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LICENSING SUB COMMITTEE AGENDA

Membership: Councillor Johnson (Chairman)

Councillors Gibb-Gray and Smallcorn

Meeting: Licensing Sub Committee

Date: Friday 12 April 2013

Time: 9.00 am

Venue: Hollybank Room, Public Service Plaza, Civic Centre Road,
Havant, Hants PO9 2AX

The business to be transacted is set out below:

Jo Barden-Hernandez
Service Manager – Legal & Democratic Services

6 April 2013

Contact Officer: Penny Milne 023 9244 6234
Email: penny_milne@yahoo.co.uk

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PART 1 (Items open for public attendance)

1. Declarations of Interests

To receive and record declarations of interests from any of the members present in respect of any of the various matters on the agenda for this meeting.

2. Licensing Hearing

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The Licensing Sub-Committee is requested to determine an application for a review of a Premises Licence in respect of:

Select and Save, 126-128 Park House Farm Way, Leigh Park

Appendices:

Report of Licensing Officer
Notice of Hearing
Application for Review
Representation from the Police
Representation from the Licence Holder
Information to Accompany Notice
Relevant Regulations Relating to Hearings
Hearings Procedure

3. Licensing Hearing

27 - 54

The Licensing Sub-Committee is requested to determine an application for a review of a Premises Licence in respect of:

Stop and Shop, 407 Middle Park Way, Leigh Park

Appendices:

Report of Licensing Officer
Notice of Hearing
Application for Review
Representation from the Police
Representation from the Licence Holder
Information to Accompany Notice
Relevant Regulations Relating to Hearings
Hearings Procedure

PART 2 (Confidential Items)

Nil

GENERAL INFORMATION

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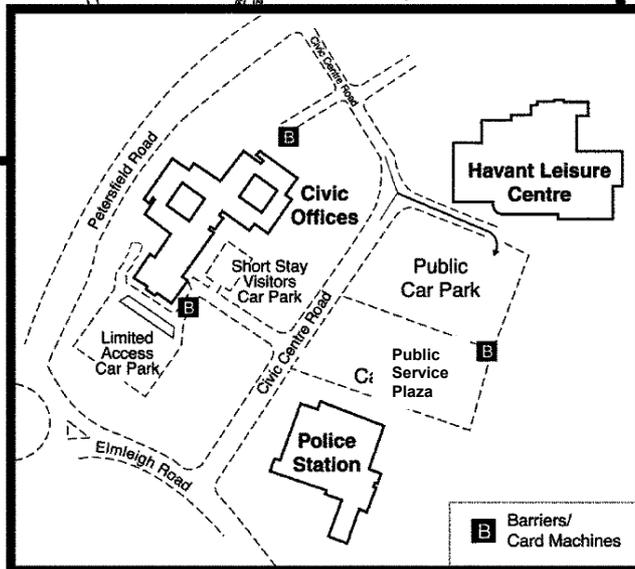
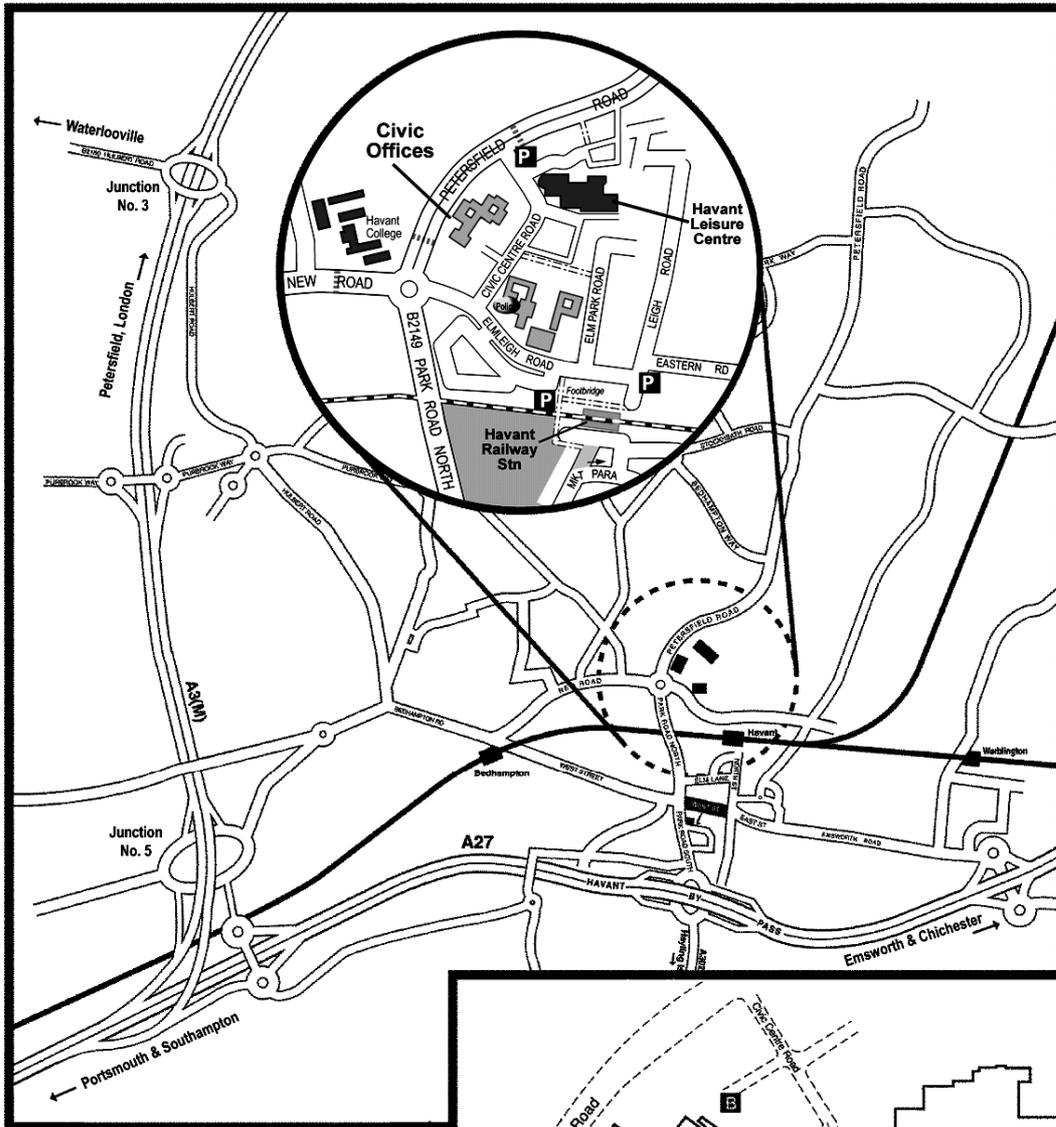
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Review of Premises Licence for Select and Save
126-128 Park House Farm Way
Leigh Park.

