



**Brighton & Hove  
City Council**

**Regulatory Services**

Trading Standards  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

Fig Tree Trading Limited  
Wrenthall  
Shipleigh Bridge Lane  
Shipleigh Bridge  
Horley  
Surrey  
RH6 9TL

Date: 25 May 2017  
Our Ref: 2017/02729/LICPRM/EH  
Phone: 01273 292494

e-mail: [donna.lynsdale@brighton-hove.gcsx.gov.uk](mailto:donna.lynsdale@brighton-hove.gcsx.gov.uk)

Dear Sirs

**WARNING - Licensing Act 2003 - BREACH OF CONDITIONS**  
**Re: Apple Cart, 192-193 Lewes Road, Brighton BN2 3LA**

I am writing to you in your capacity as the Premises Licence Holder for the above premises concerning my previous warning letter dated 5 May 2017 (copy enclosed).

Today a further visit was carried out to your premises with my colleagues from Sussex Police Licensing, PC Bernascone and PC Cole. Although a couple of the issues mentioned previously have been rectified, there is still a number of outstanding conditions that are not be complied with;

Part A of the licence was still not available and we were advised that Mr Ali has this.

Annex 2 of the Premises licence reference 1445/3/2016/01914/LAPREN, Prevention of Crime and Disorder, Condition one which states:

**1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.**

- **The CCTV cameras and recording equipment must be of sufficient quality to work in**
- **all lighting levels inside the premises at all times.**
- **CCTV footage will be stored for a minimum of 31 days**

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- **The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.**
- **The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.**
- **Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.**
- **Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.**

*Although Mr Ali has now rectified the time on the CCTV. The member of staff on duty was not able to operate the system.*

**10. If a scheme is in operation the premises licence holder will ensure the premises will become a member of the Business Crime Reduction Partnership (BCRP) whilst this scheme is in existence and if not, any similar body. The premises will sign up and pay for membership of the BCRP before alcohol is sold.**

*When asked about BCRP we were advised to speak to Mr Ali.*

**14. A documented security risk assessment must be written by the Designated Premises Supervisor and agreed by Sussex Police, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. It will include a written assessment demonstrating what considerations have been made for both normal day to day activities and any special events or functions which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request. SIA trained and licensed security staff shall be employed on occasions when a requirement is identified by the licence holder's risk assessment or requested by Sussex Police.**

*This was still not available and the member of staff was unclear what we were asking for.*

The Prevention of Public Nuisance

**15. Notices will be prominently displayed by the exit door asking customers to respect nearby residents and to leave the shop & area quietly, not to loiter outside the shop, to dispose of litter responsibly and advising customers not to drink in the street as they are in an area subject to a DPPO.**

*No notice was displayed by exit door.*

For the Protection of Children from Harm,

**19. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:**

- **The lawful selling of age restricted products;**
- **Refusing the sale of alcohol to a person who is drunk.**

**20. Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed eight weeks, with the date and time of the verbal reinforcement/refresher training documented.**

**21. All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and Brighton & Hove Weights & Measures Officers upon request.**

*No training records could be produced at the time of visit. We were advised that training was being given today or maybe tomorrow. When asked by who, this could not be answered.*

Non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

**(1) A Person commits an offence if –**

**he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or he knowingly allows a licensable activity to be carried on.**

**(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.**

Irrespective of the permission's and restrictions attached to any premises licence all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

At any stage following the grant of a premises licence, a responsible authority, such as the Environmental Health, Police or persons such as a business or a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

In light of the above information, I am issuing you with a **Warning** in accordance with our Licensing Enforcement Policy.

Please contact me as a matter of urgency to discuss the contents of the letter. All outstanding matters must be complied with by Monday 5 June 2017 or further enforcement will be seriously considered.

Yours faithfully

Donna Lynsdale  
Fair Trading Officer  
Trading Standards and Licensing

Enc. Copy of warning letter sent 5 May 2017  
c.c. The Manager, Apple Cart, 192 - 193 Lewes Road, Brighton, BN2 3LA  
c.c. Designated Premises Supervisor, Wrenthall, Shipley Bridge Lane, Shipley Bridge,  
Horley,  
Surrey RH6 9TL

*If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website on [www.brighton-hove.gov.uk/foi](http://www.brighton-hove.gov.uk/foi)*