



**Brighton & Hove  
City Council**

**LICENSING PANEL (LICENSING ACT  
2003 FUNCTIONS)  
ADDENDUM**

**10.00AM, MONDAY, 16 MARCH 2020**

**HOVE TOWN HALL, ROOM G79 - HOVE TOWN HALL**



## **ADDENDUM**

<b>ITEM</b>		<b>Page</b>
<b>72</b>	<b>REQUEST FOR REVIEW OF A PREMISES LICENCE NISA, LOCAL; 47-49 THE HIGHWAY, BRIGHTON – ADDITIONAL REPRESENTATIONS</b>	<b>5 - 14</b>
<b>73</b>	<b>REQUEST FOR REVIEW OF PREMISES LICENCE, KESTREL MINI MARKET, 1A SWANBOROUGH PLACE, BRIGHTON – ADDITIONAL REPRESENTATIONS</b>	<b>15 - 18</b>



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

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

URN 

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Statement of -  
Hannah  
Staplehurst

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

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

Signature: \_\_\_\_\_ Date 21<sup>st</sup> August 2019

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

On 21<sup>st</sup> august 2019, I was on duty in plain clothes, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 21:03 hours, I entered Nisa, 47 the Highway, BN2 4GB and within a few seconds, a police cadet, who I know to be 16 years of age entered. I watched the cadet select and pick up a bottle of Kopparberg, Blueberry, which an alcoholic beverage and take it to the counter. At this time I moved in behind them in the queue to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor.

The Staff member, then took the drink. The alcoholic container was rung into the till and the sales assistant made no attempt to question the cadet's age. I then saw money leave the hand of the cadet, who is under the age of 18 who then received change and left the store with the alcohol. I purchased my non-alcohol items from the same sales assistant before identifying myself as a Police Licensing Officer and asking her to step aside once she was able to get cover for the tills.

Uniformed officers PC Hancox and PC Swann entered the store and I then identified myself as a Licensing 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.

As the uniform officers had entered the store, I explained the circumstances that the premises had just been the subject of a Police Test Purchase operation and that [REDACTED] had sold alcohol to a person under the age of 18 years.

Continuation of statement of

I remained in the premises, to do a walk around with [REDACTED] from trading standards who also attended the police operation.

This statement was completed 21<sup>st</sup> August 2019 on 22.35, and forms part of my original notes.

Signature .....

Signature witnessed by: .....

PTO



**RESTRICTED - FOR POLICE AND PROSECUTION ONLY**  
(when complete)

**Witness contact details**

Home address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Home telephone no: \_\_\_\_\_ Work telephone no: \_\_\_\_\_

Mobile/Pager no: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Preferred means of contact (*specify details*): \_\_\_\_\_

Best time to contact (*specify details*): \_\_\_\_\_

Male / Female \_\_\_\_\_ Date and place of birth: \_\_\_\_\_

Former name: \_\_\_\_\_ Ethnicity code (16 + 1): \_\_\_\_\_ Religion / Belief : \_\_\_\_\_

**Dates of witness non-availability:** \_\_\_\_\_

**Witness care**

a) Is the witness willing and likely to attend court? Yes  No  If 'No', include reason(s) on form **MG6**

b) What can be done to ensure attendance? \_\_\_\_\_

c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?

Yes  No  If 'Yes' submit **MG2** with file.

d) Does the witness have any particular needs? Yes  No  If 'Yes', what are they?

(Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concern?)

**Witness consent (for witness completion)**

a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes  No

b) I have been given the Victim Personal Statement leaflet: Yes  No

c) I have been given the leaflet "Giving a witness statement to the police - what happens next?" Yes  No

d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes  No  N/A

e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A

f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes  No

9) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Signature of parent/guardian/appropriate adult: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Address and telephone number if different from above: \_\_\_\_\_

Statement taken by: (print name) \_\_\_\_\_ Station: \_\_\_\_\_

Time and place statement taken: \_\_\_\_\_



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9**

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Statement of: PC HANCOX DH163

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

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

Signature: \_\_\_\_\_ Date 10/03/2020

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

On Wednesday 21<sup>st</sup> August 202 I was on duty in full uniform taking part in OP TEEPEE which is an operation testing different shops and venues on the sale of alcohol to minors under the age of 18, failure of the test and to complete a sale is an offence under the Licensing Act 2003.

At approximately 21.00 my plain clothed colleague Hannah STAPLEHURST followed a police cadet who I know to be 16 years of age into Nisa, 47 The Highway, Moulscomb Brighton BN2 4GB to observe the cadet attempt to purchase an alcoholic beverage whilst myself and my colleague PC SWAN waited outside out of view.