Report by the Licensing Officer.

Background

A Premises Licence under the Licensing Act 2003 was issued to Jagdish PATEL on 17th May 2010 for Select and Save, 126-128 Park House Farm Way, Leigh Park.

The Designated Premises Supervisor is Mrs Netra PATEL, who has a personal licence 08/00390/LIPERS Issued by Croydon Borough Council and valid until 01/04/2018.

The Licence is for the sale of alcohol for consumption off the premises, between the hours of 8.00am and 11.00pm Monday to Saturday., 10.00am to 10.30pm Sundays . Good Friday 8.00am to 10.30pm, and Christmas Day 12noon to 3.00pm and 7.00pm to 10.30pm

The Licence includes the following conditions :-

Mandatory Conditions: Where licence authorises supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

- 1) The first condition is that no supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Further Conditions added 1st October 2010

- 1) (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The Review Application

An application for a Review of the Premises Licence was made by the Hampshire Trading Standards on 25th February 2013. Details of the review was served on Mr PATEL (The Premises Licence Holder) and all the Responsible Authorities at the same time, and Notices were displayed on the Premises and at Havant Borough Council Offices and website for the regulatory 28 days.

A further representation has been made by PC Barron, Hampshire Constabulary . (Licensing Officer for the Havant district). His representation is based upon the same facts as those of the Trading Standards Officers and he is fully supportive of their aims in both cases. PC Barron is not in the UK on the date of the hearing but is happy for his representations to be read on his behalf.

A representation in favour of the Premises owners has also been received from Mr Jon WALSGROVE of Blake Laphorn Solicitors who is acting on their behalf. The summary of his representation is: In consultation with the Trading Standards Officers it was accepted that although measures were in place to prevent sales of alcohol to persons under the age of 18, to address the cause of the review those measures should be endorsed on the premises licence as conditions as well as additional steps. Those steps will be outlined to the Committee at the hearing and commended by both Trading Standards and Mr and Mrs Patel as the appropriate and proportionate steps to take.

Mr and Mrs Patel accept that, although their shop is not one which causes local problems in terms of underage drinking, in light of the number of failed test purchases the Committee will want to ensure the strict adherence of the conditions being proposed. Therefore in discussions with Trading Standards Mr and Mrs Patel proposed that a suspension of the premises licence for 28 days would serve as a sufficient deterrent effect.

The Review

The Review relates to concerns regarding the Licensing Objectives of:-

- The Prevention of Crime and Disorder
- The Protection of Children from Harm

In summary, the Hampshire Trading Standards have concerns regarding the control and operation of the store relating to the Licensing Objectives and in particular the role that the DPS has played in the running of the store.

This is due to incidents that occurred at the store, including two failed Test Purchases within a period of 31 days, and the continued absence from the store of the DPS.

Incident 1, On Tuesday 30th October 2012, Hampshire Constabulary conducted an alcohol test purchase on the above premises using a 16 year old male volunteer. The volunteer was sold two cans of Strongbow cider by the Designated Premises Supervisor (DPS) Mr Jagdish Patel. The police issued Mr Patel with an £80 fixed penalty notice for selling alcohol to a person under the age of 18, which he has subsequently paid.

Incident 2, On Friday 21st December 2012, Trading Standards conducted an alcohol test purchase in Havant and Leigh Park using a 16 year old volunteer who was still at school. The volunteer was able to purchase 4 cans of Strongbow Cider without being asked her age or if she any form of I.D. The seller was Mr Patel's father Mr Yogesh Patel. Jagdish Patel was stood next to his father and could easily have intervened and prevented the sale of alcohol to our volunteer.

There has been two sales of alcohol to a person under the age of 18 in less than three months and therefore the premises licence holder has committed an offence under section 147a of the Licensing Act 2003 namely "Persistently selling alcohol to children".

Following discussions between Mr Patel, his Solicitor Mr Walgrove, Trading Standards have offered Mr Patel of Select and Save and Stop and shop a 7 day closure order beginning 1800 hours 3/4/13 until 1800 10/4/13

He has been informed to take all alcohol off display for that period for both stores

He has indicated that he will accept this in lieu of prosecution

The Sub-Committee is requested to determine the application when they have heard from both parties.

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LICENSING ACT 2003 – SECTION 52(2)
APPLICATION FOR A REVIEW OF A PREMISES LICENCE
Select and Save, 126-128 Park House Farm Way

NOTICE

To: Applicant: Hampshire Trading Standards Service, Montgomery House, Monarch Way, Winchester, SO22 5PW

Licence Holder: Mrs Netra Patel, 128A Park House Farm Way, Leigh Park, Havant PO9 4DP

Licence Holder's Agent: Jon Wallsgrove, Partner, Licensing and Regulatory Team, Blake Laphorn, Watchmaker Court, 33 St Johns Lane, London EC1M 4DB

Persons Who Have Made Relevant Representations:

PC 1148 Phil Barron, Hampshire Constabulary, Licensing Department, Havant Police Station, Civic Centre Road, Havant PO9 2AN

I HEREBY GIVE NOTICE that a hearing under Section 52(2) of the Licensing Act 2003 to determine an application made by Hampshire Trading Standards Service of Montgomery House, Monarch Way, Winchester, SO22 5PW, for a review of a premises licence in respect of premises known as Select and Save, 126-128 Park House Farm Way, Leigh Park, will be held by the Council's Licensing Sub-Committee in the the Hollybank Room at Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant in Hampshire at 9.00am on Friday 12 April 2013.

