

# **APPENDIX B**

received: 06.10.2017  
consultation end date: 03.11.2017



2017/046831  
LAPREV  
VALID  
PCD  
PS  
PCH  
SC  
VALID

2017/046831/LAPREV

## Application for the review of a premises licence under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, <i>(insert name of applicant)</i>	Chief Supt Lisa Bell, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Giles York
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Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

#### Part 1 – Premises or club premises details

International (usually referred to as International Food & Wine)

Postal address of premises or, if none, ordnance survey map reference or description

17 Preston Road

Post Town

Brighton

Post code (if known)

BN1 4QE

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

Mr Heydar Pashazade

Number of premises licence or club premises certificate (if known)

1445/3/2017/03595/LAPRET

#### Part 2 – Applicant details

Please mark X for yes

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1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

2) A responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
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3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
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**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please mark X for yes

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title (for example, Rev)	
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Surname	First names
<input type="text"/>	<input type="text"/>

	Please mark X for yes
I am 18 years old or over	<input type="checkbox"/>

Current postal address if different from premises address	
<input type="text"/>	<input type="text"/>

Daytime contact telephone number	<input type="text"/>
E-mail address (optional)	<input type="text"/>

**(B) DETAILS OF OTHER APPLICANT**

Name and address	<input type="text"/>
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<b>Telephone number (if any)</b>
<b>Email address (if any)</b>

<b>(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT</b>
<b>Name and address:</b> Chief Supt Lisa Bell, Divisional Commander c/o David Bateup Police Licensing Officer Brighton & Hove Licensing Unit 2 <sup>nd</sup> Floor, Police Station John Street BRIGHTON BN2 0LA
<b>Telephone number (if any)</b> 01273 470 101 ext 58 12 14
<b>(Email address (if any))</b> brighton.licensing@sussex.pnn.police.uk

<b>This application to review relates to the following licensing objective(s)</b>	
	<b>Please mark X for yes (one or more boxes)</b>
1) the prevention of crime and disorder	<input checked="" type="checkbox"/>
2) public safety	<input checked="" type="checkbox"/>
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input checked="" type="checkbox"/>
<b>Please state the ground(s) for review (please read guidance note 1)</b>	

Sussex Police contend that the following licensing objectives have been seriously undermined:

- The prevention of crime and disorder
- Public Safety
- The protection of children from harm

Sussex Police assisted by Trading Standards regularly conduct test purchase operations in the City, when acting on intelligence, specific premises are identified and then an underage person is sent in to attempt to purchase alcohol.

The premises failed a police led test purchase operation in June 2017 when alcohol was sold to a child. Sussex Police attempted to engage with Mr Bilgic who was the joint Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH). Mr Bilgic responded by surrendering the licence, but the premises continued to sell alcohol.

Sussex Police then attempted to engage with the new DPS/PLH Mr Pashazade, and tried to arrange a meeting to discuss the premises and the failed test purchase. Mr Pashazade failed to engage with Sussex Police, left the country for an extended period and his current whereabouts are uncertain. Sussex Police have also attempted to engage with Mr Muslum Donmez, who claims to be owner and financial backer of the business, again without success.

Further visits to the premises have confirmed that the premises are breaching license conditions. Despite the efforts of Sussex Police, council licensing officers and trading standards, there appears to be no intention on the part of the shop supervision to address the concerns of the responsible authorities. Meanwhile the named DPS/PLH [Mr Pashazade] and the owner of the business [Muslum Donmez] continue to be elusive and still will not engage with responsible authorities.

Sussex Police have tried to take a stepped approach and work with the premises licence holder, and now as a last resort must apply for a review and bring this premises before a committee.

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

International Food & Wine is a convenience store situated on Preston Road between Preston Circus and the railway viaduct. The shop sells alcohol, cigarettes and other groceries, although the majority of floor space is dedicated to alcohol. Upon entry the service counter is on the left followed by various shelves displaying alcohol. On the right hand side of the shop there are various fridges and chiller cabinets. The first contains soft drinks and alcohol, and the following cabinets all contain alcohol, with more alcohol stored on the top of the fridges. The rear of the shop displays food and groceries. There is a store room inside the shop which is concealed by a display. Inside the store room there are boxes of alcohol stacked from the floor to the ceiling.

The premises is licensed for the following activities:

- Supply of alcohol (off sales) 08:00 – 03:00, seven days a week.
- Opening hours 08:00 – 03:00, seven days a week.

There is a residential flat above the shop (17a Preston Road), with the door to the flat at ground level directly next door to the shop. This is the registered address of the joint DPS/PLH, Mr Heydar Pashazade.

The premises has the following conditions on their licence:

## **Annex 2 - Conditions consistent with the Operating Schedule:**

### **For the prevention of crime and disorder:**

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to a standard specification following consultation 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.
2. The applicant and their staff are able to communicate with customers, the public, and representatives of statutory agencies to a level that satisfies Police and Trading Standards that they are able to meet the four licensing objectives.

### **For the prevention of public nuisance:**

3. Suitable signs will be fixed in positions easily visible to customers asking them to leave the premises quietly and have consideration for neighbouring residential properties.

