

APPENDIX B

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 Justin Burtenshaw, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Jo Shiner.

(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

Postal address of premises or, if none, ordnance survey map reference or description Wild Park 46 Barcombe Road,	
Post town Brighton	Post code (if known) BN1 9JQ

Name of premises licence holder or club holding club premises certificate (if known) Mahendra Kumar PATEL

Number of premises licence or club premises certificate (if known) 1445/3/2021/02540/LAPRMV

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 st 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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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 due to the fact that Brighton and Hove licensing have conducted two underage test purchases at this premises and they both have been failed.

Sussex Police would therefore contend that the licensing objective of the Protection of Children from harm has been undermined.

Following a PCSO visit in 2020, concerns were raised to the Brighton and Hove Sussex Police Licensing team that the premises refusals log last entry was over a year ago to the date of their visit. Although the use of a refusal log was not a condition on the premises licence, this raised concerns over the Identification checking procedures and use of the Challenge 25 policy within the premises.

17th June 2021

Brighton Licensing conducted an underage alcohol test purchase, where a member of staff sold a bottle of Rose Wine to a 16 year old female.

A Fixed Penalty Notice (FPN) was issued to the member of staff and a walk around of the premises highlighted they had no conditions under annex 2 on their current premises licence.

9th July 2021

A meeting was held at John Street Police station with the DPS and his daughter, plus Donna Lynsdale from BHCC trading standards and licensing.

During the meeting, the Designated Premises Supervisor (DPS) was issued with a formal written letter and actions to prevent a sale occurring again were discussed and again a document signed by the DPS.

Example document attached as Appendix A.

During the meeting the DPS stated he did not visit the premises anymore and it was only his wife and son who worked there with his daughter helping in the evenings. Due to this information, words of advice were given to change the DPS and a decision was made that due to outside factors, the daughter would be the recommended DPS moving forward.

Both the current DPS and his daughter were shown some conditions that Brighton and Hove Licensing would like to propose they add to the licence voluntarily following the failure.

The conditions were discussed in the meeting and the DPS left the meeting with no doubt that the failed test purchase was a serious matter, and this was our stepped approach.

22nd July 2021

An email was sent by Hannah Staplehurst to the DPS' daughter asking for an update as no communication had been received since the meeting on the 9th July.

23rd July 2021

The Minor Variation was submitted to add conditions to the Licence following the failed Test purchase.

21st October 2021

The premises was visited as part of an under age test purchase, however it was closed.

09th December 2021

The premises was visited again to re-test for underage alcohol sales. A male cadet 16 years old selected a single can of Country Choice, Dry Apple Cider and a couple of confectionary items then proceeded to the tills.

The member of staff scanned the items, money was exchanged, and the cadet left the store.

The plain clothes officer, then identified herself and informed the member of staff she had just sold alcohol to a person underage

Once uniformed officers had arrived, Licensing officer Hannah Staplehurst retrieved the can of Apple Cider and returned it to the store to show the members of staff.

The seller was the same lady who had previously sold and has been issued a notice of intention to prosecute.

Hannah Staplehurst and Donna Lynsdale from BHCC conducted a licence check. During the check a number of breaches were found (please see Part A attached as Appendix B with the premise licence conditions).

Condition 2 - Alcohol above 6% ABV was found on the in the fridge – HCC Black at 7.55%

Condition 4 – No incident or refusal log could be found.

Condition 6 – No challenge 25 posters were on display. However, some were found and were being put up as we left.

Condition 7 – No training logs were made available for inspection.

10th December 2021

As the DPS was not present at the time of the failed test purchase, Hannah Staplehurst emailed the DPS to ensure she had been informed of the incident and that was several breaches of the premises licence.

The email stated if she wished to discuss the breaches to email Hannah Staplehurst or to call the licensing office.

A reply was received from the DPS asking for clarity around notices or emails of Teepee (test purchase)

12th December 2021

PC Hancox emailed the DPS and her brother a link for the CCTV from the 9th December 2021, however also stated if they could not use the link a disc or USB would be required.

16th December 2021

Hannah Staplehurst emailed the DPS clarification around Teepee being a test purchase, the circumstances of the fail and as there was a number of breaches, Sussex Police Licensing are minded to call a premises review.

17th December 2021

A reply was received from the DPS.

Please see appendix C which shows the email trail between the DPS and Hannah Staplehurst.

22nd December 2021

Hannah Staplehurst made a phone call to the Premises licence holder following no response from the DPS or her brother regarding CCTV. I left a contact number and was informed someone would call me back.

23rd December 2021

PC Hancox visited the shop, the member of staff who had made both the sales to our minors was working behind the counter and the DPS was there talking to her. PC Hancox spoke to the DPS about the lack of CCTV following her request on the 12th December 2021.

The DPS insinuated she had been too busy with her job and thought her brother would have been dealing with it.

Whilst PC Hancox was in the store, the DPS rang her brother who stated the CCTV could be sent as a link but he could put it on a disc which would be ready for

collection on Wednesday 29th December.

29th December 2021

PC Hancox and Hannah Staplehurst visited the premises to collect the CCTV and ensure the breaches had been rectified.

We were handed a disc for the CCTV and breaches were found during our licence check.

Condition 2 – HCC Black was still on display at 7.55%

Condition 4 – Refusal book was behind the counter but incomplete, large spaces between entries and only one entry for 2021. The DPS had also never signed the refusal log. Licensing officer Hannah Staplehurst signed the booked and crossed out the large spaces.

Condition 7 – No training logs were available for inspection.

Please see Appendix D for photos

Sussex Police do not feel this premises have responded to our stepped approach and have failed underage test purchases on two separate occasions involving the same member of staff.

This is a serious concern, undermining the licensing objective of protection of children from harm and further action should be considered.

Due to the presence of conditions, added on the 23rd July 2021, that are already aimed at preventing the sale of alcohol to underage persons and the lack of management action to adhere to the licence conditions, it is difficult to see what further conditions or other measures could be adopted. The recommendation of Sussex Police would be the revocation of the 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)

REDACTED TEXT

Michelle Palmer-Harris

Date 05th January 2022.

Capacity Operations, Planning and Licensing Inspector

Force Licensing & Public Safety Manager on behalf of Chief Superintendent,
Divisional Commander, Brighton & Hove Division

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