Dated this 27th day of March 2013

Signed

Solicitor to the Council

Enclosures: Application for Review of Premises Licence
Representation from Police
Representation from Licence Holder
Information to Accompany a Notice of Hearing
Relevant Regulations Relating to Hearings
Hearings Procedure
Notice of Intention

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Public Service Plaza, Civic Centre Road, Havant PO9 2AX
**Application for the review of a premises licence or club premises certificate 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 Hampshire Trading Standards wish to

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of
a club premises certificate under section 87 of the Licensing Act 2003 for the
premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

**Postal address of premises or, if none, ordnance survey map reference or
description**

Select and Save
126-128 Park House Farm Way
Leigh Park

Post town Havant

Post code (if known) PO9 4DP

**Name of premises licence holder or club holding club premises certificate (if
known)**

Mrs NETRA PATEL

Number of premises licence or club premises certificate (if known)

HPR 0187

Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

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 yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**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 Paul Worrall HCC Trading Standards Service Montgomery House Monarch Way Winchester SO22 5PW
Telephone number (if any) 01962 833345
E-mail address (optional) paul.worrall@hants.gov.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 state the ground(s) for review (please read guidance note 2)
Hampshire County Council wish to review the above premises in relation to the following licensing objectives, the prevention of crime and disorder and the protection of children from harm.

Please provide as much information as possible to support the application (please read guidance note 3)

Trading Standards are seeking to review the above premises after the premises has sold alcohol to under age juveniles on two occasions within three months.

Previous history

The present Premises licence holders Mr Jagdish Patel transferred the premises licence on 21st August 2008 and also became its Designated Premises Supervisor.

On 5th December 2011 at this premise a sale of cigarettes was made by Nicky Wilson to a 16 year old volunteer. The seller resigned prior to being interviewed.

On the 15th August 2012, Trading Standards conducted a tobacco test purchase at the above shop, our 16 year old female volunteer was sold 10 cigarettes by the shop owner Mr Jagdish Patel.

On 2nd October 2012, Mr Patel was interviewed under caution at Trading Standards Offices in Winchester with relation to him selling cigarettes to a 16 year old. He was rigorously interviewed as to why he sold a product only 18+ should be able to buy and what "Challenge 25" meant. When Mr Patel left this service he was given a Trading Standards retailer pack and some "Challenge 25" posters. These posters state : -

" UNDER 25? If you are lucky enough to look under 25, you will have to prove you are over 18 with a passport, photo driving licence or Proof of Age Standards Scheme (PASS) approved ID before we will sell you alcohol."

On Tuesday 30th October 2012, Hampshire Constabulary conducted an alcohol test purchase on the above premises using a 16 year old male volunteer. The volunteer was sold two cans of Strongbow cider by the Designated Premises Supervisor (DPS) Mr Jagdish Patel. The police issued Mr Patel with an £80 fixed penalty notice for selling alcohol to a person under the age of 18, which he has subsequently paid.

On Thursday 8th November 2012, Police Constable Barron the licensing officer for Havant and Waterlooville and TSO Worrall visited the store. Mrs Netra Patel was in the store as her husband was on the family school run, Pc Barron and I spoke to Mrs Patel about our concerns that her husband had just failed an alcohol test purchase. She was shocked to learn this, as she did not know that her husband had sold alcohol to a police volunteer the previous week. We told her that both Trading Standards and the police had no confidence in Mr Patel's ability to be the DPS of this shop due to the incidents highlighted above. If he were to remain on the premises licence as the DPS we would initiate a review to request that the licensing committee removed him as the DPS. During this visit it was noted that the Challenge 25 posters

were displayed by the tobacco and alcohol displays.

On Friday 9th November, Mrs Netra Patel contacted Havant Borough Council replaced her husband as DPS of this shop.

On Tuesday 20th November PC Barron and TSO Worrall returned to the store to discuss the opportunity for a member of their staff in another premises (Stop and Shop) to receive APLH training courtesy of Southern Co-op. Mr Patel and his wife Netra was warned that both premises licence were at risk of review if another sale was made within 3 months and we would be seeking a revocation of the premises licence for Park House Farm Way shop. They were also told that there was a distinct possibility that the shop would be tested soon by either the police or ourselves or by both.

On Friday 21st December 2012, Trading Standards conducted an alcohol test purchase in Havant and Leigh Park using a 16 year old volunteer who was still at school. The volunteer was able to purchase 4 cans of Strongbow Cider with neither being asked her age or if she any form of I.D. The seller was Mr Patel's father Mr Yogesh Patel. Jagdish Patel was stood next to his father and could easily have intervened and prevented the sale of alcohol to our volunteer.

There has been two sales of alcohol to a person under the age of 18 in less than three months and therefore the premises licence holder has committed an offence under section 147a of the Licensing Act 2003 namely "Persistently selling alcohol to children".

Trading Standards senior officers have decided due to the unacceptable amount of failures in both alcohol and tobacco that prosecution is the only reasonable enforcement option left.

I would like to bring to the attention of the licensing committee the following paragraphs extracted from Official Guidance to the Licensing Act 2003 revised in October 2012.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise

and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

The Licensing Committee can rightly ask why should Trading Standards also mentioned tobacco in this review application which concentrates on alcohol? It has been highlighted to show how poor the present managements control are in both shops on all age restricted goods. It is clear that this shop in particular does not adhere to any age challenge policy, and therefore Trading Standards feel that there are no alternatives left other than to ask this licensing committee to revoke the premises licence for Select and Save, 126-128 Park House Farm Way.

tick yes

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

Please

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

No

- | | | | |
|-------------|------------|---|---|
| tick | yes | | Please |
| | | <ul style="list-style-type: none"> • 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 | <p style="margin: 0;">x</p> <p style="margin: 0;">x</p> |

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 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature
Paul Worrall.....

Date **25th February 2013**

Capacity **Trading Standards Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 1 of 4

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 1148 Phil BARRON, on behalf of the Chief Officer of Hampshire Constabulary,
(*Insert name of applicant*)

Apply for the review of a premises licence.

Apply for the review of a club premises certificate.

(*Select as applicable*)

Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	Select and Save 126- 128 Park House Farm Way Leigh Park Havant
Postcode (<i>if known</i>):	PO9 4DP

Name of premises licence holder or club holding club premises certificate (<i>if known</i>) Mrs Netra PATEL
--

Number of premises licence or club premises certificate (<i>if known</i>) HPR 0187

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: PC 1148 Licensing Officer
Surname: BARRON First Names: PHIL
Current postal address : Licensing Department Havant Police Station Civic Centre Road Havant
Postcode: PO9 2AN
Daytime telephone number: 02392 891535
E-mail address: phil.barron@hampshire.pnn.police.uk (<i>optional</i>)

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

Select 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 state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

Hampshire Constabulary wish to make representation in support Hampshire Trading standards review of the above premises in relation to the following licensing objectives, the prevention of crime and disorder and the protection of children from harm.