### **For the protection of children from harm:**

4. The premises will adopt a policy whereby any person attempting to buy alcohol, who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted are passports, driving licence with a photograph, or Portman Group proof of age cards bearing the "PASS" mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence.
5. All staff who serve in the shop will receive full advance training in relation to the sale of alcohol, and especially the photographic ID and challenge 21 policy.

6. The premises will maintain a refusals book to record all incidences of alcohol and other age related products being refused to customers.
7. Young children will be allowed on the premises only if accompanied by an adult.

### **Annex 3 - Conditions Attached after a hearing of a Licensing Panel 19.10.07**

1. Between the hours of 19.00 and 23.00 Monday to Sunday, a minimum of 2 members of staff shall be on duty at the premises.

The premises licence was originally granted in 2007, with the most current licence issued by Brighton & Hove City Council in August 2017.

The history of the premises for International Food & Wine is as follows:

2007/01420/LAPREN – first granted 19.10.2007

PLH Kamber Koluman  
DPS Kamber Koluman

2008/01359/LAPREV – Variation received 22.07.2008 & granted 20.08.2008 to extend their alcohol hours until 3am (from 11pm), no representations were received and therefore there was no panel hearing.

2015/04971/LAPRET – granted 21.09.2015

PLH Dogan Bilgic  
DPS Dogan Bilgic

2017/03595/LAPRET – granted 18.07.2017

PLH Heydar Pashazade  
DPS Heydar Pashazade

There follows a chronological history of events involving the premises, which commences from September 2015 when Mr Bilgic took over.

#### **1. Friday 11<sup>th</sup> September 2015.**

Sarah Cornell, senior licensing officer at Brighton & Hove City Council, sent a warning letter addressed to the owner of the premises. This letter was sent following intelligence that Mr Koluman, the named DPS/PLH of the premises had sold the business two months previously and now had no involvement with the premises. However the premises licence was still in his name. The council letter requested that all alcohol be removed from sale and paperwork for the DPS and PLH showing the new owner be submitted as a matter of urgency.

#### **2. Monday 21<sup>st</sup> September 2015.**

The premises licence was transferred into the name of Mr Bilgic, who was also specified as the new DPS.

#### **3. Wednesday 28<sup>th</sup> October 2015, 21:10.**

A test purchase operation was conducted in the City by Sussex Police. Acting on intelligence, children entered the premises, where Mr Bilgic (the joint DPS and PLH) sold a bottle of Trouper Beer to a 16 year old male child. Mr Bilgic did not make any attempt to challenge the child about his age or ask for ID, money changed hands and the child walked out of the shop with the beer.

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Mr Bilgic then shouted after the boy asking him for his age, to which the child replied "I am 16 years old". [As part of the police operation the children are instructed to tell the truth about their age when asked, which is unlikely to occur with an underage member of the public]. The child then handed the beer back to Mr Bilgic. Mr Bilgic did not make any attempt prior to the sale to check the age of the child, which was seen on the CCTV and was corroborated by two police officer statements. Mr Bilgic did ask how old the child was only after the sale and (as confirmed on the CCTV) the child had left the premises. Technically the offence of selling alcohol to a person under 18 was complete. As Mr Bilgic was the DPS/PLH he was reported for summons for the offence. However the case was subsequently dropped by the Crown Prosecution Service.

**4. Thursday 5<sup>th</sup> May 2016, 18:45.**

A second test purchase operation was conducted at the premises at 18:45. The staff asked the child for ID and the sale of alcohol was refused.

**5. Friday 13<sup>th</sup> May 2016, 15:34.**

Mr Bilgic was telephoned by a member of police licensing and told that a test purchase had been conducted and the staff had refused the sale. He was advised to keep training staff, challenging customers for age ID and maintain a refusals book.

**6. Thursday 9<sup>th</sup> June 2016, 03:02.**

Mustafa Donmez (the shop manager) called 999 complaining that two males had come into the shop and walked out again, each taking a bottle of rum without paying for it. Officers attended the scene shortly afterwards and conducted a search of the area, but could not find the two males. They returned to the shop to reassure and speak to staff, and reported back that Mr Donmez was very irate and refused to speak to the officers or provide any information to support police action. In failing to support the officers, the licensing objective of the prevention of crime and disorder was undermined by the premises staff.

**7. Sunday 19<sup>th</sup> June 2016, 20:20.**

A police licensing check was conducted at the premises. Mr Bilgic was not in attendance, and Mustafa Donmez was in charge. It was noted that the shop was displaying foreign alcohol which did not have any English labelling. This is an offence under the food labelling regulations. The refusals book was produced and checked, with the last entry being on the 6<sup>th</sup> June 2016. The issue of non English labelled alcohol was communicated by Sussex Police to Trading Standards on the 21<sup>st</sup> June 2016.

**8. Thursday 15<sup>th</sup> June 2017, 19:00.**

A further test purchase operation was conducted at the premises by Sussex police and trading standards. The shop assistant sold a bottle of Heineken beer with an ABV of 5% to a 17 year old male child. A £90 fixed penalty notice was issued to the seller. The seller was questioned about his employment, and said he had only worked in the shop for a couple of weeks. The licence conditions were gone through and the staff member said he was unable to operate the CCTV. He stated that he had received age restricted sales training, but when he was asked about the content of the training, he replied "I don't know". He was asked about a challenge 21 policy (as per the licence condition), and said that he was familiar with this. However again when he was asked to provide greater detail, he was unable to provide any further information or demonstrate any understanding of the challenge 21 policy. The staff member was unable to produce a refusals register, and did not know what a refusals register was for.

