

Licensing Panel (Licensing Act 2003 Functions)

Date: **9 November 2020**

Time: **10.00am**

Venue **Virtual Meeting - Skype**

Members: **Councillors:**, Appich, O'Quinn and Simson

Contact: **Thomas Bald**
Democratic Services Officer Apprentice
thomas.bald@brighton-hove.gov.uk

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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

3 REVIEW OF A PREMISES LICENSE UNDER THE LICENSING ACT 2003 - TIVOLI FOOD AND WINE

5 - 76

Contact Officer: Sarah Cornell

Tel: 01273 295801

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Licensing Panel (Licensing Act 2003 Functions)

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3 TIVOLIL FOOD & WINE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

5 - 84

Contact Officer: Corinne Hardcastle

Tel: 0127329

Ward Affected: Withdean

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Date of Publication - Friday, 30 October 2020

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item
Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Premises:	Tivoli Food & Wine 2 Tivoli Crescent Brighton BN1 5ND		
Premises Licence Holder:	Awarah Shikha		
Date of Meeting:	9 November 2020		
Report of:	Interim Executive Director for Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	Email:	sarah.cornell@brighton-hove.gov.uk	
Ward(s) affected:	Withdean		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To review a Premises Licence for Tivoli Food & Wine under the Licensing Act 2003.

2. RECOMMENDATIONS:

- 2.1 That the Panel review the licence granted to the premises known Tivoli Food & Wine under the Licensing Act 2003.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 Existing licence attached at Appendix A.
- 3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 3.3 An application was received by the Licensing Authority on 14 September 2020 from Trading Standards, to review the licence granted to the premises known as Tivoli Food & Wine 2 Tivoli Crescent Brighton BN1 5ND.
- 3.4 The grounds for the review relate to the following Licensing objectives
- The Prevention of Crime and Disorder

Full details of the grounds for the review are in Appendix B.

3.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered appropriate for the promotion of the Licensing objectives. These steps are
 - to modify the conditions of the licence
 - to exclude a licensable activity
 - to remove the designated premises supervisor from the licence
 - to suspend the licence for a period not exceeding 3 months, or
 - to revoke the licence.

And for this purpose, the conditions of a premises licence are modified if any of them are altered, omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

Representations received

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.7 Two representations have been received from Sussex Police and The Licensing Team on the grounds of the Prevention of Crime & Disorder and Protection of Children from Harm supporting the application submitted by Trading Standards seeking the revocation of the licence.

24 representations have been received from local residents supporting the premises on the grounds of Prevention of Crime & Disorder, Prevention of Public Nuisance and Protection of Children from Harm.

3.8 Full details of the representations are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

4. COMMENTARY ON THE LICENSING POLICY

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1. Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing

objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

1.2 The licensing objectives are: -

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

1.3 Scope

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

4 Prevention of Crime and Disorder

- 4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.
- 4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that

drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

- 4.1.3 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

Matrix approach for licensing decisions in a Statement of Licensing Policy

	Cumulative Impact Area	Special Stress Area	Marina	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
Café bar	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
Late Night Takeaways	No	Yes (midnight)	Yes	Yes (midnight)
Night Club	No	No	Yes	No
Pub	No	Yes (11pm)	Yes	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
Off-licence	No	No	Yes	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	Yes

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

4.3 Care, control and supervision of premises

- 4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.
- 4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest

crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.
- 4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B of SoLP).

6 Prevention of Public Nuisance

- 6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.
- 6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).
- 6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

- 6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.
- 6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.
- 6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

7 Protection of Children from Harm

- 7.1 The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).
- 7.2 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (e.g. passport, photo driving licence or pass card).
- 7.3 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent underage sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 5.3 below.
- 7.4 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures: -

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c) Further take-up of proof of age schemes will be promoted
- d) In-house, mystery shopper type schemes operated by local businesses will be supported
- e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.5 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

7.8 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police, BCRP and undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.9 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

8 Integration of Strategies

- 8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by: -
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
 - Liaising and consulting with Public and Alcohol Programme Board
 - Liaising and consulting with the East Sussex Fire & Rescue Service
 - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
 - Liaising and consulting with the Planning authority
 - Liaising and consulting with the Highways authority
 - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
 - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

9. Reviews

- 9.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – appendix B.
- 9.2 Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 15/10/20

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 15/10/20

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application
2. Appendix C – Representations
3. Appendix D – Map of area
4. Appendix E – Supporting Documentation

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5th edition. Public Health Intelligence. January 2019

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

Premises Licence
Brighton and Hove City Council

Premises Licence Number

1445/3/2016/04511/LAPRET

Part I – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Tivoli Food & Wine
2 Tivoli Crescent
Brighton
BN1 5ND

Telephone number

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Monday - Saturday	07:00 - 22:30
Sunday	10:00 - 22:00

The opening hours of the premises

Monday – Saturday	07:00 - 22:30
Sunday	10:00 - 22:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Awarah Shikha

REDACTED TEXT

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Rawa Ahmed

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

REDACTED TEXT

Annex I - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
 - a) at a time when there is no designated premises supervisor in respect of the premises, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—
$$P=D+(D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

The Prevention of Crime and Disorder

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex police. CCTV footage will be stored for a minimum of 28 days and the management will give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested 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 and will be changed when British Summer Time starts and ends.

Public Safety-none

The Prevention of Public Nuisance- none

The Protection of Children from Harm

2. The premises will operate a ‘Challenge 25’ policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only forms of ID that will be accepted are passports and driving licences with a photograph or Portman group, Citizen or Validate proof of age cards bearing the ‘PASS’ mark hologram. The list of approved ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence.
3. Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises.
4. All staff members engaged, or to be engaged in selling alcohol on the premises shall receive the following training in age-restricted sales:
 - Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member, and refresher training thereafter no less than 8 weeks.
 - All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Local Authority officers upon request.

5. The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant.
6. The refusals book will be available upon request to Police staff, Local Authority and Trading Standards Officers.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

+LP Location plan - scale 1:1000
Scale in Meters

+00 Ground floor plan - scale 1:100

-01 Basement plan - scale 1:100

Scale in Meters

Scale in Meters

Printing requirements
When the original document size matches the intended print size drawings are to be printed as actual paper size / 'as in document' - do not print 'fit to scale'.

Original Document size
A4 size document

Notes
OS map Licence number: 100020449

LeaseplansUK

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T: +44 (0)1223 482 480 F: +44(0)1223 472 375 www.leaseplans.co.uk
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PREMISES 2 TIVOLI CRESCENT BRIGHTON BN1 5ND	CHECKED LPUK
	DRAWN LPUK
LANDLORD R GUMBRELL WILL TRUST FUND C/O CARA B PRIDDLE 34 SHIP STREET BRIGHTON BN1 1AD	DATE 04/09
	SCALE 1:100/1000 @ A4
DRAWING LEASE PLAN	REVISION
	NUMBER 0171-LP-001

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FOOD AND WINE, 2 TIVOLI CRESCENT BRIGHTON,

APPENDIX B

Application for the review of a premises licence or club premises certificate 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 **REDACTED TEXT** Trading Standards Officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Tivoli Food and Wine 2 Tivoli Crescent	
Post town Brighton	Post code (if known) BN1 5ND

Name of premises licence holder or club holding club premises certificate (if known) Awarah Shikha
--

Number of premises licence or club premises certificate (if known) 2016/04511/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

I am 18 years old or over

Please tick yes

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 Trading Standards Brighton & Hove City Council Bartholomew House Bartholomew Square Brighton BN1 1JP
Telephone number (if any) REDACTED TEXT
E-mail address (optional) REDACTED TEXT

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 type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Alcohol has been discovered on the premises which is counterfeit and non-duty paid (smuggled)

No traceability has been provided for the alcohol discovered.