Evidence suggest across Havant Borough the majority of ASB incidents, criminal damage and minor assault are committed by juveniles. Those stop checked in the early evenings on Fri / Sat, a high proportion are in drink and some in possession of alcohol, which may have been purchased by proxy sale or by the individual. Since October 2012 Havant Police Licensing department have carried out extensive alcohol test purchase operations across the district.

The present Premises licence holder Mr Jagdish PATEL transferred the premises licence on 21st August 2008.

On Tuesday 30th October 2012, PC BARRON and local officers from the SNT carried out a alcohol test purchase op on the above premises using a 16yr old male volunteer who purchased two cans of Strongbow cider by Mt Jagdish PATEL the (DPS). Mr PATEL was interviewed under caution and admitted the sale. He was issued with a £80.00 fixed penalty notice for disorder. Enq revelled that this has subsequently been paid. At the time Mr PATEL was also unable to produce an up to date refusal book.

On Thursday 8th November 2012, Police Constable BARRON and TSO Paul WORRALL visited the store. Mrs Netra PATEL was in the store as her husband was on the family school run, Pc BARRON and Mr WORRALL spoke to Mrs Patel about our concerns that her husband had just failed an alcohol test purchase. She was unaware that the store had failed a test purchase the previous week and her husband had sold alcohol to a police volunteer. She was told that both Trading Standards and the police had no confidence in Mr Patel's ability to be the DPS of this shop due to the incidents highlighted above. She stated that Mr PATEL had been under a lot of pressure of late trying to renovate sister store Kwiki Mart in Middle Park. She agreed that this was not a valid excuse for failing a test purchase. She was advised it might be a good idea to suggest taking him from the premises licence and she would become the DPS in order that he could concentrate is efforts on Kwiki mart.



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

On Friday 9th November, Mrs Netra Patel contacted Havant Borough Council replaced her husband as DPS of this shop.

On Tuesday 20th November PC Barron and TSO Worrall returned to the store to discuss the opportunity for a member of their staff in another premises (Stop and Shop) to receive APLH training courtesy of Southern Co-op. Mr Patel and his wife Netra was warned that both premises licence were at risk of review if another sale was made within 3 months and we would be seeking a revocation of the premises licence for Park House Farm Way shop. They were also told that there was a distinct possibility that the shop would be tested soon by ether the police or Trading Standards or by both.

On Monday 21st December 2012 TS carried out a further alcohol test purchase on Select and Save which they failed.

Friday 21st December 2012, PC BARRON attended the store and spoke with Mr Yegesh PATEL.

Mr PATEL was interviewed under caution and admitted the sale of alcohol to a person under the age of 18. At the conclusion of the interview he was issued with a £80.00 fixed penalty notice for disorder.

Enq revelled that this has subsequently been paid.

I understand on Tuesday 19th March 2013 a closure notice was served by TS on Select and Save for persistently selling alcohol to children. The closure covers the period 3rd April 2013 - 10th April 2013. Hampshire Constabulary fully support this notice.

I also understand TS have been in consultation with Solicitors acting on behalf of Mr. PATEL. I'm in receipt of the plan of action agreed between the two party's. HC are in agreement and fully support this action, as an alternative to a prosecution at this time.

Since August 2008 to date the Police have received 27 reports from Mr PATEL which vary in incidents rowdy and inconsiderate behaviour, theft, criminal damage, suspicious persons and public order. In is defence Mr PATEL reports the majority of incidents to the Police on a regular basis.

HC Believe that these test purchase failures are entirely due to poor management on the part of Mr PATEL. His failure to comply and promote the licensing objectives to his immediate family and staff have resulted in these failures. We are happy that Mrs Netra PATEL has taken over the position of DPS and hopefully compliance with the conditions agreed by all party's, will enable the store to continue trading.

HC will continue with alcohol test purchase operations across the Borough until the there is evidence of a reduction in the current failures.

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that application: / /



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Day Month Year

If you have made representations before relating to this premises please state what they were

Please tick

- 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 have sent a copy of this representation to the principal licensing officer of Havant Council

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

Signature of Officer Completing

Name	<u>P BARRON</u>	Collar Number:	<u>1148</u>
Signature:	Date:	<u>21/03/2013</u>

Signature of Authorising Officer (Inspector or above)

Name	_____	Collar Number:	_____
Signature:	Date:

Representations following an application to review the premises licence for Select and Save.

Mr and Mrs Patel wish to express their considerable regret that it has been necessary to call for a review of their premises licence, following failed test purchases. They apologise to the Licensing Committee and Responsible authorities involved in the enforcement process and would like to stress that they share the common aim of all involved, in preventing young people purchasing and/or consuming alcohol.

Mr and Mrs Patel have owned this shop for a number of years which is a small convenience store serving the local community. They are not aware of any issues of under age drinking in the locality since they have owned the shop. They know the considerable majority of their customers as most of their business is from a loyal local customer base, they have little custom from "passing trade." As a consequence they have a very good knowledge of the young people in the area.

They rarely have persons under the age of 18 attempting to purchase alcohol and nor do they believe that their shop is subject to proxy purchases of alcohol by adults who then pass it on to under 18's.

Mr and Mrs Patel own two shops, this one and Stop and Shop which is a similar type of shop and not far from Select and Save. They currently employ four members of staff who work 16 hours each week. Mr and Mrs Patel work a minimum of 45 hours in each shop. They are also assisted by other family members from time to time. All members of staff who work in the shop have been trained by the Patel's in their legal responsibilities in selling alcohol.

Mr and Mrs Patel sell National Lottery tickets and have passed previous test purchases.

In consultation with the Trading Standards Officers it was accepted that although measures were in place to prevent sales of alcohol to persons under the age of 18, to address the cause of the review those measures should be endorsed on the premises licence as conditions as well as additional steps. Those steps will be outlined to the Committee at the hearing and commended by both Trading Standards and Mr and Mrs Patel as the appropriate and proportionate steps to take.

Mr and Mrs Patel accept that, although their shop is not one which causes local problems in terms of underage drinking, in light of the number of failed test purchases the Committee will want to ensure the strict adherence of the conditions being proposed. Therefore in discussions with Trading Standards Mr and Mrs Patel proposed that a suspension of the premises licence for 28 days would serve as a sufficient deterrent effect.

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LICENSING SUB- COMMITTEE

Information to accompany a Notice of Hearing

Notes:

The purpose of this guide is to advise you of the work and responsibilities of the Licensing Sub-Committee.