Donna Lynsdale from Trading Standards accompanied police on this operation and conducted an inspection. Ms Lynsdale identified a large quantity of foreign alcohol with no English labelling on display. There was also a large quantity of alcohol in the stock room, stacked from the floor to the



ceiling, much of which also had no English labelling.

Police officers then asked to speak to someone in authority representing the premises concerning the unlawful sale, and were put through to Mr Daweed Donmez over the phone. Mr Donmez was instructed to remove all foreign labelled alcohol from display and ensure staff in the shop could operate the CCTV. Mr Donmez stated that he had seen the CCTV and the 17 year old child had in fact purchased tobacco and not alcohol. Subsequently the £90 fixed penalty notice was, in the opinion of Mr Donmez, invalid. The officers advised Mr Donmez to review his CCTV again, and that the seller was entitled to dispute the fixed penalty notice in court. It should be noted that tobacco is also an age restricted product that can only be sold to persons aged 18+. Subsequently the £90 fixed penalty notice was paid in full.

**9. Thursday 22<sup>nd</sup> June 2017:**

A letter from Mr Bateup [police licensing officer] to Mr Bilgic in his position as DPS/PLH was sent advising him that a sale of alcohol to an underage child had taken place on the 15<sup>th</sup> June 2017, and formally asking Mr Bilgic to attend a meeting at the police station on the 28<sup>th</sup> June to discuss the matter. The letter explained that the sale was an offence under S.146 of the Licensing Act 2003.

**10. Saturday 24<sup>th</sup> June 2017, 02:12.**

When staff at the shop were trying to close for the night, an intoxicated male blocked the front door to the shop and refused to move. The male swung a dog's lead at one of the shop staff, forcing him to duck out of the way. The dog lead hit the shop counter and the glass in the front door, causing damage. The male then leant over the counter and struck the shop assistant. The shop assistant managed to usher the male out of the shop using a golf club, at which point the male's dog bit the assistant. The male assailant continued to loiter outside the shop. Security at the kebab shop next door called 999, police attended and the male was arrested. This incident raises issues concerning staff safety. Officers investigating the incident were hampered by the premises as vital CCTV footage of the incident was only held on the shop hard drive for seven days and was deleted before it could be properly downloaded. The CCTV licence condition says CCTV footage should be recorded and retained for a minimum of 28 days.

**11. Tuesday 4<sup>th</sup> July 2017, 16:40.**

Mr Bateup obtained an email address for Mr Bilgic and sent him an email asking him to make contact in order to discuss the premises and the concerns held by Sussex police.

**12. Wednesday 5<sup>th</sup> July 2017, 14:00.**

Mr Bateup received a phone call from one of Mr Bilgic's colleagues in response to the letter of the 22<sup>nd</sup> June. The colleague stated that Mr Bilgic had left the UK to go to Turkey and therefore could not have attended the meeting on the 28<sup>th</sup> June.

Mr Bateup then emailed Mr Bilgic advising him that further action in respect of the failed test purchase would be suspended whilst Mr Bilgic was abroad. However the email made it clear that police were considering enforcement if there was no further contact from Mr Bilgic by 17<sup>th</sup> July 2017.

**13. Thursday 6<sup>th</sup> July 2017, 11:33.**

Mr Bilgic emailed Mr Bateup stating that he was on holiday in Turkey and requested if it would be possible to make further contact upon his return to the UK.

**14. Thursday 6<sup>th</sup> July 2017, 14:08.**

Mr Bateup replied immediately to Mr Bilgic stating that he acknowledged his personal

circumstances, but the premises had now failed two test purchases and Sussex Police were obliged to take action. Therefore a meeting with Mr Bilgic upon his return to the UK was a priority.

**15. Monday 10<sup>th</sup> July 2017, 14:36.**

Mr Bilgic sent an email to the council which stated "I would like to surrender the licence for International Food & Wine at 17 Preston Road, Brighton, BN1 4QE, to take immediate effect please".

**16. Monday 10<sup>th</sup> July 2017, 15:05.**

Mr Bateup received a phone call from Mr Bilgic who said he was in Turkey. Mr Bilgic stated that he was no longer the DPS or PLH, and that he had sold the business last year. He said that he had been in conversation with a council licensing officer earlier in the afternoon with a view to formally surrendering the premises licence. [It should be noted that the premises had continued to sell alcohol for the preceding year, although Mr Bilgic stated that this was without a DPS or PLH. However Mr Bilgic had failed to formally notify the Council of this fact].