Trading Standards state that the following licensing objective has not been met:

- 1) the prevention of crime and disorder

Please provide as much information as possible to support the application
(please read guidance note 2)

The premises are a convenience store and off-licence in a residential area on Tivoli Crescent Brighton. The Premises Licence Holder is Awarah Shikha.

The Premises Licence was transferred to Awarah Shikha on 10 August 2016; however, the Designated Premises Supervisor was not transferred. **REDACTED TEXT** is the named Designated Premises Supervisor but is understood to have left the business when the licence was transferred in August 2016. The premises have been trading without a Designated Premises Supervisor since that date.

Trading Standards have identified a problem in Brighton & Hove with premises selling illegal alcohol. Illegal alcohol includes counterfeit alcohol, non-duty paid (smuggled and diverted) alcohol, stolen alcohol, incorrectly described alcohol, incorrectly labelled alcohol and alcohol which has incomplete or no traceability.

Non-payment of duty and VAT has an impact on both the local and national economy. Businesses willing to sell illegal alcohol receive an unfair trading advantage over other businesses. There is also a risk of counterfeit products entering the market with the inherent risks to the public's health as a result of the use of industrial alcohol and other chemicals not intended for human consumption, poor production methods and quality control and no traceability of the products.

There have been issues with counterfeit and non-duty paid alcohol previously at these premises whilst under different ownership.

On 02 March 2020, Trading Standards undertook a routine food inspection at Tivoli Food and Wine during which suspected counterfeit wine was discovered displayed for sale. One bottle of wine was seized on this date.

Trading Standards re-attended the premises on 03 March 2020 and seized 90 bottles of prosecco of 2 different varieties for being counterfeit and suspected counterfeit.

The history of the premises and details of what was discovered on the premises and the specific issues with the alcohol is described more fully in the statement of Miss Catriona Macbeth, Trading Standards Officer.

Traceability was requested by **REDACTED TEXT** from Awarah Shikha on 02 March 2020 and again on 21 July 2020, traceability has not been provided.

Subsequent enquiries have confirmed that all alcohol seized is counterfeit (fake).

The premises had alcohol on the premises and being offered for sale and have failed to provide traceability to show that duty and VAT have been paid. It is reasonable to state that this alcohol is also non duty paid (smuggled).

Whilst none of the alcohol tested contained dangerous substances, there is no guarantee, due to the lack of quality control in the production of illegal alcohol, that all bottles of the alcohol are safe. By supplying illegal alcohol, the business risked supplying dangerous alcohol to their customers.

Guidance issued under section 182 of the Licensing Act 2003 lists certain criminal activity which may arise in connection with licensed premises which the Secretary

of State considers should be treated particularly seriously. This list includes the use of the licensed premises for the sale of smuggled alcohol.

There is a significant history of the premises being used for the sale of illegal alcohol whilst under the previous and current owners' control.

Trading Standards have no confidence that the management are competent to run these premises, so as to ensure that the Licensing Objectives are met.

Trading Standards request that the Committee give serious consideration to the revocation of the premises licence and that this step is necessary and proportionate to ensure that the Licensing Objective of the prevention of crime and disorder is met.

.

.

Please tick yes

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

If yes please state the date of that application

Day Month Year

1	0	0	9	2	0	2	0
---	---	---	---	---	---	---	---

If you have made representations before relating to this premises please state what they were and when you made them

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 **REDACTED TEXT**

.....

Date 10/09/2020

.....

Capacity Principal Trading Standards Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

APPENDIX C

SUPPORTING REPRESENTATIONS FOR PREMISES

From: REDACTED TEXT

Sent: 26 September 2020 19:51

To: REDACTED TEXT

Subject: RE: Tivoli Food and Wine

SC CON ENDS 12.10.20 VALID PCH (SA)

Dear REDACTED TEXT

I noticed the letter on Tivoli Food and Wine yesterday evening. I'm a resident of REDACTED TEXT

I'm not certain what your review will cover. But I would like to say that the service from Tivoli Food and Wine since Awarah took over has been, to be honest, quite exceptional.

Throughout the first C19 lockdown he and his staff went above and beyond to ensure the residents of the street were able to get food and alcohol if desired when it was impossible to even get to the shops. He is a very caring man with young children and always interacts with our family in a very kind and caring way.

I'm not sure what you may be looking for in your review - but there have been one occasion where I have seen one of his staff members refuse to sell alcohol to a mature man who had clearly had a few too many. I have also witnessed the same staff member ask for ID for the sale of cigarettes to a young person. Who didn't have any and left the shop.

I don't have the best of memories but I'd say the cigarette event happened near the beginning of lockdown and the alcohol one in the last month.

I must say that with another Lockdown seeming imminent any disruption to the excellent service From Tivoli Food and Wine would have a materially significant and negative effect on the local community. Especially some of the more elderly residents who are unable to travel easily.

If having a conversation with me on this would help. Please do not hesitate to get in touch.

Yours sincerely

From: REDACTED TEXT

Sent: 26 September 2020 20:40

To: REDACTED TEXT

Subject: Tivoli Food and Wine licence review

SC CON ENDS 12.10.20 VALID PCD (SB)

Dear **REDACTED TEXT**

Re: Tivoli Food and Wine, 2 Tivoli Crescent, Brighton, BN1 5ND

I understand that you are currently reviewing the licence of the above-mentioned premises with the objective of "prevention of crime and disorder".

I have lived on **REDACTED TEXT** for four years and am a regular customer in the shop.

It is my opinion that Awarah is of sound character. He, his family and staff run the shop very well. I have never been aware of any "crime or disorder" associated with the premises.

I very much hope their licence will be renewed. The shop is of great benefit to the local community.

King regards

REDACTED TEXT

From: REDACTED TEXT

Sent: 27 September 2020 00:18

To: REDACTED TEXT

Subject: *Tivoli Food and Wine, 2 Tivoli Crescent, Brighton, BN1 5ND*

SC CON ENDS 12.10.20 VALID PCD (SC)

Dear Jo

I have just received news that you are reviewing the licence for this premises with the objective of "prevention of crime and disorder".

I have been a resident in **REDACTED TEXT** for fifteen years and regularly shop in Tivoli Food and Wine as my local 'corner shop'.

I know Awarah and his family well and can vouch for his integrity and diligence with his business. He has transformed this shop and made it a vibrant commercial outlet that sells a very diverse range of products that are extremely well received by the local community. I do not believe that there has been any crime or disorder associated with the premises under his watch.

I would, therefore, urge you please to grant him the necessary licence renewal without delay.