The purpose of the hearing is for the Sub-Committee to consider the application laid before it under the Licensing Act 2003, in the light of any representations received before or at the meeting, including those of the applicant or his representative.

The meeting is open to the public and the press. An interested party or responsible authority may attend and may be assisted or represented by any person whether or not that person is legally qualified. However, the Sub-Committee may exclude the public, including any party to the hearing, from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing (or part hearing) taking place in public.

The hearing procedure and relevant extracts from the Regulations relating to hearings are attached.

If you have notified the Council that you do not intend to attend the hearing or to be represented at the hearing, you should be aware that the hearing may proceed in your absence.

However, if you have not indicated such an intention to the Council and you then fail to attend or be represented at the hearing, the Sub-Committee may:

- adjourn the hearing to a specified date, if considered necessary in the public interest or
- hold the hearing in your absence.

Where a hearing is held in your absence, the Sub-Committee shall consider the application, plus any written representations you have made. Where the Sub-Committee adjourns the hearing to a specified date, all parties to the hearing will be notified of the date, time and place to which the hearing has been adjourned.

The Sub-Committee may require any person attending the hearing, who in its opinion is behaving in a disruptive manner, to leave the hearing forthwith and may:

- refuse to permit that person to return, or
- permit the person to return only on such conditions as the Sub-Committee may specify,

but such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

Please note, that the Council may dispense with holding a hearing if all persons involved, i.e. the applicant, interested parties and responsible authorities, agree that such a hearing is unnecessary, by giving notice to the Council that they consider a hearing to be unnecessary.

Particular Points On Which the Council Considers it Will Want Clarification at the Hearing

None save those raised in the representations received.

Copy of Regulations 15 and 16 of The Licensing Act 2003 (Hearings) Regulations 2005

Right of attendance, assistance and representation

- 15.** Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and supporting information

- 16.** At the hearing a party shall be entitled to—
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
 - (b) if given permission by the authority, question any other party; and
 - (c) address the authority.

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HAVANT BOROUGH COUNCIL

HEARINGS PROCEDURE REVIEW OF PREMISES LICENCE – SELECT AND SAVE 12 APRIL 2013

(in accordance with Regulations issued under the Licensing Act 2003)

- 1 The Chairman will explain to all those present how the hearing will be conducted. The parties to the hearing will be told it will be in accordance with this procedure, which will have been circulated to all parties in advance of the hearing.
- 2 Before the hearing commences the Chairman will:
 - (a) explain that a record will be taken of the proceedings in a permanent and intelligible form;
 - (b) ask all parties to the hearing if any of them wishes to withdraw any representations they have made;
 - (c) ask all parties to the hearing if any of them wishes to call witnesses and will seek the Sub-Committee's approval for witnesses to address the hearing.
- 3 The Licensing Officer will outline the nature of the application for a review of the premises licence and the reasons why the matter is before the Sub-Committee;
- 4 The Members, the Trading Standards Officers, the Police, the Licence Holder and any other persons who have made representations (or their respective representatives) may ask questions of the Licensing Officer;
- 5 The Trading Standards Officers, will be invited to submit representations to the Sub-Committee and call witnesses in support of their application for a review of the premises licence;
- 6 The Members, the Police, the Licence Holder and any other persons who have made representations, will be invited to ask questions of the Trading Standards Officers and/or their witnesses;
- 7 The Police will be invited to make representations to the Sub-Committee;
- 8 The Members, the Trading Standards Officers, the Licence Holder and any other persons who have made representations will be invited to ask questions of the Police and/or their witnesses;

- 9 Other persons who have made representations will be invited to submit their representations to the Sub-Committee;
- 10 The Members, the Trading Standards Officers, the Police and the Licence Holder will be invited to ask questions of those other persons who have made representations and/or their witnesses;
- 11 The Licence Holder, will be invited to submit representations to the Sub-Committee and call witnesses in support of their representations;
- 12 The Members, the Trading Standards Officers, the Police and any other persons who have made representations will be invited to ask questions of the Licence Holder and/or their witnesses;
- 13 The Trading Standards Officers will be given an opportunity to submit any final comments to the Sub-Committee;
- 14 The Police will be given an opportunity to submit any final comments to the Sub-Committee;
- 15 Other persons who have made representations will be given an opportunity to submit any final comments to the Sub-Committee;
- 16 The Licence Holder will be given an opportunity to submit any final comments to the Sub-Committee;
- 17 The Chairman will announce that the Sub-Committee will retire to consider its determination. The Sub-Committee, in retiring, will be accompanied by the Council's Solicitor, for legal advice only, and the Democratic Services Officer;
- 18 If at any time before making its determination, the Sub-Committee wishes to ask any additional questions of any of the parties, it will return to the Committee Room to ask those questions in front of all parties to the hearing. At this stage, the Chairman will allow further questions by any of the parties of those additional questions, if this is deemed necessary;
- 19 After any further retirement, the Sub-Committee will return to the Committee Room and the Democratic Services Officer will announce the decision of the Sub-Committee, together with the reasons for that decision.

Review of Premises Licence for Stop and Shop (Kwiki Mart) 407 Middle Park Way Leigh Park.

Report by the Licensing Officer.

Background

A Premises Licence under the Licensing Act 2003 was issued to Jagdish PATEL on 17th May 2010 for Stop and Shop (Kwiki Mart) 407 Middle Park Way Leigh Park.

The Designated Premises Supervisor is Mrs Netra PATEL, who has a personal licence 08/00390/LIPERS Issued by Croydon Borough Council and valid until 01/04/2018.

The Licence is for the sale of alcohol for consumption off the premises, between the hours of 8.00am and 11.00pm Monday to Saturday., 10.00am to 10.30pm Sundays . Good Friday 8.00am to 10.30pm, and Christmas Day 12noon to 3.00pm and 7.00pm to 10.30pm

The Licence includes the following conditions :-

Mandatory Conditions: Where licence authorises supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

- 1) The first condition is that no supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Further Conditions added 1st October 2010

- 1) (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The Review Application

An application for a Review of the Premises Licence was made by the Hampshire Trading Standards on 25th February 2013. Details of the review was served on Mr PATEL (The Premises Licence Holder) and all the Responsible Authorities at the same time, and Notices were displayed on the Premises and at Havant Borough Council Offices and website for the regulatory 28 days.

A further representation has been made by PC Barron, Hampshire Constabulary . (Licensing Officer for the Havant district). His representation is based upon the same facts as those of the Trading Standards Officers and he is fully supportive of their aims in both cases. PC Barron is not in the UK on the date of the hearing but is happy for his representations to be read on his behalf.

A representation in favour of the Premises owners has also been received from Mr Jon WALSGROVE of Blake Laphorn Solicitors who is acting on their behalf. The summary of his representation is: In consultation with the Trading Standards Officers it was accepted that although measures were in place to prevent sales of alcohol to persons under the age of 18, to address the cause of the review those measures should be endorsed on the premises licence as conditions as well as additional steps. Those steps will be outlined to the Committee at the hearing and commended by both Trading Standards and Mr and Mrs Patel as the appropriate and proportionate steps to take.

Mr and Mrs Patel accept that, although their shop is not one which causes local problems in terms of underage drinking, in light of the number of failed test purchases the Committee will want to ensure the strict adherence of the conditions being proposed. Therefore in discussions with Trading Standards Mr and Mrs Patel proposed that a suspension of the premises licence for 28 days would serve as a sufficient deterrent effect.

The Review

The Review relates to concerns regarding the Licensing Objectives of:-

- The Prevention of Crime and Disorder
- The Protection of Children from Harm

In summary, the Hampshire Trading Standards have concerns regarding the control and operation of the store relating to the Licensing Objectives and in particular the role that the DPS has played in the running of the store.

Listed below are the details of test purchases, actions and visits made to the store by Trading Standards Officers (TSO's)

16/11/12 – The store failed a police test purchase when a female member of staff sold 4 cans of Fosters lager to a 16 year old male volunteer.

20/11/12 – TSO Worrall and PC Barron visited the store. No training records for staff were held. No refusals book was in use either. An action plan was issued which included using a Challenge 25 initiative, displaying Challenge 25 signage, keeping written training records and a refusals book. It can be found at Annexe A.

21/12/12 – The store failed a Trading Standards test purchase when a female member of staff sold 4 cans of Fosters lager to a 16 year old female volunteer.

This premise is inextricably linked to the shop in Park House Farm Way as both shops are owned by Mr Jagdish Patel, indeed Jagdish Patel is the current DPS of this shop.

Trading Standards believe these test purchase failures are entirely due to poor management and have very little confidence in this business selling alcohol. Therefore Trading Standards ask that the DPS is removed and the premise licence is suspended for three months or until the following conditions are complied with, whichever is the sooner. Trading Standards feel that revocation is not a proportionate action to take at this time, but sincerely hope that full compliance with the proposed conditions will enable this shop to turn its fortunes around.

Following discussions between Mr Patel, his Solicitor Mr Walgrove, Trading Standards have offered Mr Patel of Select and Save and Stop and shop a 7 day closure order beginning 1800 hours 3/4/13 until 1800 10/4/13

He has been informed to take all alcohol off display for that period for both stores

The full report of TSO Worrall is attached.

He has indicated that he will accept this in lieu of prosecution

The Sub-Committee is requested to determine the application when they have heard from all parties.

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Havant
BOROUGH COUNCIL

HAVANT BOROUGH COUNCIL

LICENSING ACT 2003 – SECTION 52(2)
APPLICATION FOR A REVIEW OF A PREMISES LICENCE
Stop and Shop, 407 Middle Park Way, Havant

NOTICE

To: Applicant: Hampshire Trading Standards Service, Montgomery House, Monarch Way, Winchester, SO22 5PW

Licence Holder: Mr Jagdish Patel, 128A Park House Farm Way, Leigh Park, Havant PO9 4DP

Licence Holder's Agent: Jon Wallsgrove, Partner, Licensing and Regulatory Team, Blake Laphorn, Watchmaker Court, 33 St Johns Lane, London EC1M 4DB

Persons Who Have Made Relevant Representations:

PC 1148 Phil Barron, Hampshire Constabulary, Licensing Department, Havant Police Station, Civic Centre Road, Havant PO9 2AN

I HEREBY GIVE NOTICE that a hearing under Section 52(2) of the Licensing Act 2003 to determine an application made by Hampshire Trading Standards Service of Montgomery House, Monarch Way, Winchester, SO22 5PW, for a review of a premises licence in respect of premises known as Stop and Shop, 407 Middle Park Way, Havant, will be held by the Council's Licensing Sub-Committee in the the Hollybank Room at Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant in Hampshire at 9.00am on Friday 12 April 2013.

Dated this 27th day of March 2013

Signed

Solicitor to the Council

Enclosures: Application for Review of Premises Licence
Representation from Police
Representation from Licence Holder
Information to Accompany a Notice of Hearing
Relevant Regulations Relating to Hearings
Hearings Procedure
Notice of Intention

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

We Hampshire County Council Trading Standards Service wish to apply for a 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

Postal address of premises or, if none, ordnance survey map reference or description Stop and Shop 407 Middle Park Way	
Post town Havant	Post code PO9 5DP

Name of premises licence holder or club holding club premises certificate (if known) Mr Jagdish Patel

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

- | | Please <input checked="" type="checkbox"/> yes |
|---|--|
| 1. An interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) A person living in the vicinity of the premises | <input type="checkbox"/> |
| b) A body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) A person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) A body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2. a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3. a member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current address

Post Town Postcode

Daytime contact telephone number

Email address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Hampshire County Council Trading Standards Service Montgomery House Monarch Way Winchester Hampshire SO22 5PW
Telephone number (if any) 01962 833658
Email (optional) stephen.lawford@hants.gov.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 state the ground(s) for review (please read guidance note 1)

Hampshire County Council Trading Standards Service wish to apply for a review for this premises under the licensing objectives :- The Prevention of Crime and Disorder and The Protection of Children from Harm.

Stop and Shop failed an alcohol test purchase on 16 November 2012. This was to a 16 year old male volunteer working with Hampshire Constabulary.

Stop and Shop failed an alcohol test purchase on 21 December 2012. This was to a 16 year old female volunteer working with HCC Trading Standards Service.

Please provide as much information as possible to support the application (please read guidance note 2)

Listed below are the details of test purchases, actions and visits made to the store by Trading Standards Officers (TSO's)

16/11/12 – The store failed a police test purchase when a female member of staff sold 4 cans of Fosters lager to a 16 year old male volunteer.

20/11/12 – TSO Worrall and PC Barron visited the store. No training records for staff were held. No refusals book was in use either. An action plan was issued which included using a Challenge 25 initiative, displaying Challenge 25 signage, keeping written training records and a refusals book. It can be found at Annexe A.

21/12/12 – The store failed a Trading Standards test purchase when a female member of staff sold 4 cans of Fosters lager to a 16 year old female volunteer.

This premise is inextricably linked to the shop in Park House Farm Way as both shops are owned by Mr Jagdish Patel, indeed Jagdish Patel is the current DPS of this shop.

Trading Standards believe these test purchase failures are entirely due to poor management and have very little confidence in this business selling alcohol. Therefore Trading Standards ask that the DPS is removed and the premise licence is suspended for three months or until the following conditions are complied with, which ever is the sooner. Trading Standards feel that revocation is not a proportionate action to take at this time, but sincerely hope that full compliance with the proposed conditions will enable this shop to turn its fortunes around.

Conditions

- 1) The Designated Premise Supervisor (DPS) to be removed.
- 2) Any future DPS will have passed the level 1 BIIAB Award for Designated Premise Supervisors (ADPS) or equivalent within three months of being appointed as DPS.
- 3) All sales of alcohol must be made by a Personal Licence Holder (PLH)
- 4) All staff must have completed and passed level 2 BIIAB Award for Personal Licence Holders (APLH) or equivalent.
- 5) A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

6) There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

7) All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

8) The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when

investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police Licensing Unit within 24 hours.

May we also highlight paragraphs 11.24, 11.26 and 11.27 of the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, with a particular emphasis on paragraphs 11.26 and 11.27.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

Annexe A – Action plan issued to the store 5 November 2012.

Annexe A

Mr J Patel
 Kwikimart
 407 Middle Park Way
 Leigh Park
 Hampshire
 PO9 5DP

Date 20 November 2012

Email paul.worall@hants.gov.uk Direct Line 01962 833345

Dear Sir

Licensing Act 2003

Please adhere to the following action plan.

A written log shall be kept of all refusals including refusals to sell alcohol. The holder of the premises licence shall ensure that the refusals log is properly maintained and checked, dated and signed on a weekly basis.

The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase alcohol at or from the premises shall produce means of identification acceptable to the licensing authority - passport, photo driving licence or PASS accredited photo ID - proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

All staff shall be trained in appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Such training shall be provided not less than every three months, and written records shall be kept of all training and refresher training, but for the next three months training shall be provided every month.

Challenge 25' posters shall be displayed in prominent positions at the premises.

All documents to be produced on request to police and trading standards officers.

Yours sincerely

Paul Worall, Trading Standards Officer

Please tick yes

Have you made an application for review relating to these premises before?

Day Month

Year

If yes, please state the date of that application

--	--	--	--	--	--	--	--

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

No

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.
(please read guidance note 4) **If signing on behalf of the applicant, please state in what capacity.**

Signature.....

S. Lawford.....

Date.....

22/02/13.....

Capacity.....

Trading Standards Officer.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using email, your email address (optional)	

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.

DATA PROTECTION ACT 1998

The personal information you have provided, or which has been obtained from other sources, will only be used for the purpose of the licensing function, and for auditing, monitoring, statistical and other research.

The information will be retained by the council for a period not exceeding 7 years.

The information may be shared with other council departments and statutory bodies.

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**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 1 of 4

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 1148 Phil BARRON, on behalf of the Chief Officer of Hampshire Constabulary,
(*Insert name of applicant*)

Apply for the review of a premises licence.

Apply for the review of a club premises certificate.

(*Select as applicable*)

Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	Stop and Shop (aka Kwiki Mart) 407 Middle Park Way Havant
Postcode (<i>if known</i>):	PO9 5DP

Name of premises licence holder or club holding club premises certificate (<i>if known</i>) Mr Jagdish PATEL

Number of premises licence or club premises certificate (<i>if known</i>) HPR0198
--

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: PC 1148 Licensing Officer
Surname: BARRON First Names: Phil
Current postal address : Licensing Department Havant Police Station Civic Centre Road Havant
Postcode: PO9 2AN
Daytime telephone number: 02392 891535
E-mail address: phil.barron@hampshire.pnn.police.uk (<i>optional</i>)

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

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

- Select one or more
boxes*
- | | |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety | <input type="checkbox"/> |
| 3) The prevention of public nuisance | <input type="checkbox"/> |
| 4) The protection of children from harm | <input checked="" type="checkbox"/> |

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

Hampshire Constabulary wish to make representation in support of Hampshire Trading standards review of the above premises in relation to the following licensing objectives, the prevention of crime and disorder and the protection of children from harm.

Evidence suggest across Havant Borough the majority of ASB incidents, criminal damage and minor assault are committed by juveniles. Those stop checked in the early evenings on Fri / Sat, a high proportion are in drink and some in possession of alcohol, which may have been purchased by proxy sale or by the individual. Since October 2012 Havant Police Licensing department have carried out extensive alcohol test purchase operations across the district.

The present Premises licence holder is Mr Jagdish PATEL.

On Friday 16th November 2012, PC BARRON and local officers from the SNT carried out a alcohol test purchase op on the above premises using a 16yr old male volunteer who purchased x 4 cans of Tennant lager from Mrs Emily RINGROSE (staff). Mrs RINGROSE was interviewed under caution and admitted the sale. She was issued with a £80.00 fixed penalty notice for disorder.

At the time Mrs RINGROSE was unable to produce a current refusal book and was unsure what one was. She also admitted she had not received any formal training in relation to the licensing act.

On Tuesday 20th November PC BARRON and TSO Worrall spoke with Mr PATEL and his wife Netra at the sister store in Park House Farm Way. It was evident that there were not training records for staff or up to date refusal books in place. An action plan was issued by TS in relation to Challenge 25 initiative and signage also regular training and refusal books to be kept. The opportunity for a member of their staff to receive APLH training courtesy of Southern Co-op was also discussed. Mr Patel and his wife Netra were warned that both premises licence were at risk of review if another sale was made within 3 months and a revocation of the Premises licence would be sought.

On Monday 21st December 2012 TS carried out a further alcohol test purchase when a female test purchaser was sold x 4 cans of Fosters.



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

On Friday 24th December 2012, PC BARRON attended the store and spoke with Diane WILLIAMS. Mrs WILLIAMS was interviewed under caution and admitted the sale of alcohol to a person under the age of 18. At the conclusion of the interview he was issued with a £80.00 fixed penalty notice for disorder. She stated that she had not received any formal training in relation to the licensing act whilst working at the store.