**17. Monday 10<sup>th</sup> July 2017, 20:00.**

Mr Bateup received an email from Mr Bilgic which stated:

"Futher to our conversation i have surrendered my premises licence at 17 preston road, Brighton. I did not autroise anybody to extend or pay for any fees , neighter give anyone to serve alchol under my supervision. Please take action as i am not happy to anybody to use my name in serving underage persons or public as i have taken serious steps in the past to let this happen. I am victim of fraud as people have used my name and still carrying on illegally serving alchol. I have not signed any paper to transfer the licence in anybodys name please take action and stop these people. Please do not hesatate to contact me as i have not given any permission for anybody to act on my behalf. Many Thanks."

**18. Tuesday 11<sup>th</sup> July 2017.**

The licence was surrendered under Section 28 of the Licensing Act 2003. Once surrendered there is a 28 day period where under Section 50 someone can apply to Transfer the licence.

Donna Lynsdale made contact with Mustafa Donmez who said he was the manager at the premises. Donna advised Mustafa that the council had received an email from Dogan Bilgic surrendering the licence. Mustafa replied that he was unaware of this. Meanwhile the premises was still selling alcohol. Donna advised Mustafa that they would need to submit a completed PLH and DPS transfer/variation form for International Food & Wine if they intended to continue selling alcohol. Later that day Mustafa arrived at the council officers with the aforementioned paperwork, specifying Heydar Pashazade as the new DPS/PLH.

**19. 31st July 2017.**

Mr Bateup sent a formal letter to Mr Pashazade notifying him in his position as the new DPS/PLH of the sale of alcohol to a child on the 15<sup>th</sup> June 2017. The letter then requested that Mr Pashazade attend a meeting with police licensing at 11:00 on 16<sup>th</sup> August to discuss the matter.

**20. Monday 7<sup>th</sup> August 2017.**

Donna Lynsdale from Trading Standards sent a warning letter to Mr Pashazade covering the following:

- Staff breaching condition 2 of the licence as they did not know or understand conditions on the licence;

- The PLH breaching conditions of the licence as staff did not know what a refusals book was or where the refusals book was;
- Annex 3, 1 was being breached as sometimes only one member of staff was on duty;
- The premises had voluntarily signed up to the Sensible on Strength Scheme, but had two alcoholic drinks for sale with ABVs of 7% which are above the 6% ABV limit;
- Three alcoholic products were on sale with no English labelling despite Ms Lynsdale advising the premises in numerous occasions that this was not permitted.
- Ms Lynsdale returned to the shop two days later only to find the 7% ABV products and non English labelled products still on display;
- The shop assistant did not know who the owner or DPS was.

**21. Friday 11<sup>th</sup> August 2017, 13:00.**

Mr Bateup noted that there had been no acknowledgement or contact from Mr Pashazade in response to the letter sent on the 31<sup>st</sup> July 2017 asking Mr Pashazade to attend a meeting on the 16<sup>th</sup> August. Therefore Mr Bateup compiled another letter [dated 11<sup>th</sup> August 2017] addressed to Mr Pashazade at the shop. Mr Bateup then personally attended the shop at 13:00 and entered the shop, handing the letter to a male working behind the counter. Mr Bateup then posted a further copy of the letter through the letter box at 17a Preston Road, which is the door directly next door to the shop, leading to the flat above the shop. This is the official address of Mr Pashazade in his capacity as DPS/PLH of the premises, and is the address stated on the forms submitted by Mr Pashazade to the council when he had the licence transferred into his name. Subsequently there was still no response from Mr Pashazade.

**22. Tuesday 15<sup>th</sup> August 2017, 16:55.**

A police licensing visit was conducted at the premises. A lone member of staff was in the shop who stated that Mr Pashazade had left the UK for Turkey on the 13<sup>th</sup> August, and would be returning in ten days. The employee stated that he did not work there often but helped out occasionally. Part B of the licence was on display as well as challenge 25 posters.

Part A of the licence could not be traced but was eventually found inside a refusals book. The CCTV system did not appear to be working as the screen was blank and there were no lights on the system unit. The assistant stated he did not know how to operate it, which is a breach of the licence CCTV condition.

The assistant stated he was aware of challenge 25, but was not aware of condition 7 on the licence. There were no training records available for inspection upon request, and the assistant was unable to tell the visiting officers anything about staff training and whether it took place.

A bottle of alcoholic drink was identified by the officers on the shelves with a sell by date of September 2016 – nearly a year out of date.

The officers commented that the vast quantities of alcohol being stored in the store seemed more appropriate for a mid sized supermarket, and were excessive for a small convenience store such as this.

**23. Tuesday 15<sup>th</sup> August 2017, 11:30.**

Mr Bateup received a phone call from Donna Lynsdale at Trading Standards. Donna reported that she had had a conversation with Mr Mustafa Donmez the shop manager. Mr Donmez stated that he had not received Donna's letter of the 7<sup>th</sup> August 2017, but he wanted to discuss specific points in the letter. It is not entirely clear how Mr Donmez could discuss points in the letter if he had not received it. Mr Donmez then disagreed with various points in the letter. Mr Donmez could not say

what the four licensing objectives were when asked. Donna also asked about interaction with Sussex Police and whether the shop would be having a meeting with Sussex Police as per their repeated requests. Mr Donmez confirmed that Mr Pashazade had received the letters from Mr Bateup, and that Mr Pashazade had left a message on Mr Bateup's voicemail in response. Mr Bateup does not have voicemail on his work phone, and thus leaving him a voicemail message was impossible. Mr Donmez stated that he and Mr Pashazade were leaving the UK the following morning to go to Turkey for a wedding, and would be gone for some weeks.