Please feel free to ask if you have any queries or concerns relating to Tivoli Food and Wine and/or the owner.

Thank you and best wishes.

REDACTED TEXT

From: REDACTED TEXT
Sent: 27 September 2020 08:02
To: REDACTED TEXT
Subject: Tivoli Food and Wine

SC CON ENDS 12.10.20 VALID PCD & PCH (SD)

Dear **REDACTED TEXT**

Re:: Tivoli Food and Wine
2 Tivoli Crescent, Brighton, BN1 5ND

I understand that you are currently reviewing the licence of the above mentioned premises with the objective of "prevention of crime and disorder".

I have lived on **REDACTED TEXT** for over 18 years and am a regular customer in the shop.

It is my opinion that Awarah is of sound character. He, his family and staff run the shop very well. I have never been aware of any "crime or disorder" associated with the premises. **REDACTED TEXT** was ID checked when she bought alcohol from there in the summer, **REDACTED TEXT**.

I very much hope their licence will be renewed. The shop is of great benefit to the local community particularly during these unprecedented times.

King regards

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 27 September 2020 08:12
To: **REDACTED TEXT**
Subject: Tivoli Food and Wine

SC CON ENDS 12.10.20 VALID PCH (SE)

Dear **REDACTED TEXT**

I understand that there has been some misunderstanding with licensing at the above shop.

I would like to make clear that the shop is run professionally and properly and is a great asset to our street and surrounding area. I have an **REDACTED TEXT** who is always asked for ID when he goes in there to buy alcohol.

Kind regards

REDACTED TEXT

From: REDACTED TEXT

Sent: 28 September 2020 09:34

To: REDACTED TEXT

Subject: Re: Tivoli Food and Wine, 2 Tivoli Crescent, Brighton, BN1 5ND

SC CON ENDS 12.10.20 VALID PCD (SF)

Dear REDACTED TEXT

I hope you are well.

I understand that you are currently reviewing the licence of the above mentioned premises with the objective of "prevention of crime and disorder".

I have lived on REDACTED TEXT for a year now and am a regular customer in the shop.

It is my opinion that Awarah is of sound character. He, his family and staff run the shop very well. I have never been aware of any "crime or disorder" associated with the premises. His staff is scrupulously rigorous, checking IDs and — during lockdown — enforcing the lockdown protocols.

I very much hope their licence will be renewed. Awarah has gone out of his way to make me feel welcome since I moved in. The shop is of great benefit to the local community, particularly at this time of national uncertainty.

I would urge the licensing officer to look favourably at Awarah's case.

Best,

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 28 September 2020 10:43
To: **REDACTED TEXT**
Subject: Tivoli Food and Wine

SC CON ENDS 12.10.20 VALID PCD (SG)

Dear **REDACTED TEXT**

I read that you are reviewing the license of the shop at 2 Tivoli Crescent and I wanted to add my views as not only a customer of the shop, but a resident of **REDACTED TEXT**.

Having the shop open was a great addition to the street, but it really became part of the community since Awarah and his family took over. Having responsible and involved shopkeepers like Awarah help keep the area safe, as they know the residents. I have never witnessed any crime or disorder either inside or outside the premises.

I hope you will take the residents views into consideration when making your decision.

Sincerely,

REDACTED TEXT

From: REDACTED TEXT
Sent: 28 September 2020 13:47
To: REDACTED TEXT
Subject: Tivoli food and wine

SC CON ENDS 12.10.20 VALID PCD & PCH (SH)

Dear **REDACTED TEXT**

Re: Tivoli Food and Wine, 2 Tivoli Crescent, Brighton, BN1 5ND

I understand that the licence of the above mentioned premises is being reviewed with the objective of "prevention of crime and disorder".

I have lived on **REDACTED TEXT** for three years and am a regular customer in the shop.

I have had my ID checked by multiple members of staff here.

It is my opinion that Awarah is a fantastic owner of Tivoli Food and Wine. He, his family and staff run the shop very well. I have never been aware of any "crime or disorder" associated with the premises.

I very much hope their licence will be renewed. The shop is of great benefit to the local community, and was especially useful for topping up electricity before lockdown started.

Kind regards

REDACTED TEXT

From: REDACTED TEXT

Sent: 28 September 2020 17:14

To: REDACTED TEXT

Subject: Licence Tivoli Food and Wine

SC CON ENDS 12.10.20 VALID PCH (SI)

Hi Jo

I am writing regarding the notice that has been put in the window of Tivoli Food and Wine (attached).

I have lived at **REDACTED TEXT** for 11 years and brought up **REDACTED TEXT** here. When I first moved here the shop was a vacant eye-sore and the re-opening of it was much welcome.

Over the years there have been various owners I believe and many different people working in the shop, most of them have been Kurdish and our community has benefitted hugely from having this convenience store, not just to shop in, but because it is a place where neighbours naturally bump into each other and where news can be exchanged, local services advertised and connections made.

Not only that, it has been important and enriching for me and my family to hear the stories of some of the people who have worked there and the considerable hardships some of them have endured to reach the UK.

When Awarah and **REDACTED TEXT** took over the shop, the community feeling to the shop was taken up another notch. They have been the most visible of all the owners, regularly at the shop themselves supporting their employees and doing their own shifts. Their **REDACTED TEXT** often comes with them and plays outside or with other children. They now have a **REDACTED TEXT**. They have also opened a cafe on **REDACTED TEXT** which has become a local hub and which they have shown great determination to keep open despite difficult circumstances.

Over the years they have asked for my help and support a number of times to navigate some of the harder to understand aspects of British culture and bureaucracy, including their applications for British Citizenship.

You may wonder what all this has to do with the review of their licence. I mention it to emphasise how well known and appreciated they are by Tivoli Crescent and other local residents and how involved they are personally in the running of the shop.

My eldest **REDACTED TEXT** and so we have now navigated the difficult time in a teenager's life when they are potentially trying to access alcohol and cigarettes while they are under age. My younger **REDACTED TEXT**. I have never had to worry about the possibility of either of them buying alcohol in the corner shop. Not only are they known personally to Awarah and his staff but I know from my almost daily visits to the shop that ID is rigorously checked. My eldest **REDACTED TEXT** still has to take his ID to the shop if he goes to buy beer.

Awarah is a responsible and family orientated man who sees the selling of alcohol as a serious responsibility.

Without a licence to sell alcohol I doubt the shop would be able to remain open which would be a huge loss to the community and of course to Awarah and his family.

