

## **Appendix B**

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

#### **PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I Chief Supt Justin BURTENSHAW, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Jo SHINER**

*(Insert name of applicant)*

**Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.**

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Moonlight, 171 Church Road	
<b>Post town</b> Hove	<b>Post code (if known)</b> BN3 2AB
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Tony Amin Azer GAD	
<b>Number of premises licence or club premises certificate (if known)</b> <b>I445/3/2021/02945/LAPRMV</b>	

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**Please tick yes**

I am 18 years old or over

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Sussex police, Brighton & Hove licensing, 1 <sup>st</sup> floor, police station, John street, Brighton, BN2 OLA
Telephone number (if any) Ext 550809
E-mail address (optional) Brighton.licensing@sussex.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please tick yes**

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

If yes please state the date of that application

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

Sussex Police would like to bring the above premises to review due to Brighton and Hove Police Licensing conducting two underage test purchases at this premises at which on both occasions the member of staff served to persons under the age of 18.

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

In March 2021, this premises were visited by PC Bernascone and BHCC licensing officer Donna Lynsdale, during the visit they found two breaches of the premises licence involving CCTV and the training logs. Please see Appendix A- Breach Letter sent following this visit.

In July 2021, Policing Licensing were asked to organise and run an alcohol test purchase operation by senior officers within Sussex Police due to the rising number of alcohol fuelled incidents involving young people occurring around Hove, including Hove Lawns to try and establish where underage persons were purchasing their alcohol.

11<sup>th</sup> August 2021

Brighton Licensing conducted an underage alcohol test purchase, where a member of staff at this premises sold a large bottle of Stella to a 15 year old male.

A Fixed Penalty Notice (FPN) was issued to the member of staff.

19<sup>th</sup> August 2021

A meeting was held at John Street Police station with the DPS and his sister.

During the meeting, the DPS was issued with a formal written letter and actions to prevent a sale occurring again were discussed. The DPS signed to confirm what was discussed. Example document attached as Appendix B.

They were both shown some conditions that Brighton and Hove Police Licensing would like to propose they add to the licence voluntarily following the failure.

The conditions were discussed in the meeting, with questions raised about acceptable ID's, training and providing CCTV. Words of advice were given.

The DPS left the meeting with no doubt that the failed test purchase was a serious matter, he was informed a retest would be done in the future and if this was failed again, Sussex Police would be minded to take enforcement action.

3<sup>rd</sup> September 2021

The Minor Variation was submitted by licensing consultant Geoff Cooper to add conditions to the Licence following the failed Test purchase.

09<sup>th</sup> December 2021

The premises was visited again to re-test for underage alcohol sales. A male volunteer 16 years old selected a bottle of Sol and proceeded to the tills, money was exchanged, and the volunteer left the store.

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

Uniformed officers arrived with Licensing officer Hannah Staplehurst and BHCC Licensing officer Donna Lynsdale, the bottle of Sol was retrieved and returned to the store to show the members of staff.

The seller didn't have any formal identification on his person, so there was a delay in acquiring the member of staff's details but once checks were made everything was in order.

A Community Resolution is to be issued to the member of staff, where he will be invited to partake in a Sussex Police and BHCC training session and complete an assessment to ensure he fully understands the licensing law around selling to underage persons and the consequences.

A walkaround licensing check was conducted. All licensing conditions were being adhered too except for the training log. We were shown the training log which displayed four names and signatures who had been trained on the 2<sup>nd</sup> December 2021.

However, the member of staff who had made the sale was not one of the signatures included within this document.

The DPS' brother and sister both arrived at the premises while Police Licensing were there and it was explained that the member of staff was new, and his training records had been sent to the accountants and was unavailable to be viewed.

However, no explanation could be given why the training log had not been signed the same time as any other paperwork.

10<sup>th</sup> December 2021

Licensing officer Hannah Staplehurst received a forwarded email from BHCC Licensing officer Donna Lynsdale with a document attached called "training and authority to sell alcohol" for the member of staff who made the sale from the premises. (Please see Appendix C).

Police Licensing also received communication from Licensing consultant Geoff Cooper who had been asked to contact Police Licensing on behalf of the DPS/PLH.

14<sup>th</sup> December 2021

An email was received into Police Licensing from the PLH/DPS informing us since the second failed test purchase, the actions he has taken (Appendix D).

Sussex Police do feel this premises have responded to our stepped approach and have worked with us to try and improve but they have still failed underage test purchases on two separate occasions involving two different members of staff. This is a serious concern, undermining the licensing objective of protection of children from harm and further action should be considered.

As conditions were added on the 3<sup>rd</sup> September 2021, Sussex Police have no further conditions to add to prevent the sale of alcohol to underage persons. It is difficult to see what further measures could be put into place to prevent future sales of alcohol to underage persons. Therefore, the recommendation of Sussex Police would be the revocation of the premises licence.

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

**N/A**

**Please tick yes**

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

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

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

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

Signature (on behalf of the applicant)



Insp M.Palmer- Harris

Date 12<sup>th</sup> January 2022.

Capacity Operations, Planning and Licensing Inspector

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

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

#### Notes for Guidance

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