

APPENDIX C

Kerry Howard
3 Circus Mews, 19-21 Preston Road
Brighton, BN1 4QE

Valid
PPN
PCD
PCH

Brighton & Hove City Council

Acting Head of Regulatory Services
Health & Safety & Licensing
Bartholomew House,
Bartholomew Square
Brighton
BN1 1JP

23 OCT 2017

Health Safety & Lic

19/10/2017

Dear Sir

SC CON ENDS 3/11/17

RE: International Food & Wine, 17 Preston Road, Brighton, BN1 4QE Licence Review

According to a public notice the Police have requested a review of the licence of the above premises. Whilst the this review is taking place I would like to make a representation to be taken into account, the issues are as follows:

- Playing Loud Music
- Serving intoxicated customers
- Customers sitting outside in the bus stop smoking and drinking and being loud.
- Empty cans and bottles being left on our entrance step
- Almost daily, customers urinating in our entrance due to the fact they are so drunk
- Serving under age customers alcohol
- Serving cans that clearly say not for individual resale
- Parking on the pavement to make deliveries and staying hours, this is evening when wardens are no longer around.
- The activities of the shop lead to numbers of people outside causing noise.

The shop currently has a 3am Licence, why? The only people around at 3am are already drunk and not in need of anymore alcohol.

I hope these points will be taken into account when reviewing this licence. This is a residential area and we should not have to put up with this anti-social behaviour every night. This noise starts from 6pm every evening, there is no reason it should be allowed to constantly happen and certainly no reason it should go on until 3am every night. Some consideration has to be given to those of us who live here.



4 Circus Mews
19-21 Preston Road
Brighton
East Sussex
BN1 4QE

19th October 2017

Dear Sirs/madam

RE - *International Food + Wine, as attached.*

SC CONDENS 3/11/17

Further to the recent notice that was put on in International Food. I am not happy with them having a late license or being open at all.

We have lived in my property for the last 17 years and living next to the shop is getting worse and worse. We would like to raise the following points.

The staff in the shop seems so young, there is always 1 member of staff working there and they don't speak one word of English.

The amount of alcohol delivered to the premises is huge, most of the deliveries are in a white van and usually is delivered late at night, at times 1am in the morning. I don't understand how they sell this much alcohol.

All the food is out of date, we never shop in there now due to this fact, up to a year out of date. We feel intimidated by staff late at night as they all stand in the bus stop and to my security gate smoking and staring.

There has been a huge increase of drug deals that happen outside the shop.

My security gate is situation next door and drunk people argue and urinate in the door way.

I have had to call the police twice to incidents in the early hours of the morning, fighting arguing.

I can hear music playing until 3 am#

I have witnessed them serving teenagers around the age of 16 alcohol and cigarettes.

With living in the area for the last 17 years we can see that this has brought the community down. We speak to shop owners along Preston Road, who the owners of International Food intimidate and they are scared of them. This should not be happening.

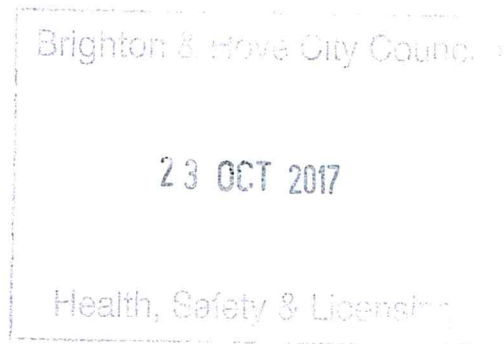
We would like to see the shop having to close at a reasonable time and for there extended license to be removed.

I feel that the shop is working illegally and bringing trouble to the neighbour hood.

Yours faithfully

Miss Rebecca Shannon & Mr John Ryce

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2017/04683/LAREV

Vanessa Archer

From: Philip Wells <philipwells@btinternet.com>
Sent: 24 October 2017 14:24
To: EHL Safety
Cc: Lucy Dunleavy
Subject: 1445/3/2017/04683/LAREV

Valid ✓
PCD
PPN
PCH

Dear Licensing

International Food and Wines : 1445/3/2017/04683/LAREV

I have been asked by London Road Area Local Action Team to comment on the above licensing review expressing our concerns.