A short time later I was made aware by STAPLEHURST that the cadet had been served an alcoholic beverage and we both entered the store.

On entering the store STAPLEHURST explained to me that she had observed the cadet select a bottle of alcoholic Blueberry Kopparberg and take it to the till where she was able to purchase the bottle with no attempt to question her on any ID or her age and leave the store. STAPLEHURST pointed out the female server who sold the bottle to the cadet and I now know her to be [REDACTED]

[REDACTED] PS SWAN myself and [REDACTED] went into the office at the back of the store where I explained that [REDACTED] had sold alcohol to a person under the age of 18 which was an offence under the Licensing act 2003 and that it would be resolved today by me issuing [REDACTED] with a Fixed Penalty Notice which would include a £90 fine.

I correctly filled out the ticket and cautioned her, I explained the process on how to pay the ticket and what to do if she wanted to contest it. [REDACTED] was not happy to pay the ticket stating that she should be given a second chance as she had no money to pay the fine but I am aware that the fine was paid within the specified time.





**RESTRICTED - FOR POLICE AND PROSECUTION ONLY**  
(when complete)



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

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

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Statement of: Claire Abdelkader

Age if under 18: O18 (if over 18 insert 'over 18') Occupation: Police Licensing Officer

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

Signature: \_\_\_\_\_ Date \_\_\_\_\_

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

On Monday 16<sup>th</sup> December 2019, I was on duty in plain clothes, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 18:08 hours, I entered Nisa Today, 47 The Highway and at 18:11 hours, a police cadet, who I know to be 16 years of age entered. I watched the cadet locate the alcohol section and pick up a bottle of beer (which I now know to be Amstel Bier (4.1% ABV)), which is an alcoholic beverage and take it to the counter. At this time I moved in behind them in the queue to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor.

The [redacted] staff member then took the bottle and attempted to scan it through the till. The alcoholic item the cadet had selected had been reduced and had a yellow reduction sticker on it. Therefore the sales assistant had to type in the product code manually to find the price. The bottle of beer was rung into the till and the sales assistant made no attempt to question the cadet's age. I witnessed money leave the hand of the cadet, who is under the age of 18 and then the cadet received change and left the store with the alcohol at 18:13 hours. I purchased my non alcohol items from the same sales assistant before identifying myself as a Police Licensing Officer and asking her to step aside. I informed [redacted] that she had just been the subject of a Police Test Purchase operation and that [redacted] had sold alcohol to a person under the age of 18 years.

The [redacted] staff member (A) stated that [redacted] had not sold alcohol because if it was alcohol then a prompt would have flashed up on the till. There was another older [redacted] (B) behind the counter who had [redacted] back to customers and was putting cigarettes away while the transaction was taking place. [redacted] turned around and started to interact with me and the shop assistant who had made the sale. Shop assistant B reiterated that it would not have been alcohol as there were till prompts. I asked them to wait until my uniform colleagues arrived.

Continuation of statement of

Uniformed officers entered the store at 18:20 and myself and PC Hancox DH163 left the store to collect the bottle of beer that was purchased and confirm that it was indeed an alcoholic beverage. We returned to the store at 18:21 with the bottle of Amstel Bier (4.1% ABV) and I identified the seller as sales assistant A. In the presence and hearing of both shop assistants A and B, I explained the circumstances and showed them both the label of the bottle with 4.1% ABV printed. The DPS, who I now know as [REDACTED], arrived shortly after and it was confirmed to [REDACTED] also what had occurred.

I then left the premises, leaving PC Hancox DH163, PC Swan DS780, Hannah Staplehurst (Police Licensing Officer) and [REDACTED] (Brighton & Hove City Council Trading Standards Officer) to deal with the matter.

This statement was completed at 13:55 on Monday 6<sup>th</sup> January 2020 using original notes made on page 31 of my Investigators Notebook 623587.

Signature .....

Signature witnessed by: .....

PTO



**RESTRICTED - FOR POLICE AND PROSECUTION ONLY**  
(when complete)

**Witness contact details**

Home address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Home telephone no: \_\_\_\_\_ Work telephone no: \_\_\_\_\_

Mobile/Pager no: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Preferred means of contact (*specify details*): \_\_\_\_\_

Best time to contact (*specify details*): \_\_\_\_\_

Male / Female \_\_\_\_\_ Date and place of birth: \_\_\_\_\_

Former name: \_\_\_\_\_ Ethnicity code (16 + 1): \_\_\_\_\_ Religion / Belief : \_\_\_\_\_

**Dates of witness non-availability:** \_\_\_\_\_

**Witness care**

a) Is the witness willing and likely to attend court? Yes  No  If 'No', include reason(s) on form **MG6**

b) What can be done to ensure attendance? \_\_\_\_\_

c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?

