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## Brighton & Hove Licensing Unit

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27<sup>st</sup> January 2021

Malarmathy THARMASEELAN  
6-8 Upper Bevendean Avenue,  
Brighton,  
East Sussex,  
BN2 4FF

Dear Malarmathy Tharmaseelan,

### Licensing Act 2003 – Unauthorised licensable activities.

### RE: Happy Shopper, 6-8 Upper Bevendean Avenue, Brighton, BN2 4FF

Our records show that you are the Designated Premises Supervisor (DPS) for Happy Shopper, 6-8 Upper Bevendean Avenue, Brighton, BN2 4FF. I write with reference to the above premises where Police Licensing conducted a visit on Tuesday 26th January 2021. As part of these licensing check 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:**

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.

No incident book could be located or produced.

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

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Premises had Lambrini on sale which is a Perry (Pear Cider) and above 6% ABV.

10. 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 the store room was open with customers able to access, and alcohol could be seen inside.

**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. 18. 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.

At the time of the visit, training records for 3 members of staff were located. The most recent training record showed that it occurred in 2019 and related to the staff member seen working in the store at the time of the visit. The other two records were older and no record of any refresher training could be found.

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.

The refusals log was located. It had four entries since the last visit over 12 months ago and none of the entries had any details other than date. There were entries from DPS, but not enough to evidence that the refusals book checked every 4 weeks.

*(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 breaches constitutes an offence of carrying on licensable activity otherwise than under and in accordance with an authorisation (the premises licence and the attached conditions), and is of serious concern as all of the breaches were apparent and raised during last visit in January 2020.

Please can you ensure these breaches are rectified with immediate effect and that you contact police licensing to tell us when this has occurred.

I must advise you that enforcement is being considered up to and including review of the premises licence due to the ongoing issues which do not appear to have been resolved, and that Council Licensing have been informed and may wish to take their own enforcement action.

Yours sincerely,

PC Andre Bernascone  
Police Licensing Officer  
Brighton & Hove Division

c.c Brighton & Hove City Council Licensing Team.

