

Appendix D - Breach of Conditions email sent – 09.11.2022

From: Donna Lynsdale

Sent: 09 November 2022 07:52

To: REDACTED

Cc: Brighton.Licensing@sussex.police.uk

Subject: Happy Shopper, 6-8 Upper Bevendean Avenue, Brighton BN2 4FF - 2022/03027/LICPRM/EH

Dear Malarmathy Tharmaseelan

Licensing Act 2003 – Unauthorised Licensable Activities

Happy Shopper, 4-8 Upper Bevendean Avenue, Brighton BN2 4FF

Premises Licence Number: 1445/3/2021/04335/LAPREV

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

On Thursday, 20 October 2022, accompanied by my colleagues PC Hancox, Police Licensing, I visited your premises and carried out a full licence 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 last time there was any entry in the incident log was May 2022

For the Protection of Children from Harm:

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.

No refresher training had been carried out for a prolonged period of time but exceeding 8 weeks.

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.

Below are my findings on my previous visit, following this visit a warning letter was sent.

The refusals log last entry of any description was 5th July 2022 – signing by the DPS has not been recorded every 4 weeks.

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 legislation 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 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 note that myself and Police Licensing will be monitoring your premises, and can advise you that further enforcement action is being considered.

A copy of this email has also been sent to Police Licensing.

Should you wish to discuss this further, please contact me on the below telephone number.

Yours sincerely

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities

Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP

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Use soap and water or a hand sanitiser when you:

- Get home or into work
- Blow your nose, sneeze or cough
- Eat or handle food



Protect yourself & others

For more information go to [nhs.uk/coronavirus](https://www.nhs.uk/coronavirus)