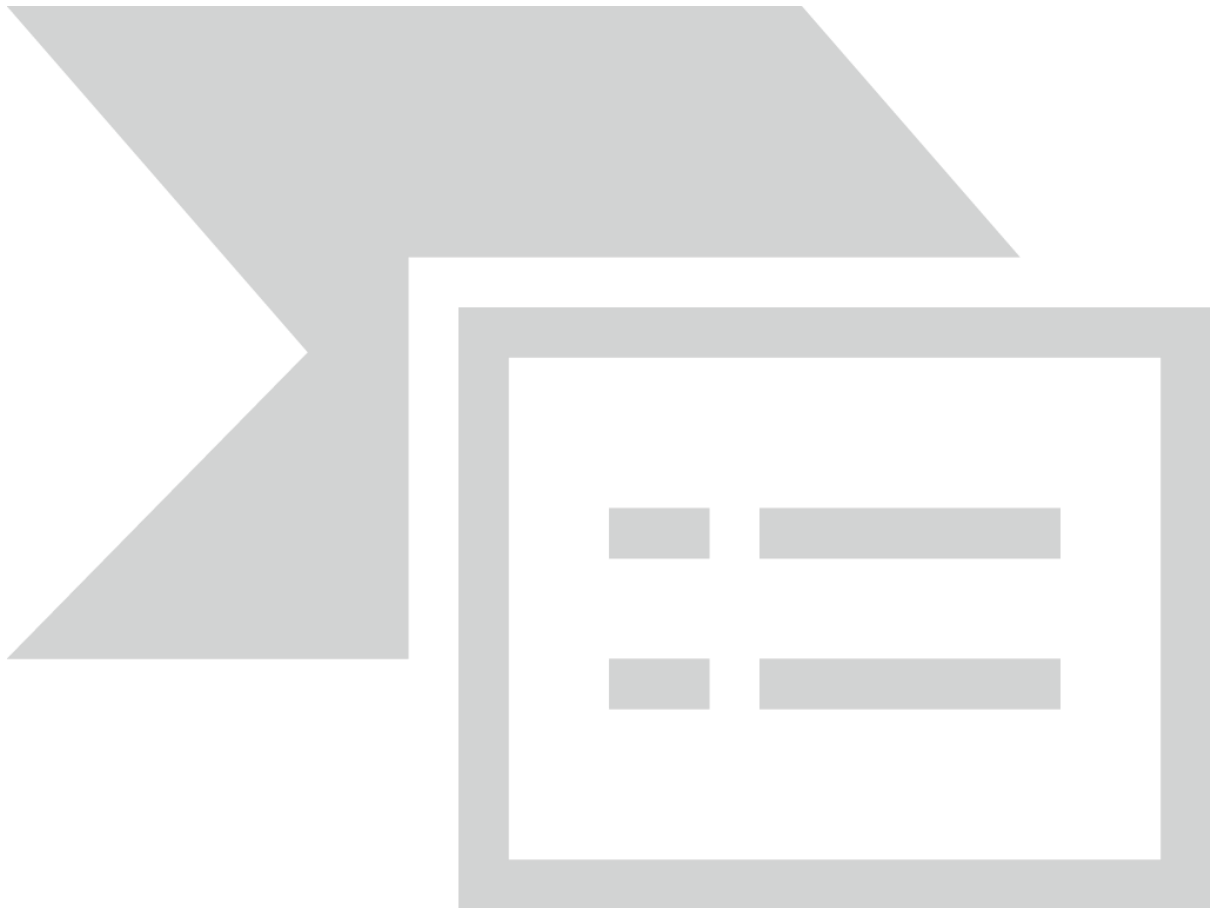
Finally, in addition to all this Awarah went out of his way to help us all during lockdown and managed to source gloves, masks, flour and other items that were in short supply elsewhere.

If you have any questions you can contact me on this email or on my mobile **REDACTED TEXT** or my landline **REDACTED TEXT**

I sincerely hope that his licence is successfully renewed.

Kind Regards

REDACTED TEXT



From: **REDACTED TEXT**
Sent: 28 September 2020 23:51
To: **REDACTED TEXT**
Subject: Tivoli Food and wine

SC CON ENDS 12.10.20 VALID PCD (SJ)

Re review of the licence for the above shop.

I understand from my neighbour that this is under review concerning the issue of « prevention of crime and disorder ». I should say that I am not aware of any such incidences relating to the shop and I have lived in **REDACTED TEXT** for a number of years. The shop has been invaluable in terms of the range of goods it supplies, particularly during the lockdown months and it would be extremely unfortunate if, as a result of not getting the licence transferred from the previous owner to the current owner, that the licence was revoked. I am sure that the current owner will rectify this situation and comply with the council's requirements as the loss of the licence would be detrimental to his business over all and could mean the eventual closure of the shop which would have a detrimental impact on the community in the longer term.

Best regards

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 29 September 2020 09:55
To: **REDACTED TEXT**

Subject: Tivoli Food & Wine

SC CON ENDS 12.10.20 VALID PCD(SK)

Dear **REDACTED TEXT**

Re: Tivoli Food and Wine, 2 Tivoli Crescent, Brighton, BN1 5ND

I understand that you are currently reviewing the licence of the above mentioned premises with the objective of "prevention of crime and disorder".

I have lived on **REDACTED TEXT** for seven years and am a regular customer in the shop.

It is my opinion that Awarah is of sound character. He, his family and staff run the shop very well. I have never been aware of any "crime or disorder" associated with the premises.

I very much hope their licence will be renewed. The shop is of great benefit to the local community.

King regards

REDACTED TEXT

From: REDACTED TEXT

Sent: 29 September 2020 11:04

To: REDACTED TEXT

Subject: Tivoli Food & Wine, 2 Tivoli Crescent, Brighton BN1 5ND

SC CON ENDS 12.10.20 VALID PCD (SL)

Dear **REDACTED TEXT**

Re: Tivoli Food & Wine, 2 Tivoli Crescent, Brighton BN1 5ND

We have seen that the above premises are currently under review with the objective of “prevention of crime and disorder” and wanted to write in support of the current owner Awarah and his family.

We have lived in **REDACTED TEXT** for over 40 years and have been regular customers since Awarah took over the premises. It is our opinion that Awarah is of sound character, that he and his family run the shop extremely well and we have never been aware of any “crime or disorder” associated with the premises.

The shop is of great benefit to the local community, and they have remained open all through lockdown to support their customers which has been a particular comfort to those more elderly and vulnerable customers who were extremely anxious about venturing out to the larger stores.

We very much hope that the licence is renewed and the shop can get back to normal service.

Kind regards

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 29 September 2020 11:16
To: **REDACTED TEXT**
Subject: Tivoli Food and Wine, 2 Tivoli Crescent Brighton

SC CON ENDS 12.10.20 VALID PCD (SM)

Dear **REDACTED TEXT**

I understand that you are currently. Reviewing the licence of the above mentioned premises with the objective of 'prevention of crime and disorder'.

I have lived on **REDACTED TEXT** for 10 years and my family and I are daily customers in the shop.

Awarah has by far been the best owner of this shop since we have lived here and runs his shop in an excellent way - the shop is a valuable community resource. During lockdown it was a lifeline for many of us in the area. They take the time to get to know their customers which is rare in retail these days. Awarah's family and staff are all very professional and I would be very surprised if there is any crime or disorder associated with the premises as I have certainly never seen anything to be concerned about.

I very much hope that their licence will be renewed and they can continue to serve our wonderful community here in the Tivoli area.

Best wishes

REDACTED TEXT

From: REDACTED TEXT
Sent: 29 September 2020 21:03
To: REDACTED TEXT
Cc: REDACTED TEXT
Subject: Re: licensing - 2 Tivoli Crescent.

SC CON ENDS 12.10.20 VALID PCD (SN)

Good evening.

My name is **REDACTED TEXT** and I live at **REDACTED TEXT**.