#### **24. Wednesday 16<sup>th</sup> August 2017**

Mr Bateup approached Cat MacBeth at Trading Standards and asked her to conduct a visit to the premises in view of the ongoing issues at the premises and concerns about the apparently excessive quantities of alcohol being stored at the shop. Cat MacBeth responded that she was already planning a future visit as the premises was already known to her as a problem.

#### **25. Thursday 16<sup>th</sup> August 2017.**

The time for the requested meeting at the police station to be attended by Mr Pashazade was 11:00. Mr Pashazade did not turn up and there was no communication from him to explain why or suggest an alternative meeting date.

At 12:00 Mr Bateup received an unexpected call from Mr Muslum Donmez [hereafter referred to as Muslum to avoid confusion with Mustafa Donmez]. This was the first contact Sussex Police had with Muslum, who confirmed that he was aware there was a meeting scheduled with Mr Pashazade at 11:00, and that Mr Pashazade had not attended. Muslum had travelled down to Brighton from London to have a meeting with police licensing, and was now standing outside the police station. Although Muslum did not have an appointment, Mr Bateup accompanied by PC Bernascone [a licensing police officer] immediately met with Muslum and had a long discussion, which can be summarised as follows:

- Muslum stated he is the real owner of International Food & Wine, and has invested £175,000 of his own money in the operation. He knew nothing about licensing and was a chef by profession, based in London where he also owned three other businesses.
- When specifically asked by Mr Bateup how long he had owned International Food & Wine, Muslum stated that he acquired the lease two years previously, and has owned the business ever since despite the various changes in the named DPS/PLH. He stated that Mr Pashazade and Mr Mustafa Donmez are friends of his, and he has effectively stood back and returned to London, allowing them to run International Food & Wine by themselves. Muslum commented that with hindsight this decision was a mistake in view of recent events, and that he should have put his own name on the licence as PLH. Muslum also said that he knew Mr Bilgic, the owner of the freehold of the shop.

Mr Bateup then explained the chronological history of events at the premises and went through the various licence breaches, the failed test purchases, and the problems that Trading Standards were also having with the shop management. Muslum was advised that police wanted to work with the premises and assist the shop to improve, so it could continue trading and be successful. However Mr Bateup's efforts were continually being frustrated by the premises management to the point where management were being perceived as deliberately evasive and unprofessional. Ultimately this would lead Sussex Police to take enforcement action which may place the premises licence at risk. This was therefore a matter that Muslum as the owner and financier of the business, along with Mr Pashazade as the DPS/PLH, should take extremely seriously.

At this point Muslum said that he would remove all of the existing staff and management from the shop as they were incompetent, and put a completely new team in which he would hand pick himself.

Mr Bateup explained that whilst police licensing were pleased to meet with Muslum, Mr Pashazade was the named DPS/PLH on the premises licence, and it was to him that police licensing needed to speak. Mr Pashazade had still not attended the requested meeting with police, and he had now gone to Turkey. Therefore Muslum was asked to contact Mr Bateup again the minute that Mr Pashazade returned to the UK. Then Muslum would be expected to return back to the police station with both Mr Pashazade and Mr Mustafa Donmez (the member of staff who described himself as the shop manager) by prior appointment for a meeting with police licensing to discuss the ongoing problems with the shop including licence breaches, the failed test purchases, licence conditions and staff training.

**26. Thursday 24<sup>th</sup> August 2017, 12:54.**

Mr Bateup sent an email to Muslum referring to the meeting on the 16<sup>th</sup> August, and reminding Muslum that police licensing were waiting for him to make contact and arrange a meeting as soon as Mr Pashazade returned to the UK from Turkey.

**27. Thursday 31<sup>st</sup> August 2017, 08:21.**

Mr Bateup sent a further email to Muslum stating that he had not received a response to his email of the 24<sup>th</sup> August, and asking again when Mr Pashazade would be back from Turkey to enable a further meeting with police licensing to go ahead. The email made it clear that Sussex Police were considering a review of the premises licence, that they were not happy with the management and control of the shop, and that Muslum and Mr Pashazade were running out of time to demonstrate that they were willing and able to work with police to promote the licensing objectives. The lack of contact evidenced that Mr Pashazade was not in day to day control of the premises.

**28. Monday 4<sup>th</sup> September 2017, 08:29.**

Muslum replied to the email from Mr Bateup stating that he had to attend to a personal family matter, and that Heydar Pashazade had not given him [Muslum Donmez] a date when he would be returning from Turkey to the UK. Mr Donmez said that as soon as he knew when Mr Pashazade would be returning to the UK, he would be in contact again.

