

**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 N May, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Giles York.**

*(Insert name of applicant)*

**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Wimpy 14 Station Road, Portslade,	
<b>Post town</b> Brighton	<b>Post code (if known)</b> BN41 1GA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Kapilraj VIGNESWARAN
---

<b>Number of premises licence or club premises certificate (if known)</b> 1445/3/2019/06206/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**

**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, Brighton & Hove licensing, 1 <sup>st</sup> floor, police station, John street, Brighton, BN2 OLA
Telephone number (if any) Ext 550809
E-mail address (optional) Brighton.licensing@sussex.pnn.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 | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please tick yes**

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

If yes please state the date of that application

**Please state the ground(s) for review**

Sussex Police would like to bring the above premises to review-following a serious incident that occurred inside the premises [REDACTED]. Other substantial concerns have been discovered which would lead us to contend that the licensing objectives of the Prevention of Crime and Disorder and public safety have been seriously undermined.

Sussex Police received a distressed call to attend Wimpy, 14 Station Road, Portslade, BN41 1GA at 23:17 on the 8<sup>th</sup> March 2020. As a result of the incident [REDACTED] was taken to hospital and [REDACTED] was arrested.

[REDACTED] was subsequently charged [REDACTED] pleaded guilty to the offences on the 9<sup>th</sup> April 2020 and awaits sentencing.

An investigation was launched by Sussex Police officers where statements have been taken from the victim and witnesses including officers who visited the scene.

From these statements Licensing have pulled facts that would be relevant to the premises licence.

This includes:-

- Abuse of alcohol on the premises.
- Suspected removal of CCTV or failure to install.
- Immigration issues
- Concerns regarding the Designated Premises Supervisor
- Concerns regarding the Premises Licence Holder

Abuse of alcohol on the premises

It has become clear that staff from this premises drink on site while the premises is open or after the premises has closed. On the specific evening in question the victim had been poured a drink by the offender which had been left in the kitchen. [REDACTED] stated it tasted more of alcohol (Possibly Rum) than it did of coke.

It is stated the offender purchased the alcohol from another premises and brought it back to Wimpy for consumption. The offender clearly knew what [REDACTED] was doing was wrong as in the investigation evidence [REDACTED] states to the victim "that [REDACTED] has turned off the CCTV and moved a camera in order to prevent the 'boss' from seeing them drinking". This shows that [REDACTED] actions are pre meditated and [REDACTED] has made a deliberate effort to conceal [REDACTED] actions.

This was witnessed by officers who visited the premises and documented seeing a CCTV camera pointing towards the wall.

Suspected removal of CCTV or failure to install.

There has been a long investigation into the CCTV of the premises and if the CCTV was removed or if there was a failure to install.

It cannot be definitively proven if the CCTV was removed following the crimes committed on the 8<sup>th</sup> March but there is evidence as part of the investigation that would suggest this was the case.

The fact the offender is quoted to have said I have turned the CCTV off suggests there was a hard drive system located in the premises.

A thorough investigation was conducted by an officer where he followed wires from CCTV cameras back to a central point in the roof, behind a roof tile where wires were left exposed and unattached to any hard drive system and the hard drive was missing.

The officer in charge of this investigation has had concerns that the hard drive system went missing 24 hours after the crime was committed. A new set of keys were found on the serving counter on the 10<sup>th</sup> March 2020 which the officer believes were not there on the 9<sup>th</sup> March. This suggests someone had been inside the property. These keys gave them access into the basement which they had not be able to do the day before.

However, Police licensing are aware of a visit by Donna Lynsdale from BHCC licensing in January 2020 where she was unable to view the CCTV and wrote a breach warning letter to the premises licence holder to this affect.

The premises licence holder also did not have any evidence that could show CCTV had been installed and in accordance with condition 2 on the premises licence was unable to show recordings which dated back 31 days and in fact in accordance with Condition 2 sub section 6, the premises licence holder was unable to provide Sussex police with any recordings of the requested time and date.

*2. 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.*
- *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.*
- *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 (or other electronic portable device acceptable to Sussex Police) 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 and remedied as soon as practicable.*

It would appear that no action had been taken by the premises licence holder since the identified breach of the CCTV condition in January 2020, as it was still being breached in March 2020. Furthermore, an offence of such seriousness has been committed inside this premises and if CCTV had been available this would have assisted this investigation greatly.

Sussex Police would certainly expect any responsible management regime to ensure they are adhering to their premises licence conditions and to ensure they are promoting the licensing objectives at all times.

#### Immigration issues

During the live investigation of this offence, [REDACTED] while under employment with Wimpy was in Brighton as an illegal entrant and an absconder and wanted by immigration.