That's **REDACTED TEXT** from Tivoli Food & Wine going **REDACTED TEXT**.

I've never seen any public intoxication around that shop area.

It's a family-identified shop so lots of adults with their children go in.

The shop is clean and convenient and they have security cameras.

I've never seen any crime happen - much less hear about any shoplifting at the shop.

There's space enough outside the shop to wait your turn to go in (during social distancing) and parking for those who do drive to that shop.

it's a GREAT place and I'm glad I live so close to it!

Thank you.

From: **REDACTED TEXT**
Sent: 30 September 2020 15:48
To: **REDACTED TEXT**
Subject: Tivoli Food And Wine

SC CON ENDS 12.10.20 VALID PCH (SO)

Dear **REDACTED TEXT**

RE: Tivoli Food and Wine, 2 Tivoli Crescent, Brighton, BN15ND.

I am writing to support the review from trading standards for the Tivoli Food and Wine shop who have been issued with a Regulation 38 notice.

The owner of our local corner shop, Awarah runs the premises really well. He was a life line for many people in the street during the recent lockdown.

He always asks for ID with youngsters , **REDACTED TEXT** are always asked for their ID when they buy alcohol there and they are now 21 and 24 year of age.

I fully support their licence being renewed, the shop is a vital part of the community.

Kind regards,

REDACTED TEXT

From: REDACTED TEXT

Sent: 01 October 2020 14:39

To: REDACTED TEXT

Subject: Re: Tivoli Food and Wine, 2 Tivoli Crescent, Brighton, BN1 5ND

SC CON ENDS 12.10.20 VALID PCD, PPN & PCH (SP)

Dear REDACTED TEXT

I live on REDACTED TEXT and as a regular customer of Tivoli Food and Wine I notice that you are currently reviewing the licence of the shop.

In case you need any character witnesses as part of the review, I can attest that Awarah, his family and staff run the shop to very high standards. Their professional pride extends beyond simply keeping well-stocked in the day-to-day essentials that we all rely on. They show genuine care for providing what residents need and being a positive contributor to our small local community.

I very much hope their licence will be renewed so the shop can continue to provide such a valued service at the heart of our small community. Please feel free to contact me should you wish to discuss further.

Yours Sincerely,

REDACTED TEXT

From: **REDACTED TEXT**

Sent: 04 October 2020 13:59

To: **REDACTED TEXT**

Cc: **REDACTED TEXT**

Subject: Tivoli Food and Wine

SC CON ENDS 12.10.20 VALID PCD & PCH (SQ)

Dear Madam,

My name is **REDACTED TEXT** only a few metres from the corner shop, Tivoli Food and Wine.

I also work from home as an **REDACTED TEXT** so I am in this locality almost all the time, visiting the shop daily (usually on more than one occasion) for lots of the items that the normal household run out of on a regular basis.

I also buy beer and wine from the shop as do younger people and have observed that all the different staff who serve there always ask for ID (even from people who are clearly well over twenty years of age!).

There has never been trouble or anti-social behaviour as a result of alcohol being sold.

The demise of the corner shop on the UK continues and Tivoli Food and Wine is an asset of community value being open 7am to 10 pm daily. The loss of it's license would make the shop unviable as a commercial enterprise.

I would strongly support that this shop continues to be licensed to sell alcohol.

REDACTED TEXT

From: **REDACTED TEXT**

Sent: 04 October 2020 15:19

To: **REDACTED TEXT**

Subject: Tivoli Crescent Shop

SC CON ENDS 12.10.20 VALID PCD & PCH (SR)

Dear **REDACTED TEXT**

I write with reference to the shop/corner store on Tivoli Crescent, BN1.

It has come to my attention that queries have been raised in relation to a possible breach of protocols connected with the shop's liquor licence. I would like to help assuage any such concerns by offering this note of support for the owners. My family and I have lived in **REDACTED TEXT** for circa fifteen months and use the shop regularly for general items, as well as alcoholic beverages for entertaining, etc. The shop owners and staff are always very friendly, welcoming and professional. Notably, the shop offers a wide range of products and this is very important to the local community because there is nothing similar within reasonable walking distance and indeed, during the lockdown, access to all the shop products was very important.

Specifically, with regard to the shop's liquor licence, I have no reason to consider that the owners have done anything other than adhere to protocols at all times. I know that, where required, they regularly ask people for ID. Further, there is no evidence of underage people buying liquor nor are there any young people 'hanging around' in the area. To question the owner's entitlement to a liquor licence has the potential to do a great disservice to the local community.

Should you require any further information, please let me know.

Thank you.

Regards

REDACTED TEXT

From: **REDACTED TEXT**

Sent: 05 October 2020 19:53

To: **REDACTED TEXT**

Subject: Tivoli Food and Wine

SC CON ENDS 12.10.20 VALID PCH (SS)

Dear **REDACTED TEXT**

I have lived at **REDACTED TEXT** for three years and have come to rely on this wonderfully well-stocked, friendly, and well managed shop. Awarah has always been incredibly helpful and polite, especially through these difficult months of Covid.

He is of sound character and law abiding. On at least two occasions when I have been in the shop I have seen his staff ask for ID if they believe the customer to be underage. This is a nice, quiet, family street, where most young people come in to buy sweets.

It would be devastating for Awarah's business if he lost his alcohol licence, in fact it would be so detrimental that it may mean the shop had to close which would be a huge and unnecessary loss to our community.

He has made the shop indispensable with his parcel collection service, his great range of bread and pastries, and all the pulses and spices he sells from Infinity Foods.

Awarah is a responsible shop owner and employer. I sincerely hope that you will let him keep his licence.

Yours sincerely, **REDACTED TEXT**

From: **REDACTED TEXT**

Sent: 06 October 2020 12:39

To: **REDACTED TEXT**

Subject: Tivoli Food and Wine BN1

SC CON ENDS 12.10.20 VALID PCD (ST)

Good afternoon,

I am emailing on behalf of my family who live **REDACTED TEXT** from Tivoli Food and Wine. We are impressed with the way this shop is managed in a quiet, residential and fairly busy neighbourhood.

We have lived here during the whole time Awara has managed Tivoli Food and Wine and there have been no incidents in the area as a result of Tivoli Food and Wine selling alcohol on its premises.

Kind regards,

REDACTED TEXT

Head of Safer Communities
2nd Floor Bartholomew House
Bartholomew Square
Brighton
BN11JP

**REDACTED
TEXT**

4 October 2020

SC CON ENDS 12.10.20 VALID PCD (SU)

Dear Sir/Madam

Since moving to Brighton over 12 years ago my whole family has relied on the convenience of Tivoli Food and Wine.

Recently with the Coronavirus Lockdown we have depended on it more than ever. Awara the owner is a valued member of the local community, who often goes out of his way to provide produce for those on an alternative diet. It is imperative that the store is able to, continue to operate as an off license.

I am sure that the owners will continue to take the conditions of the licensing seriously and accept any training necessary to provide an essential business for the local area.

We would like to offer our support Tivoli Food and Wine in meeting the licensing objectives outlined by the Prevention for Crime and Disorder.