**29. Tuesday 5<sup>th</sup> September 2017, 01:48.**

Mr Daweed Donmez called 999 stating that he was the manager of the shop. He complained that he was upset with the police as he had called 999 the previous day to report a theft of £839.81 of alcohol from the shop, and that police had not responded. Daweed Donmez alleged that on the 4<sup>th</sup> September at 23:30 two males came into the shop and paid for £169.96 worth of alcohol and tobacco and loaded a further £839.81 worth of alcohol into the back of their car. However instead of making a payment for the £839.81 they instead snatched their credit card, ran out of the store and drove off at speed. Officers conducted a full search to trace the alleged phone call to 999 on the 4<sup>th</sup> September, without success. The committee is invited to consider this incident again later in this review when issues with CCTV not working, are highlighted.

**30. Thursday 7<sup>th</sup> September 2017, 02:32.**

Heydar Pashazade sent an email to Mr Bateup stating:

“Dear Bateup, I'm really sorry for missing your posts unfortunately we don't have access to the 17 Preston road bn14qe Brighton it have to be 17 a Preston road Brighton bn1 4qe I do understand your consor but seriously I haven't received it even I have been in hove police

station before I went holiday regarding this matter I have been told that you guys will arrange an appointment my colleague did call me and send picture of letters u send it to us as I said we have never received because of we don't have access to the next door but I'll be back to England soon and arrange the soonest date to come and see you at police station regarding this matter. Many thanks in advance. Best regard. Heydar pashazade.”

**31. Thursday 7<sup>th</sup> September 2017, 11:42.**

Mr Bateup replied to the email from Mr Pashazade stating that:

- that the official address of the DPS/PLH [Mr Pashazade] on the premises licence was 17a Preston Road;
- a police letter had been sent to Mr Pashazade correctly addressed to him at the shop on the 31<sup>st</sup> July asking him to attend a meeting on the 16<sup>th</sup> August 2017 to discuss the failed test purchase, and asking Mr Pashazade to acknowledge receipt of the letter and email in advance to confirm his attendance on the 16<sup>th</sup> August;
- when no reply was forthcoming to that letter, Mr Bateup then wrote a second letter to Mr Pashazade, and personally hand delivered the letter into the hands of an employee in the shop who opened the letter in front of Mr Bateup. Furthermore, a copy of that same letter was hand delivered by Mr Bateup through the letterbox of 17a Preston Road during the same visit;
- During a subsequent conversation between Mustafa Donmez (the male at the shop who described himself as the manager) and Donna Lynsdale [Trading Standards at Brighton & Hove City Council], Mustafa stated to Donna that Mr Pashazade had received the letters;
- On the 16<sup>th</sup> August an hour after the appointment time of 11:00 and after Mr Pashazade failed to attend or offer any apology or explanation, Muslum Donmez turned up unannounced at the police station asking to speak to police licensing. During the subsequent meeting Mr Donmez had the letters [which Mr Pashazade claimed he had not received] in his hand as he spoke to the police licensing officers;

The email also asked Mr Pashazade:

- who in his apparent extended absence overseas had delegated authority to act as DPS;
- when Mr Pashazade would be returning to the UK from Turkey in order to have the urgent meeting requested by Sussex Police to discuss concerns about management and control of the shop and the recent failed test purchase.

**32. Wednesday 13<sup>th</sup> September 2017, 13:00.**

A police licensing visit was conducted at the premises. Mustafa Donmez was on duty and described himself as the manager. He said that he was a personal licence holder but had yet to receive his personal licence, having only just taken his exam. Mustafa said Mr Pashazade was still the DPS, but he was still in Azerbaijan. Mustafa was challenged as to why he said Mr Pashazade was in Azerbaijan when everyone else involved with the running of the shop told police he was in Turkey. Mustafa reiterated that Azerbaijan was the correct destination, and that Mustafa had even been in Azerbaijan with Mr Pashazade. Mustafa was unable to say when Mr Pashazade would be returning to the UK. Mustafa was asked about the issue of the flat above the shop being Mr Pashazade's official address as PLH on the premises licence for International Food & Wine. Mustafa confirmed that the shop had a key to gain access to 17a Preston Road to collect all mail.

Mustafa was asked about the recent large value theft of alcohol and asked to provide police with CCTV footage. CCTV footage being recorded externally and internally and retained for a

minimum of 28 days is an express condition on the licence. Mustafa showed footage of the suspects on his mobile phone. When asked to download footage of the theft from the shop CCTV as per the condition, Mustafa replied that this was impossible as the shop CCTV only recorded for one day, and that this had been the case for some considerable time. This is clear breach of the licence condition for CCTV, with the period of time between the incident and this police visit being only nine days. Mustafa then told the officers that the CCTV footage was held at their head office, but he was unable to tell the officers the exact location of the head office, or whether the head office would be able to download the footage and provide it to police. Subsequently the premises nor the alleged head office has made any effort to provide the CCTV footage of the high value theft of alcohol. The attending officers explained to Mustafa that the CCTV must record for 28 days as per the licence condition annexe 2, condition 1, but Mustafa, in the opinion of the officers, seemed to be unconcerned about this. At no point did he make any assurances or say anything to confirm to the officers that this important security issue would be remedied.

The refusals book was checked. The officers noted that there were plenty of entries in the refusals book, but they were all in the same pen and identical handwriting. Mustafa was asked to ensure that all staff complete the refusals book at the time of each refusal.