1. We believe that good management of Licensed premises in our locality is of utmost importance to the safety of residents and the long term economic success of the area. This involves the good keeping of records, and competent training of staff which does not appear to be the case at present.
2. We understand that some residents have commented to the effect that there have been incidents of anti-social behaviour linked to these premises - late night noise, rowdy and drunken behaviour. We fully support residents in their expectation of good order in our streets. We call upon the licensing panel to do all they can to ensure these standards in terms of the licensing objectives, including removal of licence if necessary.
3. As the licensing panel will be aware London Road (Preston Road is a continuation of London Road) is an area special sensitivity within the licensing matrix and these premises are just a few metres north of Preston Circus.
4. We urge the panel to ensure that food and drink (especially alcoholic drink) supplied to the general public is sold within date, and correctly labelled in English. This does not appear to be the case at present.
5. We urge the panel to ensure that alcohol is not served to minors - as per licensing objective.

If further information comes to light before the closing date I will be sure to pass it on.

yours faithfully,

Philip Wells

London Road Area LAT Chair

c/o 72 Viaduct Road,

Brighton,

BN1 4NG



**Brighton & Hove
City Council**

Regulatory Services

Trading Standards
Bartholomew House
Bartholomew Square
Brighton BN1 1JP

The Licensing Technical Support Officers
Environmental Health
Brighton and Hove City Council
Bartholomew House
Bartholomew Square
BRIGHTON
BN1 1JP

Date: 30 October 2017
Our Ref: JP/CM
Your Ref:
Phone: 01273 292488

e-mail: jo.player@brighton-hove.gcsx.gov.uk

*Valid ✓
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Dear Sirs

**Representations in respect of an application for a Review of a Premises Licence –
International Food and Wine – 17 Preston Road Brighton BN1 4QE**

I can confirm that Trading Standards wish to make representations in support of the application by Sussex Police seeking a review of a Premises Licence.

Trading Standards involvement with these premises, the Premises Licence Holder and his partners is detailed more fully in the statement of Miss Macbeth, Senior Fair Trading Officer.

These premises have a lengthy history of non compliances with Trading Standards enforced legislation and a history of being involved in the sale of illicit alcohol, both with regards the previous owners and the current owners and Premises Licence Holder.

At no time has the current Premises Licence Holder and DPS been in contact with Trading Standards nor has he been witnessed by any Responsible Authority to be involved in the running of the licensed premises. Individuals working in the shop have denied knowing the Premises Licence Holder and DPS; it is therefore clear that the DPS has no involvement in the business.

Individuals involved in the business have been evasive and have provided false information to officers.

The premises have failed 2 Underage Test Purchases on 28 October 2015 and 15 June 2017; whilst these pre-date the licence being transferred into the name of Heydar Peshazade, they fall within the period of time that Muslum Donmez states he has owned the business. Further intelligence has been received that the premises continues to sell alcohol and tobacco products to underage children.

On 11 October 2016 illicit alcohol was discovered on the premises.

On 24 August 2017 illicit alcohol and tobacco products were discovered on the premises.

Telephone: (01273) 290000

Web: www.brighton-hove.gov.uk

On 23 October 2017 illicit alcohol was discovered on the premises.

The premises have been advised on a number of occasions about breaches of Trading Standards enforced legislation, yet the owners and Premises Licence Holder appear to have a wilful disregard for complying with the law; in the case of foreign labelled food and selling food past its use by date, they are selling unsafe food thereby putting their customers' health at risk.

The Licensing Act requires an individual with a personal licence to act as the Designated Premises Supervisor in order for the licensed premises to sell alcohol; it is Trading Standards contention that the Premises Licence Holder and DPS, Heydar Pashazade, has no involvement in the business and is merely designated as such, to circumvent the requirements of the Act in order to sell alcohol.

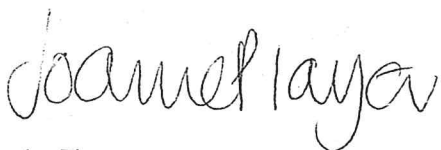
These premises have been used for the sale of illicit tobacco and illicit alcohol. Businesses that are willing to trade in illicit product receive an unfair trading advantage over legitimate businesses. Non payment of duty and VAT has an impact on both the local and national economy.