Regards

REDACTED TEXT

To: **REDACTED TEXT**
Head of Safer Communities
2nd floor Bartholomew House
Bartholomew Square
Brighton BN 1 1JP

08

From: **REDACTED TEXT**

6 October 2020

SC CON ENDS 12.10.20 VALID PCD, PPN & PCH (SV)

To Whom it May Concern,

RE: Tivoli Food and Wine, 2 Tivoli Crescent, Brighton BN1 5ND
Reference: Licence - 1445/3/2020/02926/LAREV

I wish to make a representation to the review for the licence of the aforesaid premises (shop). I have lived **REDACTED TEXT** the shop for the last ten years and have never experienced any problem with crime, disorder or nuisance as a result of the shop trading. In fact, quite the opposite, the shop is a quiet place and, in many ways, feels much safer than the only nearby alternatives Tesco or Sainsburys. There are never gatherings of people outside the shop which in contrast you do see sometimes at Tescos. The current owners have improved the shop in several ways including better signage and I have always felt provided with a high level of customer service. I am a regular customer and have seen them ask younger people for ID on occasion. If this shop were to close, we would be left with no alternative to the monopolies of either Tesco or Sainsburys. I do regard it as a community resource.

Yours faithfully

REDACTED TEXT

RE Tivoli Food and Wine, 2 Tivoli Crescent, Brighton BN1 5ND

SC CON ENDS 12.10.20 VALID PCD (SW)

TO WHOM IT MAY CONCERN

It is with concern that I saw the Licence review notice posted on the door of Tivoli Food & Wine.

I have lived on **REDACTED TEXT** for 8 years and have used Tivoli store numerous times per week ever since. This family run store is always very well kept, stocked and the staff are unfailing friendly. The owner and staffs are very helpful and deliver a great community service providing groceries, essential household goods and alcohol. It has often been a 'life saver' with last minute purchases when running out of groceries and wine etc. The owner recently arranged a regular special order of a specific newspaper that I requested.

During the COVID lockdown, they provided essential, very scarce, goods to the local community and always enforced safe practices with masks and limited numbers in the store- which is still in place at this unusual time. As a local NHS health professional, I particularly appreciate the measures they put in place to keep people safe and help provide for us.

The store provides for a large range of the community and is an integral part of the local neighbourhood. I have visited the store at varied times (morning and late evening) and have never had any concerns about the store or environment and have had only positive experiences there.

I fully support this store and would urge no changes made to their licence that would affect our local community.

Yours sincerely

REDACTED TEXT

From: **REDACTED TEXT**
Sent: 09 October 2020 14:36
To: **REDACTED TEXT**
Cc: **REDACTED TEXT**
Subject: Tivoli Food and Wine

SC CON ENDS 12.10.20 VALID PCH (SX)

To whom it may concern,

I'm writing in response to the news that my local shop run by Awarah and his family is having problems with regard to their liquor licence.

I'm truly shocked to hear this and also saddened as they have a great family business that we like to support regularly. We use this shop every Friday to buy our Craft Beers and also snacks for the weekend. **REDACTED TEXT.**

I would rather support a local small business than one of the bigger chains nearby. This is a great little shop for our community and it would be a real shame if they are not able to continue selling alcohol.

We have never seen any underage drinking near or around the shop and also we have never seen any alcohol being sold to anyone under age.

We really hope that they will be successful in their application for a licence to sell alcohol.

Kind Regards,
REDACTED TEXT

SUPPORTING REPRESENTATIONS FOR REVIEW APPLICANT

Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 404535 ext. 550808

Email: brighton.licensing@sussex.pnn.police.uk

Date: 07th October 2020

Sarah Cornell
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

SC CON ENDS 12.10.20
VALID PCD & PCH (A)

Dear Sarah,

Licensing Act 2003

Representation in support of an application by Brighton & Hove City Council Trading Standards seeking a review of the premises licence 2016/04511/LAPRET Tivoli Food & Wine, 2 Tivoli Crescent, Brighton, BN1 5ND.

Sussex Police wish to make a representation in their capacity as a responsible authority in relation to the above application made by Brighton & Hove City Council Trading Standards seeking to review the premises licence for Tivoli Food & Wine.

This representation is made as Sussex Police have concerns that the licensing objectives of Prevention of Crime & Disorder and the Protection of Children from harm are not being upheld.

On 28th August 2020 Sussex Police Licensing Department conducted a visit to the premises to complete a full licensing inspection. The last inspection by Sussex Police was made in 2016. Although the gap between visits is more than we would like, with so many licensed premises within Brighton & Hove, visits are often intelligence led. The reason for this inspection was that we were made aware by Trading Standards that they had discovered counterfeit and non-duty paid alcohol on the premises. During this inspection the following breaches of the premises licence was discovered:

- Management was unable to operate the CCTV, it did not cover all public areas and the time was incorrect.
- Both pages of Part B of the licence was not on display.
- Sufficient Challenge 25 signage was not being displayed.
- Management was unable to produce any induction or refresher training records.

Sussex Police Headquarters
Malling House, Church Lane, Lewes, E. Sussex, BN7 2DZ

Telephone: 101 | 01273 470101

Email: brighton.licensing@sussex.pnn.police.uk

- Both pages of Part B of the licence was not on display.
- Sufficient Challenge 25 signage was not being displayed.
- Management was unable to produce any induction or refresher training records.

- The employee on duty at the time was unaware they had a refusals book. Once eventually found, the last entry was from September 2019. There was also no evidence to show that it had been reviewed every 4 weeks by the Designated Premises Supervisor (DPS).

The most alarming discovery to come out of the inspection was that the named DPS, Bedriye Soylu, had left the premises in 2016 and since then the premises has been selling alcohol and displaying it when they did not have a valid active DPS.

Following this inspection, a warning letter was sent to Awarah Shikha, Premises Licence Holder (Copy attached as Appendix A).

On 05th October 2020 a follow up inspection was carried out by Sussex Police to check that all the breaches from the previous visit had been rectified. Although some of the breaches had been addressed the premises was still not correctly displaying Part B of their licence. There was still no evidence that staff had received any induction or refresher training. They now have two refusal books in operation but neither have been reviewed by the DPS. A further warning letter was sent to Awarah Shikha, Premises Licence Holder (Copy attached as Appendix B).

Taking the above in to account and the reasons why Trading Standards have called this review, Sussex Police do not have confidence in how the premises is being run by the current management and their wish or ability to promote the licensing objectives. Although the premises has appointed a new DPS, the premises licence holder is still Awarah Shikha and as such has overall control on how the premises is being run.

In the circumstances, Sussex Police fully support Trading Standards seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objectives are met.

Yours sincerely

Robert Lovell
Licensing
Inspector Sussex
Police

APPENDIX A

Brighton & Hove Licensing Unit

Police
Station
John
Street
Brighton
BN2
OLA

Tel: 01273 404535 ext. 550808

Email:
brighton.licensing@sussex.pnn.police.uk

28/08/2020

Awarah SHIKHA



Dear Mr SHIKHA

Licensing Act 2003 – Unauthorised licensable activities.
RE: Sabina Mini Market, 2 Tivoli Crescent Brighton BN1 5ND

Our records show that you are the Holder of the Premises Licence for Sabina Mini Market, 2 Tivoli Crescent Brighton BN1 5ND, I write with reference to the above premises where Police Licensing conducted a visit on 28th August 2020. As part of the licensing check I would like to highlight the following breaches of the licence:

You have no Current DPS, the DPS named on the licence has confirmed they left in 2016, you cannot sell alcohol or have it on display without a current DPS.