Mustafa was asked to produce training records for each member of staff. Mustafa replied that he could not do this as all the training records had been removed from the premises by Donna Lynsdale as she had conducted training for the staff. Mr Bateup later checked this with Ms Lynsdale, who confirmed that she did not have any training records for the shop.

Mustafa was asked about condition No. 7 on the licence [Young children will be allowed on the premises only if accompanied by an adult.] Mustafa replied that he disagreed with this condition and that children do come into the shop to collect items. Mustafa was advised that the premises must either comply with the condition, or take necessary steps to have the condition amended or removed.

The officers noted that the actual layout of the licensed area was different to the layout on the premises licence floor plan. Mustafa was advised that in accordance with the Licensing Act 2003, any alteration of this nature may only be made following a successful variation application.

The officers also inspected goods on display in the shop and noted two food items (biscuits and chocolate) past their sell by dates. Again there was foreign manufactured alcohol display with no English labelling.

### **33. Monday 18<sup>th</sup> September 2017, 14:42.**

Mr Bateup received an email from Mr Pashazade as follows:

"Dear Sir, I believe your colleagues went down to the shop regarding my address as can be seen it clearly show on my certificate. Best regards, HP"

The email contained an attachment with a copy of Mr Pashazade's personal licence, showing his home address in north London on it. However the address on Mr Pashazade's personal licence is irrelevant. The official address of Mr Pashazade on the premises licence for International Food & Wine remains 17a Preston Road, which is the flat above the shop. Failure to notify the council of a change of address is an offence under S.33 of the Licensing Act 2003.

It should be noted that the email did not address or answer any of the points Mr Bateup raised in his communication of the 7<sup>th</sup> September, including when Mr Pashazade would be returning to the UK, assuming he was not back in the country already. At this point 94 days had passed since the

failed test purchase on the 15<sup>th</sup> June 2017, and despite the best efforts and perseverance of Sussex Police and their attempts to work with the premises licence holder, there had still been no meeting date set to discuss matters with the premises licence holder.

#### **34. 21<sup>st</sup> September 2017, 14:07.**

Sarah Cornell [senior council licensing officer] sent an email and a letter to Mr Pashazade regarding the issue of the official address for Mr Pashazade. He was asked to confirm if the 17a Preston Road (the flat above the shop) was his address, as this was the address Mr Pashazade stated as his address in his transfer application in July 2017. Alternatively he was reminded if he wanted to change the address to the address on his personal licence (as per his email to David Bateup at police licensing on the 17<sup>th</sup> September 2017), then he had a legal duty to communicate it to the council.

Ms Cornell also asked Mr Pashazade who has day to day control of the business, if Mr Pashazade, as the named DPS, has a residential address in north London. The issue with the floor plan on the premises licence being different to the actual layout of the shop was also raised, with a request to Mr Pashazade to submit a minor variation to rectify the issue.

At the date of submitting this review application, there has been no response by Mr Pashazade to this email and letter from Brighton & Hove City Council. It should be noted that the letter was specifically addressed to Mr Pashazade at his north London address, which was the address he has specified for all future communications.

#### **Conclusion**

Sussex Police, Trading Standards and Council Licensing have endeavoured to work with the premises over a number of months.

Sussex Police adopt a stepped approach to problem premises in line with the S.182 Guidance. It should be noted that on the night of the test purchase operation on 15<sup>th</sup> June 2017, four other licensed premises failed a test purchase and sold alcohol to a child. The DPS and PLH of all four premises responded immediately to Sussex Police requests for a meeting to discuss the sale to a child, management of their respective premises, staff training and licence conditions. All four premises subsequently had meetings with us, and where appropriate new conditions were added to their premises licenses to promote the licensing objectives, by the premises themselves on a voluntary basis.

In contrast Sussex Police have still been unable to have a first meeting with the DPS/PLH of International Food & Wine. This is despite the continuing efforts by Mr Bateup to try and work with the premises over a sustained period. When Mr Bateup made it clear to Mr Bilgic in Turkey that he needed to have a meeting with him to discuss the failed test purchase, Mr Bilgic responded by surrendering the licence to the local authority. Meanwhile staff and the manager at the shop were unaware he had done this.

When the council informed the shop manager that the licence was surrendered and alcohol would have to be removed from sale, Heydar Pashazade was then put forward as the new DPS/PLH.

Mr Pashazade was then requested in writing to attend the police station for a meeting to discuss the sale of alcohol to the child. Sussex Police invite the Committee to consider if on the balance of probabilities Mr Pashazade did receive the letters from Mr Bateup. Mr Pashazade claims he did not receive them, but:



- Mustafa Donmez said to Donna Lynsdale that Mr Pashazade had received them;
- Mustafa said that Mr Pashazade had told Mustafa that he had left messages on Mr Bateup's voicemail in response to the letters. This is impossible as Mr Bateup does not have voicemail.
- Muslum arrived unannounced at the police station on the day of the meeting that Mr Pashazade did not attend without explanation, holding the letters addressed to Mr Pashazade. If Mr Pashazade had not received them, then how did Muslum have them?
- Mr Bateup hand delivered two copies of the second invitation letter to Mr Pashazade on Friday 11<sup>th</sup> August. One into the hands of a member of staff working inside the shop, and the other through the letter box at 17a Preston Road [the official address of Mr Pashazade on the premises licence]. The member of staff in the shop immediately opened the letter which was on Sussex Police letterhead, and was clearly an urgent and important matter.
- Mustafa Donmez told Donna Lynsdale on the 9<sup>th</sup> August that he and Mr Pashazade were leaving the following Monday [14<sup>th</sup> August] to go to Turkey for three weeks. Therefore at the time Mr Bateup hand delivered the second letter, Mr Pashazade was still in the UK.
- During the licensing visit on the 13<sup>th</sup> September Mustafa admitted that the staff did have a key to 17a Preston Road in order to collect post.