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 includes the sale of smuggled goods.

Trading Standards have no confidence in the Premises Licence Holder and DPS or the other individuals who are running the business to either comply with Trading Standards enforced legislation or to meet any of the Licensing Objectives.

In the circumstances, Trading Standards support the application of Sussex Police seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objectives, the prevention of crime and disorder, the protection of children from harm and public safety are met.

Yours faithfully



Jo Player
Trading Standards Manager

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*Valid ✓
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The Licensing Technical Support Officers
Environmental Health
Brighton and Hove City Council
Bartholomew House
Bartholomew Square
BRIGHTON
BNI IJP

Date: 30 October 2017
Our Ref:
Phone: 01273 292494
e-mail: donna.lynsdale@brighton-hove.gcsx.gov.uk

Dear Sirs

Licensing Act 2003 - Representation in Support of Review application by Sussex Police of International, 17 Preston Road, Brighton BNI 4QE

I refer to the application made by Sussex Police seeking to review the Premises Licence for International, 17 Preston Road, Brighton BNI 4QE.

I write in support of this review on the grounds of the Protection of Children from Harm and Prevention of Crime and Disorder.

On 16 June 2017 an underage test purchase of alcohol was carried out with Sussex Police. The volunteer was served without any challenge. The seller had only worked in the premises for two weeks and had very little understanding of English. A neighbour from the Turkish take-away premises next door translated for the seller.

Also at the same time of this visit, I observed a lot of stock without English labelling. I referred this to my colleague, Catriona Macbeth in Trading Standards.

On 22 June 2017 I carried out a visit following the failed test purchase. Again on this visit I observed a large quantity of items without English labelling. I informed the member of staff 'Liwane' that these items must be removed until labelled in English. I again passed this on to my colleague Catriona Macbeth.

On 10 July 2017 I was allocated a job sheet. The current Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS), Dogan Bilgic, had contacted licensing team to advise that he sold the business a year earlier, however we had not received a transfer application.

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Telephone: 01273 290000
www.brighton-hove.gov.uk

On 11 July 2017 I received a call from Mustafa Donmez who said he was the Manager for International. I informed him of the communication from Dogan Bilgic surrendering the alcohol licence. He told me he was not aware of this. I advised him that a transfer application would need to be submitted if they wish to continue to sell alcohol.

Later that day Mustafa Donmez came in to the offices at Bartholomew House with a completed application form. This application form stated that Heydar Pashazade would be the new PLH and DPS. I advised Mustafa Donmez that we would need confirmation that Heydar Pashazade had permission to work in the UK in line with the Home Office guidance.

On 18 July 2017 after chasing on numerous occasions, Mustafa Donmez came into the office and gave me a copy of Heydar Pashazade's passport.

On 3 August 2017 following the transfer application, I carried out a licensing inspection. It was noted that there were breaches of the license conditions namely:

Annex 2 of the Premises licence reference 1445/3/2017/03595/LAPRET, Prevention of Crime and Disorder, Condition 2 which states:

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 Protection of Children from Harm, Condition 6 which states:

6. The premises will maintain a refusals book to record all incidences of alcohol and other age related products being refused to customers.

Annex 3 – Condition 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.

Also the premises was still selling foreign labelled items without English labelling.

That afternoon I spoke to Mustafa Donmez who advised me he was in London visiting his girlfriend. He said he hadn't been to the shop for a few days, but had left instructions for labels to be put on the drinks. He also said he did not know who the member staff I spoke to was, and asked if I was sure I went into the right shop.

On 5 August 2017, the day of Pride, I again visited the shop. I noted that none of the issues I had raised previously had been dealt with. I asked a member of staff if I could speak to the owner or manager, and he stated he did not know who they were. Eventually somebody fetched Mustafa Donmez who was asleep upstairs.

He said he had corrected everything, and I showed him the unlabeled items. He shouted at a member of staff to sort them out. He also wanted to show me that he had made lanyards for all the staff stating 'Challenge 25'.

On 7 August 2017 I sent the PLH, DPS and premises a warning letter for breaches on licensing conditions.

On 9 August 2017 I received a phone call from Mustafa Donmez. He claimed that he had not received my warning letter but wanted to update me on the actions he has taken. He said that he has told his suppliers that he only wants items delivered with the labels already on. He has also put up a sign above the drinks saying the 4 packs can't be sold individually.

He said the person I spoke to on the day of my licensing visit was a friend of a member of staff. Apparently the staff member goes to college studying English and had to do an exam that day, so he asked a friend to cover as a one off. I pointed out that this was not acceptable as this person has had no training, and could not answer any of my questions. Also the same person was also working the day of Pride. At first he denied this and said I was mistaken, then said he was just helping for Pride.

Mustafa Donmez said they had received a letter from the Police asking for a meeting. He said that Heydar Pashazade had left messages on their answer-machine but has not heard back from them. I pointed out that they do not have an answer-machine. He said that was what Heydar Pashazade had told him.

I informed him that I wanted Heydar Pashazade to contact me regarding my letter as he was the PLH/DPS.

On 21 September 2017 my colleague, Sarah Cornell sent an email and a warning letter to Heydar Pashazade following information received from Police Licensing regarding the PLH/DPS address and plan on the licence being out of date.

On 25 September 2017 I received an email from David Bateup, Sussex Police asking if I had the training records for International. The Police were told by Mustafa Donmez that on 13 September 2017 I had taken away all their training records. I replied stating that I have never taken any documents from the premises and that on 13 September 2017 I was annual leave and not in the country.

It seems that the PLH and DPS, Heydar Pashazade has no involvement in the running of the business and is merely a name on the premises licence. I also have no confidence in either the PLH/DPS or the other individuals who are running the business.

In the circumstances, I fully support the application of Sussex Police seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objective, the prevention of crime and disorder and the protection of children from harm are met.

Yours sincerely



Donna Lynsdale
Licensing Officer
Licensing Team
Regulatory Services

Enclosed:

Copy of warning letter details breach of conditions dated 7 August 2017.
Copy of warning letter from Sarah Cornell dated 21 September 2017.

Heydar Pashazade
(Premises Licence Holder & Designated
Premises Supervisor)
International
17 Preston Road
Brighton
BN1 4QE

Date: 7 August 2017
Our Ref: 2017/06372/LICRSK/EH
Phone: 01273 292494

e-mail: donna.lynsdale@brighton-hove.gcsx.gov.uk

Dear Sirs

WARNING - Licensing Act 2003 - BREACH OF CONDITIONS
Re: International, 17 Preston Road, Brighton BN1 4QE

I am writing to you in your capacity as the Premises Licence Holder and Designated Premises Supervisor for the above premises following my recent licence inspection on 3 August 2017 at 08.35 hrs.

At the time of my inspection I spoke to a member of your staff 'Haweash'.

Detailed below are my findings:

Annex 2 of the Premises licence reference 1445/3/2017/03595/LAPRET, Prevention of Crime and Disorder, Condition 2 which states:

- 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.**

In my opinion this condition was not being complied with, the member of staff I spoke to did not understand the licence or conditions attached to it.

For the Protection of Children from Harm, Condition 6 which states:

- 6. The premises will maintain a refusals book to record all incidences of alcohol and other age related products being refused to customers.**

I asked to see a copy of the Refusal Register. The member of staff did not know what I meant, and was not aware there was one.

Annex 3 – Condition 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.

I was advised by the member of staff that sometimes on a Saturday and Sunday there was two members of staff after 7pm but not 7 days a week.

The premises had previously signed up to the Sensible on Strength Scheme which states no beers, lagers or ciders above 6% ABV would be on sale.

At the time of my visit you had on sale:

Debowe 7% ABV
Okocim 7% ABV

Also you had on sale:

Tyskie – 4 pack
Debowe – 4 pack
ZUBR – 4 pack

All without English labelling. I advised your staff on numerous occasions that these are not allowed to be sold with English labelling. And they must be removed from sale until they were labelled in English.

