside the shop, which is a breach of the mandatory condition under S.19 (d) (a) of the Licensing Act 2003. In the circumstances Mr Gobeil was instructed to immediately remove all alcohol from display as there was no DPS. Mr Gobeil complied with this request.

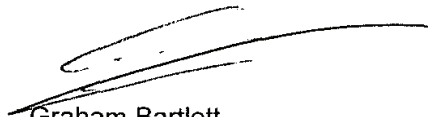
Police licensing officers conducted a further licensing visit on the 26th June 2011 following the events two days before. They spoke to Mr Tierri Gobeil, who stated that he was the new general manager of the shop and confirmed that Mr Dharni had now vacated the premises, and had no further involvement in the running of the store. Mr Gobeil stated that Mr Antonello Cavallaro had purchased the business from Mr Dharni, and that Mr Fahran Haousbani was the new DPS. Mr Gobeil stated that they had taken over the business on the 29th May, and that all the paperwork to change the Premises Licence Holder and DPS has already been sent to Council Licensing. There was no alcohol on display in the shop.

A further visit was conducted on the 27th June when police officers spoke to Tierri Gobeil again. They informed Mr Gobeil that Council Licensing had not received any change of PLH and DPS paperwork in respect of the premises, despite Mr Gobeil's previous insistence that this had been completed. Mr Gobeil was advised that no alcohol could be displayed or sold unless and until the paperwork had been received at the Council offices. No alcohol was on display at the time of the visit. Police Licensing subsequently received copies of the DPS and PLH forms (dated 28th June) on the 29th June. The Committee will be aware that Sussex Police have objected to Mr Salvatore Capuano being the new DPS.

There is a problem in the City with premises selling illegal alcohol, with issues concerning suspected counterfeit alcohol being first identified at these premises during the failed test purchase on the 25th February 2011. Illegal alcohol includes counterfeit alcohol, non duty paid (smuggled or diverted) alcohol, incorrectly described alcohol, incorrectly labelled alcohol and alcohol which has incomplete or no traceability. As a result Trading Standards have been working in partnership with H M Revenue & Customs and Sussex Police to tackle the problem and have seen a progression in the tactics being used in order to introduce illegal alcohol into the market.

Sussex Police support the review application by Trading Standards, and in view of the serious nature of the crime associated with this premises, support the request for revocation of the premises licence.

Yours faithfully,



Graham Bartlett
Chief Superintendent
Divisional Commander
Brighton & Hove Division

Encs



HOVE POLICE STATION

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

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

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

12th April 2011

Mr Subodh Dharni
Dharni Stores
165-167 Hangleton Way
Hove
BN3 8EY

Dear Mr Dharni,

LICENSING ACT 2003

As you are aware, your premises is currently being monitored by Trading Standards and Police Licensing as alcohol was sold to a child in February of this year, and visits to your shop by police officers have confirmed that conditions on your licence are not being adhered to.

A visit was conducted at your premises on the 6th April by PCs Gotting and Beaumont. When asked to produce your premises licence, you stated to the two officers that you could not produce the licence as it had been sent to Brighton & Hove City Council Licensing Department for the premises name to be amended. I see from our notes that during a licensing visit by our officers on the 25th February 2011 when asked to produce the licence, the same justification for not producing the licence was given then too.

My staff have made contact with the Licensing Department at the Council today, who confirm that they have not received any paperwork from you with reference to the above claims, and the last paperwork amendments they received in respect of the premises was in 2006.

You also stated to officers during the visit on the 6th April when asked about training for your staff, that you are still waiting for Trading Standards to make contact with you. We have checked with Ms MacBeth at Trading Standards what the position is. Ms MacBeth says that she has not received any contact from you, and that a Trading Standards training booking form was supplied in person to the premises on the night of the failed test purchase on the 25th February 2011. To date that form has still not been completed and returned back to Trading Standards.

Please can you make contact with Mr Bateup at this office on the above number to confirm your position in relation to the above points.

Yours sincerely,



Victoria Harris
Licensing Inspector
Brighton & Hove Division
Hove Police Station

cc: Trading Standards Brighton & Hove City Council
Brighton & Hove City Council Licensing Department



HOVE POLICE STATION

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Holland Road
HOVE
BN3 1JY

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

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

11th May 2011

Private & Confidential

Mr Subodh Dharni
Dharni Stores
165-167 Hangleton Way
Hove
BN3 8EY

Dear Mr Dharni,

UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS – DHARNI STORES, 165 – 167 HANGLETON WAY, HOVE, BN3 8EY.

On 25th February 2011 a police operation relating to the sale of alcohol to under aged persons took place in Brighton & Hove.

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

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

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

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

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'V. Harris', written over a horizontal line.

Victoria Harris
Licensing Inspector
Hove Police Station



Actions to Prevent Further Sales of Alcohol to Under Age Persons (Off-licence)

Actions for the Premises/ Staff to address:

- Formal staff training by a Personal Licence Holder or the Designated Premises Supervisor for all sales staff, properly recorded and signed off after training. Regular (every 4 weeks) refresher training.
- Staff selling alcohol to be a minimum age of 21.
- If it is necessary for sales staff to be under 18, staff authorising their sales should be minimum age of 21.
- Signs clearly displaying a lack of tolerance towards underage drinking e.g. 'challenge 25'.
- Consider appointing additional Personal Licence Holders (PLH) or putting existing staff on the PLH course.
- Ensure refusals register is maintained & checked by DPS (This applies especially where it is electronically recorded via the till as it requires a concerted effort being made to check the print out). DPS should check each member of staff is refusing sales and not just the number of sales being refused by the store.
- If the company does not feel confident that the DPS is capable of meeting the requirements of the job they should consider replacing him / her with a more competent person. **Further sales of alcohol to U18 year olds may result in a review of the premises licence or of the DPS' personal licence.**
- Address possible intimidation of staff by introducing new procedures for them to summon help & by looking at staffing levels (numbers/age) at peak times. i.e. Thursday, Friday, Saturday 5pm to close.
- Conduct internal test purchases & reminders re under age sales & proxy sales should be undertaken
- Positive reinforcement of good practice to all staff.

Signed

Designated Premises Supervisor

Date:

