

Appendix B - Breach of Conditions Letter sent – 03.02.2020.



Safer Communities – Licensing Team
Bartholomew House
Bartholomew Square
Brighton
BN1 1JE

Malarmathy Tharmaseelan
REDACTED

Date: 3 February 2020
Our Ref: 2020/02193/LICRSK/EH
Phone: 01273 292494
Email: donna.lynsdale@brighton-hove.gov.uk

Dear Sirs

Licensing Act 2003 – BREACH OF CONDITIONS
Happy Shopper, 6-8 Upper Bevendean Avenue, Brighton BN2 4FF
Premises Licence Number: 1445/3/2016/01244/LAPREN

I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises concerning breaches of your premises licence conditions.

On 30 January 2020, accompanied by my colleagues, PC Hancox and Hannah Staplehurst from Police Licensing carried out a full Licensing Inspection. Below are my findings and details of breaches of your premises 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.
The incident book at no entries, nor had it been signed off by the DPS (which should be done at least once a week).



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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.
***Training records were available for two members of staff. You have addition staff working at the premises where no records were available, one of which was working at the time of our inspection.
There was also no records of reinforcement/refresher training documented as per your condition above – which should be carried out every eight weeks.
Premises only had a couple of self-edged Challenge 25 signage.***
16. 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 Register had one entry, which was 23/01/2020. The previous entry 03/01/2020 was PC Hancox during her inspection.
Above condition, states 'shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant'. This had not been done.***

I remind you that 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 legislations 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

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as 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.

Please contact me if you wish to discuss the contents of this letter.

Yours faithfully

REDACTED

Donna Lynsdale
Licensing Officer
Licensing Team

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