You need to have both pages of your Part B Licence Summary on display.

Annex 2 – Conditions consistent with the Operating

Schedule The Prevention of Crime and Disorder

Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex police. CCTV footage will be stored for a minimum of 28 days and the management will give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested 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 and will be changed when British Summer Time starts and ends.

You did not know how to work your CCTV and it was 28 minutes fast on the display, it does cover all public areas

The Protection of Children from Harm

Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises.

You only had 1 suitable sign, you will need more in prominent locations to fulfil this condition.

All staff members engaged, or to be engaged in selling alcohol on the premises shall receive the following training in age restricted sales:

Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member, and refresher training thereafter no less than 8 weeks.

All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Local Authority officers upon request.

You had no documentation available to be checked whether this was induction or refresher.

The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant.

The refusals book will be available upon request to Police staff, Local Authority and Trading Standards Officers.

The female server working did not know where the book was, you eventually found one after rooting through all the paperwork under the counter but this had not been used since Sept 2019, it was agreed that the book was not being used.

The book was not reviewed every 4 weeks.

I remind you that non-compliance with licence permissions and 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 legislation states that: -

(1) A person commits an offence if –

- (a) 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*
- (b) 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 a fine, or to both.

The highlighted breach constitutes an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation (the premises licence and the attached conditions). Please can you now ensure these breaches are rectified with immediate effect. Police Licensing will conduct a follow up visit within the next few weeks and I must advise you that any further breaches of your licence may mean enforcement action is taken.

Yours sincerely,

PC HANCOX DH163
Licensing Police
Officer Brighton &
Hove Division

c.c Brighton & Hove City Council Licensing Team.
c.c Sabina Mini Market, 2 Tivoli Crescent Brighton BN1
5N [REDACTED]

APPENDIX B

Brighton & Hove Licensing Unit

Police
Station
John
Street
Brighton
BN2
OLA

Tel: 01273 404535 ext. 550808

Email: brighton.licensing@sussex.pnn.police.uk

Rawa AHMED



Dear Mr AHMED

Licensing Act 2003 – Unauthorised licensable activities.

RE: Sabina Mini Market, 2 Tivoli Crescent Brighton BN1 5ND

Our records show that you are the Designated Premise Supervisor for Sabina Mini Market, 2 Tivoli Crescent Brighton BN1 5ND, I write with reference to the above premises where Police Licensing conducted a visit on 5th October 2020 which was a follow visit from the previous visit dated 28th August 2020. As part of the licensing check I would like to highlight the following breaches of the licence:

You need to have both pages of your Part B Licence Summary on display, I appreciate you are waiting for your new licence but you only had the front page of Part A on display and as previously discussed this is not correct, your part B was hidden behind the front page of Part A.

Annex 2 – Conditions consistent with the Operating

Schedule The Protection of Children from Harm

All staff members engaged, or to be engaged in selling alcohol on the premises shall receive the following training in age

restricted sales:

Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member, and refresher training thereafter no less than 8 weeks.

All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Local Authority officers upon request.

You had no documentation available to be checked whether this was induction or refresher, you did however have two blank training manuals, the explanation as to why no training had been carried out by Mr SHIKHA was that there was a member of staff due to leave imminently and that he was going to employ new staff, I explained to him that it was over a month since my last visit and that this was not an excuse especially as he had the books in his premises.

The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant.

The refusals book will be available upon request to Police staff, Local Authority and Trading Standards Officers.

The shop was operating out of 2 refusal books neither of which had been checked and signed off by yourself. I have advised to use only 1 book and to keep the other one somewhere safe not near the service counter to avoid it been mistakenly used.

I remind you that non-compliance with licence permissions and 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 –

- (a) 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*
- (b) 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 a fine, or to both.

The highlighted breach constitutes an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation (the premises licence and the attached conditions). Please can you now ensure these breaches are rectified with immediate effect. Police Licensing will conduct a follow up visit within the next few weeks and I must advise you that any further breaches of your licence may mean enforcement action is taken.

If there are any matters within this letter that you wish to discuss then please do not hesitate to contact us via the email address above.

Yours sincerely,

PC HANCOX DH163
Licensing Police Officer
Brighton & Hove Division

c.c Brighton & Hove City Council Licensing Team.
c.c Sabina Mini Market, 2 Tivoli Crescent Brighton BN1 5ND
c.c [REDACTED]
c.c [REDACTED]

Ms Cornell
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 11 October 2020
Our Ref: 2020/29031/LICREP/EH
Phone: **REDACTED TEXT**
Email: **REDACTED TEXT**

SC CON ENDS 12.10.20 VALID PCD & PCH (B)

Dear Ms Cornell

Licensing Act 2003

**Representation in support of an application by Brighton and Hove City Council
Trading Standards seeking a review of the Premises Licence
2016/04511/LAPRET
Tivoli Food and Wine, 2 Tivoli Crescent, Brighton BN1 5ND**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application made by Trading Standards seeking to review the Premises Licence for the Tivoli Food and Wine, 2 Tivoli Crescent, Brighton

This representation is made as the Licensing Team have concerns that the licensing objectives of the Prevention of Crime and Disorder and the Protection of Children from harm are not being upheld.

The history of this matter is explained in more detail in the application of Trading Standards.

After a licensing visit carried out by Sussex Police on 28 August 2020, I was contacted to enquire if the current Premises Licence stated that the DPS was **REDACTED TEXT**. On checking our database I can confirm that when a Transfer Application was received by the PLH in 2016, stated that the DPS would remain as **REDACTED TEXT**.

I contacted **REDACTED TEXT** to check when she had ceased being the DPS for Tivoli Food and Wine. She informed me that when the new owners took over in 2016 she ceased working at the premises. I then received an email from **REDACTED TEXT** confirming this. (Attached as Appendix A copy of the email received).

Following the visit by Sussex Police and email received from **REDACTED TEXT**, on 1 September 2020 I wrote to the PLH, Awarah Shikha advising that all alcohol sales must cease until the premises has a DPS. (A copy of this email is attached as Appendix B).

An application was submitted by Mr Shikha to change the DPS but he only submitted a certificate to confirm that he has taken the Personal Licence course. The application was rejected.

On 16 September 2020 I received a telephone call from Mr Shikha asking why his application had been rejected as he had a personal licence. I explained that just taking a course does not mean that he has a personal licence, this would need to be applied for. During this conversation Mr Shikha asked whether the DPS had to work at the premises or could he just get someone to be a DPS. After a very lengthy conversation as Mr Shikha struggled to understand I sent another email explaining what he would need to do. (A copy of this email is attached as Appendix C).

Following numerous attempts of completing the application form and several telephone conversations trying to assist Mr Shikha to complete the application, a valid application was received on 21 September 2020.

It seems that Awarah Shikha has no understanding of the responsibilities of holding a premises licence, and during a telephone conversation confirmed that he had never read the Premises Licence or Conditions, I have little confidence that this situation will change and the Premises Licence will be adhered to.

In the circumstances, I fully support the application Trading Standards seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objectives of the Prevention of Crime and Disorder and Public Safety are met.

Yours sincerely

REDACTED TEXT

Licensing Officer

Licensing Team

Appendix A – Email received on 28 August 2020 from **REDACTED TEXT**.

Appendix B – Email sent on 1 September 2020.

Appendix C – Email sent on 16 September 2020.

APPENDIX A

From: REDACTED TEXT

Sent: 28 August 2020 12:18

To: REDACTED TEXT

Subject: Re: Premises Licence

Dear

I left Tivoli Mini Market on 06/06/2016.

Tivoli mini Market
2 tivoli crescent Brighton
BN1 5ND

They are still using my personal licence which is wrong. You need to contact them to resolve this.

I have not worked there for more than 4 years.

Best wishes

REDACTED TEXT

Sent from my Samsung Galaxy S20+ 5G - Powered by Three
Get [Outlook for Android](#)

APPENDIX B

From: REDACTED TEXT

Sent: 01 September 2020 08:26

To: REDACTED TEXT

Cc: REDACTED TEXT

Subject: Licensing Act 2003 - Sabina Mini Market, 2 Tivoli Crescent, Brighton BN1 5ND - 2020/20263/LICPRM/EH

Importance: High

Dear Awarah Shikha

**Licensing Act 2003 - Breach of Licence Conditions
Unauthorised Licensable Activities
Sabina Mini Market, 2 Tivoli Crescent, Brighton BN1 5ND
Premises Licence Number: 1445/3/2016/04511/LAPRET**

I am writing to you as the Premises Licence Holder (PLH) for the above premises following a Licensing check carried out by my colleague from Sussex Police at the above premises on 28 August 2020.

At the time of the visit, you were carrying out unauthorised licensable activities as there was no Designated Premises Supervisor (DPS).

I have also received confirmation from the previous Designate Premises Supervisor (DPS) that they have not been since June 2016.

To date we have not received a change of DPS Application.

Every premises licence that sells alcohol has the following condition attached to it:-

Annex 1 – Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence
- (a) at a time when there is no designated premises supervisor in respect of the premises, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

This is printed on every licence issued by the Authority and you will find this on your copy of part A of your licence which was issued to you.

I must advise you that you must stop selling or displaying alcohol immediately, until the time when we receive an application to vary the premises licence to include a designated premises supervisor.

It was also noted at the time of the Licensing visit that you were also breaching the Premises Licence Conditions:

Annex 2 – Conditions consistent with the Operating Schedule

The Prevention of Crime and Disorder

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex police. CCTV footage will be stored for a minimum of 28 days and the management will give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested 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 and will be changed when British Summer Time starts and ends.

The Protection of Children from Harm

2. The premises will operate a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only forms of ID that will be accepted are passports and driving licences with a photograph or Portman group, Citizen or Validate proof of age cards bearing the 'PASS' mark hologram. The list of approved ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence.

You did not know how to work your CCTV and it was 28 minutes fast on the display, it does not cover all public areas

3. Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises.

You only had 1 suitable sign, you will need more in prominent locations to fulfil this condition.

4. All staff members engaged, or to be engaged in selling alcohol on the premises shall receive the following training in age-restricted sales:
 - Induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member, and refresher training thereafter no less than 8 weeks.
 - All age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Local Authority officers upon request.

You had no documentation available to be checked whether this was induction or refresher.

5. The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant.

6. The refusals book will be available upon request to Police staff, Local Authority and Trading Standards Officers.

The staff did not know where the refusals register was, and eventually found one under the counter but this had not been used since September 2019. The book was not reviewed every 4 weeks.

I remind you that 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 –**
- (a) 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
 - (b) 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

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as 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.

Please note this Authority and Sussex Police have officers monitoring the City both day and night. A copy of this email has been sent to Police Licensing.

Should you wish to discuss this further, please contact me on the below telephone number or seek independent legal advice.

Yours sincerely

REDACTED TEXT

APPENDIX C

From: REDACTED TEXT

Sent: 16 September 2020 17:20

To: REDACTED TEXT

Cc: REDACTED TEXT

Subject: Licensing Act 2003 - Sabina Mini Market, 2 Tivoli Crescent, Brighton BN1 5ND -

Importance: High

Dear Awarah

Following our telephone conversation below are details of adding a Designated Premises Supervisor (DPS) to a premises licence and details of applying for a Personal Licence.

As I explained to you on the phone, **you must stop selling or displaying alcohol immediately, until the time when we receive an application to vary the premises licence to include a designated premises supervisor.**

You cannot be the DPS until you have a Personal Licence, you currently only have a training certificate.

If you are going to ask someone to be the DPS, as I mentioned, this person should have day-to-day responsibility for the running of the business. You should also advise them that you have received an application to Review your premises licence.

Designated Premises Supervisors

A designated premises supervisor (DPS) is the person who has day-to-day responsibility for the running of the business.

All businesses and organisations selling or supplying alcohol, except members clubs and certain community premises, must have a designated premises supervisor.

Whoever holds this role must be named in the operating schedule, which you will need to complete as part of the application process, when you apply for a premises licence.

- [Submit a change of designated premises supervisor application online](#)
- [Download a paper application to change a designated premises supervisor](#)
- The new designated premises supervisor will need to [complete a consent form](#)

[Designated premises supervisor variation form privacy notice.](#)

[Designated premises supervisor consent form privacy notice.](#)

Personal licence to sell alcohol

You must be a personal licence holder to be the designated premises supervisor on a premises licence to authorise the sale of alcohol (unless covered by a temporary event notice).

This page has information about how to apply for a personal licence and for current personal licence holders.

How to apply for a personal licence

To apply for a personal licence you must have:

- an accredited qualification
- an up to date criminal record check
- completed application form and fee
- disclosure of convictions and civil immigration penalties and declaration form
- two passport photos ([signed on the back by a recognised professional](#))

Send your completed application to:

Licensing and Gambling
Brighton & Hove City Council
Bartholomew Square
Brighton
BN1 1JP

Application form and privacy notice

[Personal licence application form](#)

[Guidance and forms for applying for a premises licence to sell alcohol, late night hot food and drink or provide public entertainment](#)

[Personal licence application privacy notice](#)

Fee

The application fee is £37

- send a cheque with your application made payable to 'Brighton & Hove City Council'
- call us with your debit or credit card details on 01273 294429

We are unable to accept cash.

Qualifications

You must have an accredited personal licence qualification and send proof of this with the application.

Get a list of [accredited personal licence qualification providers from the GOV.UK website](#).

Criminal record checks

Applications must be accompanied by a criminal record check. The check must be issued no more than one calendar month before the application date.

- Basic Disclosure check – You can apply via the Disclosure and Barring Service on the [GOV.UK website](#). If you need phone or face-to-face support to apply online, call the DBS helpline on 03000 200 190 or email customerservices@db.s.gsi.gov.uk.

Please note this Authority and Sussex Police have officers monitoring the City both day and night.

Regards

REDACTED TEXT

APPENDIX D