If alternatively Mr Pashazade did not receive Mr Bateup's postal letter and hand delivered letters personally addressed to him, then are the processes and management in place at the premises so poor that the licence should be revoked?

Muslum has told Sussex police that he has been the owner of the business for several years. Therefore the unlawful sale of alcohol to a child on the 15<sup>th</sup> June 2017 when Mr Bilgic was the named DPS/PLH is was not expunged from the record when Mr Pashazade took over as DPS/PLH. Muslum was still the consistent presence as the owner and financial backer throughout, and continues to be so. Muslum as the owner and Mr Pashazade as DPS/PLH are fully aware that they are being closely monitored and are a cause of concern to three responsible authorities. However they continue to show a cavalier attitude to adhering to their licence conditions, having any sort of mediation or working relationship with the three authorities, and ultimately promoting the licensing objectives.

Mustafa Donmez, who describes his position as shop manager, told police when asked to produce training records that Donna Lynsdale had them. Donna has confirmed to police she does not have any training records. Mustafa Donmez appeared to be unconcerned that the CCTV only recorded for 1 day when the licence condition stated 28 days. This is despite the fact that alcohol totalling nearly £900 was allegedly stolen from the premises, and the premises has a licence to sell alcohol until 03:00. Staff working in the premises late at night are potentially more vulnerable to abuse and occasionally violence, and proper and effective CCTV coverage and recording is essential in promoting the licensing objectives, specifically the prevention of crime and disorder and public safety. [During the incident on the morning of 24<sup>th</sup> June the member of staff in the shop even resorted to using a golf club in self-defence.]

At this stage it is appropriate to refer to the Guidance issued under S.182 of the Licensing Act 2003:

Paragraph 11.10 on page 88 of the revised S.182 Guidance states: Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.

Sussex Police contend that they have taken considerable time and effort to work with Mr Pashazade, without success. Mr Pashazade does not engage with Sussex Police, and accordingly Sussex Police are required by the S.182 Guidance to apply for a review.

Paragraph 11.22 at page 90 states: Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented.

Paragraph 11:23 concludes with the sentence: But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Paragraph 11.30 states: There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises:

For the illegal purchase and consumption of alcohol by minors.....

11:28 states: It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime and disorder objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

11.07 states: The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 states: However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

The Council Statement of Licensing Policy at page 49, annex A, refers to problem premises on probation and yellow and red cards. This refers to giving premises the opportunity to reform. Annex A, paragraph 4 states:

The proposed interventions below would not prevent the giving of an instant red card in an

appropriately serious case. It should be realised that a "test purchase" failure often masks multiple offences that have gone undetected. It can also be contended that the use of the probation period cannot be made to good effect when the PLH/DPS refuses to engage with the responsible authorities.

Sussex Police invite the committee to consider whether in fact this premises has already been on probation for a number of months, and has persistently shown a total lack of interest, concern or willingness to work with the responsible authorities. The premises have already been issued two 'yellow cards' in the form of official warnings letters from the council. Further 'yellow cards' have been issued both verbally and in writing by Mr Bateup to Muslum Donmez and Mr Pashazade.

The premises sold alcohol to a child on June 15th 2017. Three and a half months later Sussex Police have not been able to have any constructive dialogue with the PLH, and he has not given us any indication that he will cooperate in the future. Efforts to resolve this have also been made through Muslum Donmez who states he is the owner and financial backer of International Food & Wine. Sussex Police have waited for the PLH to return from Turkey in an attempt to work with him. Mr Donmez and Mr Pashazade are well aware that Sussex Police have concerns about failings at premises, and yet still no meeting has taken place.

Sussex Police therefore invite the council licensing sub committee to consider revoking the premises licence for International Food & Wine. All attempts and avenues to work with the premises have now been exhausted. Sussex Police cannot risk further incidents occurring at a premises which persistently fails to adhere to conditions on its licence; placing members of the public at risk, and children at serious risk of harm of being supplied alcohol.

Please mark X for yes

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

If yes please state the date of that application

 /  / 

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

[Empty rectangular box for content]

Please mark X for yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)

*A. See*

Date: 05/10/2017

Capacity: Chief Superintendent.

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

David Bateup (or Mrs Claire Abdelkader in Mr Bateup's absence)  
Brighton & Hove Licensing Unit  
Police Station  
John Street

**Post town**

Brighton, East Sussex

**Post code**

BN2 0LA

**Telephone number (if any)**

01273 470 101 ext 58 12 14

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

brighton.licensing@sussex.pnn.police.uk

#### Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.