Yes  No  If 'Yes' submit **MG2** with file.

d) Does the witness have any particular needs? Yes  No  If 'Yes', what are they?

(*Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concern?*)

**Witness consent (for witness completion)**

a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes  No

b) I have been given the Victim Personal Statement leaflet: Yes  No

c) I have been given the leaflet "Giving a witness statement to the police - what happens next?" Yes  No

d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes  No  N/A

e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A

f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes  No

9) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Signature of parent/guardian/appropriate adult: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Address and telephone number if different from above: \_\_\_\_\_

Statement taken by: (print name) \_\_\_\_\_ Station: \_\_\_\_\_

Time and place statement taken: \_\_\_\_\_



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9**

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Statement of: PC Lucy Egleton EA235

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

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

Signature:  Date 16/12/19

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

This statement is a continuation of notes on the back of the Fixed Penalty Notice ticket that I issued on Monday 16<sup>th</sup> December 2019 at the NISA LOCAL at MOULSECOMB POST OFFICE, BRIGHTON, BN2 4GB. Where whilst conducting a pre-planned licensing operation (OP TEEPEE) a [REDACTED] was observed selling a bottle of beer to an individual under the age of 18. Below is the procedure I followed whilst completing this ticket, laid out using bullet points:

- I stated the offence to the suspect
- I read the caution to her
- Ran the identification she gave me through Niche and PNC to make sure that she was eligible for a FPN
- checks came back clear so began to fill out form
- I explained the policy concerning the payment of an FPN and what happens next, such as having 21 days to pay it back, ability to pay online, and the ability to contest it in court if she wanted to.
- Reported her for the consideration of prosecuting for the above offence
- cautioned her using the NOW caution.

Signature: \_\_\_\_\_ Signature witnessed by: \_\_\_\_\_

**RESTRICTED (when complete)**



**RESTRICTED (when complete)****WITNESS STATEMENT**

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

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Statement of: Hannah Staplehurst

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

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

Signature:

Date

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

On 14<sup>th</sup> March 2019, I was on duty in plain clothes, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 18.00 hours, PC Simmons entered Kestrel, 1a Swanborough Place, BN2 5PZ and a short time after, a police cadet, who I know to be 16 years of age entered. PC Simmons watched the cadet select and pick up a bottle of Rekorderlig, which an alcoholic beverage and take it to the counter.

PC Simmons called me as I was running the operation to state the Staff member had sold the Rekorderlig to the police cadet. He informed me the Staff member had taken the bottle of alcohol, which was rung through the till where by the sales assistant made no attempt to question the cadet's age. He then saw money leave the hand of the cadet, who is under the age of 18 who then received change and left the store with the alcohol. I requested Uniformed officers PC Bernascone and SC Thorogood to enter the store where PC Simmons identified himself as a police officer who was on duty and that the premises had just failed a test purchase operation by selling to a minor under the age of 18 years.

The Police Cadet handed the bottle of alcohol to me, which was placed in an evidence bag.



**RESTRICTED - FOR POLICE AND PROSECUTION ONLY**  
(when complete)





**RESTRICTED (when complete)**

**WITNESS STATEMENT**

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

URN 

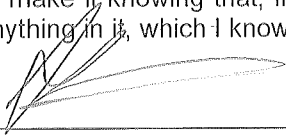
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Statement of: Andre BERNASCONE

Age if under 18: (if over 18 insert 'over 18') Occupation: Police Constable CB328

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

Signature:



Date 06/03/2020

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

On Thursday 14<sup>th</sup> March 2019 at approximately 1800 hrs I attended Kestrel Mini Market, 1A Swanborough Place in Brighton.

At that location I was informed by a plain clothed officer that they had observed a staff member sell alcohol to a person under the age of 18. I spoke to the person identified as making the sale by the officer, and gave name as and said

At 1811 hrs I issued with a £90 fixed penalty notice (FPN) for selling alcohol to a person under 18 contrary to Section 146(1) and (7) of the Licensing Act 2003, whilst other officers from police and council licensing conducted a licensing check of the store.

I make this statement using the FPN as my original notes.