Therefore had thorough employee checks been conducted by the premises licence holder and immigration law abided to, the offender would not have in this position of trust to manage this premises but also would not have in the position to commit such a serious criminal offence in this licensed premises.

On the 8<sup>th</sup> April 2020 PC Hancox visited Wimpy to speak to the Premises licence holder.

He was in the kitchen with a [REDACTED]. (He is the [REDACTED] at WIMPY and was also working the evening of the 8<sup>th</sup> March)

Immigration checks were carried out on [REDACTED]. It was established he is a verified asylum seeker with an on-going application and should not have been carrying out any work. It has been confirmed with Immigration that [REDACTED] knows he should not be working.

Therefore on the evening of the 8<sup>th</sup> March 2020, when the serious offences were committed 2 out of the 3 members of staff working were in fact working illegally.

Sections 182 Guidance at Section 11.27 identifies certain criminal activity that may arise in connection with licensed premises, which should be treated particularly seriously. Amongst the list of activities is the use of that premises for employing a person who is disqualified from that work by reason of their immigration status in the UK.

This is a clear and serious breach of the prevention of crime and disorder licensing objective.

#### Concerns regarding the Designated Premises Supervisor

Licensing have spoken to the officers who investigated this serious crime. The officers state that they did speak to Ketheesan THARMASSEELAN (DPS) and he informed them he had nothing to do with the business and that he had signed everything over to [REDACTED]. However there is no legal paperwork to prove this.

On the 7<sup>th</sup> April 2020 PC Hancox and Hannah Staplehurst visited the DPS, Ketheesan THARMASSEELAN.

He was located at another premises. When asked when he was last at Wimpy, he stated a week ago. He was asked if he knew if the premises was open or operating during the Covid-19 lockdown. He stated Wimpy was open as a take away only but even though he was the DPS he was unable to state the hours of operation.

When asked as DPS of Wimpy if he knew anything about the missing CCTV, the response was no. He was asked if he was aware if CCTV had been installed since

the 10<sup>th</sup> March 2020 and he was unable to answer.

Sussex Police strongly believe by his absence from the premises, and lack of knowledge of the workings of the premises that Ketheesan THARMASSEELAN does not act as a responsible DPS for this premises.

#### Concerns regarding the Premises Licence Holder

The Premises licence holder Kapilraj VIGNESWARAN has caused Sussex Police licensing a lot of concerns since this incident.

The majority being listed above, with allowing 2 members of staff to work illegally in his premises and the concerns over the lack of CCTV.

The Premises Licence holder had CCTV Apps on his phone for both of his other premises, however when officers asked to see the CCTV App for Wimpy it didn't exist.

He listed all his staff who currently worked at Wimpy to officers during the live investigation and did not give the name of the DPS. Again this causes Sussex Police to consider the involvement of the DPS in the premises and if he is responsible for the retail of alcohol at Wimpy.

Kapilraj VIGNESWARAN also appeared in court in 2017 for a relevant offence. Under the Licensing Act 2003, there is a requirement for someone charged with a relevant offence to declare that they are personal licence holder to the courts. As far as can be established from criminal justice records, conversations with the officer in that case and from conversations with his issuing licensing authority (Isle of Wight) – it is not believed that such a declaration was ever made.

This therefore shows poor management, diligence and lack of responsibility for being a personal licence holder.

In summary, By employing staff without ensuring their legal status to work, failing to have a responsible DPS and by failing to install and maintain a viable CCTV system, the premises management have compromised the safety of staff and customers and [REDACTED] within the premises.

Sussex Police contend that the licensing objectives of :

- i) The prevention of crime & disorder and
- ii) Public safety

have been significantly undermined.

Due to the seriousness of the evidence identified in this review and the general failings of the management regime, it is difficult to see what further conditions or other measures could be adopted that would adequately promote the licensing objectives. Section 182 Guidance at 11.28 highlights that where a premises is being used to further crimes, as it has been in this case, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The recommendation of Sussex Police would therefore be the revocation of this premises licence.

**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)

R. Lovell

Date 15<sup>th</sup> May 2020.

Capacity Force Licensing Inspector

Force Licensing Inspector on behalf of Chief Superintendent, Divisional  
Commander, Brighton & Hove Division

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) FAO Insp R.Lovell/ H. Staplehurst Prevention Licensing Team John Street,	
<b>Post town</b> Brighton	<b>Post Code</b> BN2 0LA
<b>Telephone number (if any)</b> 01273 404 535 Ext 550809	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> Brighton.licensing@sussex.pnn.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.

