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Brighton & Hove Licensing Unit

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16th November 2019

Malarmathy THARMASEELAN
REDACTED

Dear Mr. THARMASEELAN

Licensing Act 2003 – Unauthorised licensable activities.

RE: Happy Shopper REDACTED

4FF

Our records show that you are the Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) for Happy Shopper REDACTED. I write with reference to the above premises where Police Licensing and Council Licensing conducted a visit on the evening of 10th October 2019, immediately following a failed test purchase where by a minor bought alcohol from the shop, I know you are aware of the fail as we spoke with you in person in your shop immediately after.

As part of the visit a licensing check was conducted and I would like to highlight the following breaches of the licence:

Annex 2 – Conditions consistent with the Operating Schedule

The Prevention of Crime and Disorder:

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
2. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
3. CCTV footage will be stored for a minimum of 31 days.
4. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A member of staff must be present at all

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times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.

You the DPS were unable to work the CCTV and stated that you would need to get someone from the company who installed it to assist you,

5. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

Your CCTV was 6 minutes behind, it had the correct date.

6. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.

You the DPS were unable to work the CCTV and stated that you would need to get someone from the company who installed it to assist you,

7. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

8. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at any of the bars/point of alcohol service e.g. for intoxication, will also be recorded in writing.

You had no incident log

9. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

10. No beers, lagers or cider with an ABV content exceeding 6% will be sold other than premium speciality bottled beer, lager, or cider.

For sale you had on display Lambrini Perry 6.8% 75cl and 1.50 bottles which you were advised not to sell.

11. The storage room shown on the plans will not be used for the display of alcohol to the public and the public will not be admitted to the storage room.

The door to this room was wedged open with numerous boxes of alcohol.

12. This licence will not come into effect until the licence No. 1445/3/2010/00287/LAPREN for 8 Upper Bevendean Avenue is surrendered.

For the Protection of Children from Harm:

13. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products;

- Refusing the sale of alcohol to a person who is drunk.
14. Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed eight weeks, with the date and time of the verbal reinforcement/refresher training documented.
 15. All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and Brighton & Hove Weights & Measures Officers upon request.

No training records were available and there was no documents, the member of staff who had been working and served the alcohol to the minor had received no training and had only been working at the premise and incredibly short amount of time, so much so you were unsure of his name.

16. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph or 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 licence or conditions attaching to it.
17. Signage advertising the "Challenge 25" policy will be displayed in prominent locations inside the premises.

Not enough signage in prominent positions

18. The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request to police staff, local authority staff and Weights and Measures officers.

You had no refusal register that could be checked, you stated that the till had this function on it but didn't know how to access the report.

I would also like to add that you could not show us your Part A of the Licence and you only had 1 page of Part B up on display.

I remind you that non-compliance with licence permissions and conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that: -

(1) A person commits an offence if –

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

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

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

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

Yours sincerely,

PC HANCOX DH163
Licensing Police Officer
Brighton & Hove Division

c.c Brighton & Hove City Council Licensing Team.
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