I left a copy of my Inspection Report and also had a verbal conversation with your Manager, Mustafa, in the afternoon regarding my findings.

On Saturday 5 August 2017 at approximately 11.15hrs I carried out a follow up visit. I was disappointed to see that once again you had all the above on sale. On this occasion I spoke to a couple of members of staff who did not know who the manager or owner of the premises was. Eventually one of them went to fetch Mustafa who I was advised was asleep upstairs.

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 legislation states that:-

(1) A Person commits an offence if –

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

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

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

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

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

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

Please contact me to discuss the contents of this letter I can be contacted on:

Tel: 01273 292494 or

Email: donna.lynsdale@brighton-hove.gcsx.gov.uk

Yours faithfully

Donna Lynsdale
Fair Trading Officer
Trading Standards and Licensing

c.c. The Manager, International, 17 Preston Road, Brighton BN1 4QE

c.c. Sussex Police, Licensing Unit, John Street, Brighton BN2 0LA

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Mr Heydar Pashazade
39c Brooke Road
London
N16 7RA

Date: 21st September 2017

Our Ref: 2017/03595/LAPRET

Phone: 01273 295801

e-mail: Sarah.cornell@brighton-hove.gcsx.gov.uk

Dear Mr Pashazade

Licensing Act 2003 – International, 17 Preston Road, Brighton, BN1 4QE

I am writing to you as Premises Licence Holder and Designated Premises Supervisor (DPS) of the above premises following David Bateup's (Police Licensing) email to you of 7th September and your reply 18th September 2017.

In your email you say that your correct address is the one on your Personal Licence which is 39c Brooke Road, London, N16 7RA but in the paperwork submitted to us on 18th July 2017 for a Transfer and DPS Variation into your name **you have stated** your address as 17a Preston Road, Brighton. It is your legal responsibility to provide us with the correct address; section 33 of the Licensing Act 2003 states that you have a duty to notify us of any change of address and it is an offence not to do so.

Please provide formal confirmation of your correct address with a £10.50 fee if it is different to 17a Preston Road and return the whole Premises Licence for amendment, we can then amend the Premises Licence Holder address and DPS address.

I have major concerns that you as Licence Holder/DPS do not have day to day responsibility for the premises and are unaware of what is happening with the premises. Home Office Guidance states that:

- The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder.
- The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder.

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www.brighton-hove.gov.uk

- **The designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.**

During Donna Lynsdale's meeting on 21st July 2017 with Mustafa Donmez, he confirmed that he is the manager of the premises but as you can see from the points above, it is the DPS who should really have day to day control at the premises and this is not the case in this instance. It is your responsibility to ensure that the conditions on the licence are complied with and that all your staff are trained in accordance with the licence and Licensing Act 2003, particularly as this premises has previously failed two Test Purchases.

The plans on the premises licence must be changed to reflect the actual layout of the premises. For example the entrance door shown on the plan is wrong, the door now used is the one in the middle. I have been told that there is a large stock room/cupboard that runs down the side of the fridges – this is also not shown on the plan. You need to ensure that the plan that is on your licence reflects the layout of the premises. You can do this by applying for a Minor Variation, the links and details for which can be found below.

All information regarding Minor Variation applications, the public notice and guidance regarding plans can be found via our website: www.brighton-hove.gov.uk/licensing.

The fee is £89 which can be paid online if you apply for the application online or you can call our Technical Support Officers on 01273 29 44 29 to make a payment over the phone.

Both Sussex Police and Brighton and Hove City Council will continue to monitor and visit the premises to ensure compliance with the licence.

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

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

If you have any questions or queries about the contents of this email please contact me to discuss or alternatively contact a Licensing Consultant or Solicitor to obtain independent legal advice.

Yours faithfully



Sarah Cornell
Senior Licensing Officer
Licensing Team
Regulatory Services

c.c. The Manager, International, 17 Preston Road, Brighton, BN1 4QE

c.c. Mr Heydar Pashazade, 17A Preston Road, Brighton, BN1 4QE

c.c. Brighton Police Licensing Unit (via email)

c.c. Catriona Macbeth, Senior Fair Trading Officer (via email)