I understand on Tuesday 19th March 2013 a closure notice was served by TS on Select and Save for persistently selling alcohol to children. The closure covers the period 3rd April 2013 - 10th April 2013. Hampshire Constabulary fully support this notice.

I also understand TS have been in consultation with Solicitors acting on behalf of Mr. PATEL. I'm in receipt of the plan of action agreed between the two party's. HC are in agreement and fully support this action as an alternative to prosecution at this time.

HC Believe that these test purchase failures are entirely due to poor management on the part of Mr PATEL. His failure to comply and promote the licensing objectives to his staff have been a direct result of these failures. The removal of MR PATEL from the premises licence and conditions set out by Trading Standards are fully supported by HC. Compliance with the proposed conditions will enable the store to continue trading.

HC will continue with alcohol test purchase operations across the Borough until the there is evidence of a reduction in the current failures.

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that application: / /
Day Month Year

If you have made representations before relating to this premises please state what they were

Please tick

- 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 have sent a copy of this representation to the principal licensing officer of Havant Council

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



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Signature of Officer Completing

Name P BARRON Collar Number: 1148
Signature: _____ Date: 25/03/2012

Signature of Authorising Officer (Inspector or above)

Name _____ Collar Number: _____
Signature: _____ Date: _____

Representations following an application to review the premises licence for Stop and Shop.

Mr and Mrs Patel wish to express their considerable regret that it has been necessary to call for a review of their premises licence, following failed test purchases. They apologise to the Licensing Committee and Responsible authorities involved in the enforcement process and would like to stress that they share the common aim of all involved, in preventing young people purchasing and/or consuming alcohol.

Mr and Mrs Patel have owned this shop for a number of years which is a small convenience store serving the local community. They are not aware of any issues of under age drinking in the locality since they have owned the shop. They know the considerable majority of their customers as most of their business is from a loyal local customer base, they have little custom from "passing trade." As a consequence they have a very good knowledge of the young people in the area.

They rarely have persons under the age of 18 attempting to purchase alcohol and nor do they believe that their shop is subject to proxy purchases of alcohol by adults who then pass it on to under 18's.

Mr and Mrs Patel own two shops, this one and Select and Save which is a similar type of shop and not far from Stop and Shop. They currently employ four members of staff who work 16 hours each week. Mr and Mrs Patel work a minimum of 45 hours in each shop. They are also assisted by other family members from time to time. All members of staff who work in the shop have been trained by the Patel's in their legal responsibilities in selling alcohol.

Mr and Mrs Patel sell National Lottery tickets and have passed previous test purchases.

In consultation with the Trading Standards Officers it was accepted that although measures were in place to prevent sales of alcohol to persons under the age of 18, to address the cause of the review those measures should be endorsed on the premises licence as conditions as well as additional steps. Those steps will be outlined to the Committee at the hearing and commended by both Trading Standards and Mr and Mrs Patel as the appropriate and proportionate steps to take.

Mr and Mrs Patel accept that, although their shop is not one which causes local problems in terms of underage drinking, in light of the number of failed test purchases the Committee will want to ensure the strict adherence of the conditions being proposed. Therefore in discussions with Trading Standards Mr and Mrs Patel proposed that a suspension of the premises licence for 28 days would serve as a sufficient deterrent effect.

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LICENSING SUB- COMMITTEE

Information to accompany a Notice of Hearing

Notes:

The purpose of this guide is to advise you of the work and responsibilities of the Licensing Sub-Committee.

The purpose of the hearing is for the Sub-Committee to consider the application laid before it under the Licensing Act 2003, in the light of any representations received before or at the meeting, including those of the applicant or his representative.

The meeting is open to the public and the press. An interested party or responsible authority may attend and may be assisted or represented by any person whether or not that person is legally qualified. However, the Sub-Committee may exclude the public, including any party to the hearing, from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing (or part hearing) taking place in public.

The hearing procedure and relevant extracts from the Regulations relating to hearings are attached.

If you have notified the Council that you do not intend to attend the hearing or to be represented at the hearing, you should be aware that the hearing may proceed in your absence.

However, if you have not indicated such an intention to the Council and you then fail to attend or be represented at the hearing, the Sub-Committee may:

- adjourn the hearing to a specified date, if considered necessary in the public interest or
- hold the hearing in your absence.

Where a hearing is held in your absence, the Sub-Committee shall consider the application, plus any written representations you have made. Where the Sub-Committee adjourns the hearing to a specified date, all parties to the hearing will be notified of the date, time and place to which the hearing has been adjourned.

The Sub-Committee may require any person attending the hearing, who in its opinion is behaving in a disruptive manner, to leave the hearing forthwith and may:

- refuse to permit that person to return, or
- permit the person to return only on such conditions as the Sub-Committee may specify,

but such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

Please note, that the Council may dispense with holding a hearing if all persons involved, i.e. the applicant, interested parties and responsible authorities, agree that such a hearing is unnecessary, by giving notice to the Council that they consider a hearing to be unnecessary.

Particular Points On Which the Council Considers it Will Want Clarification at the Hearing

None save those raised in the representations received.

Copy of Regulations 15 and 16 of The Licensing Act 2003 (Hearings) Regulations 2005

Right of attendance, assistance and representation

- 15.** Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and supporting information

- 16.** At the hearing a party shall be entitled to—
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
 - (b) if given permission by the authority, question any other party; and
 - (c) address the authority.

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HAVANT BOROUGH COUNCIL

HEARINGS PROCEDURE REVIEW OF PREMISES LICENCE – STOP AND SHOP 12 APRIL 2013

(in accordance with Regulations issued under the Licensing Act 2003)

- 1 The Chairman will explain to all those present how the hearing will be conducted. The parties to the hearing will be told it will be in accordance with this procedure, which will have been circulated to all parties in advance of the hearing.
- 2 Before the hearing commences the Chairman will:
 - (a) explain that a record will be taken of the proceedings in a permanent and intelligible form;
 - (b) ask all parties to the hearing if any of them wishes to withdraw any representations they have made;
 - (c) ask all parties to the hearing if any of them wishes to call witnesses and will seek the Sub-Committee's approval for witnesses to address the hearing.
- 3 The Licensing Officer will outline the nature of the application for a review of the premises licence and the reasons why the matter is before the Sub-Committee;
- 4 The Members, the Trading Standards Officers, the Police, the Licence Holder and any other persons who have made representations (or their respective representatives) may ask questions of the Licensing Officer;
- 5 The Trading Standards Officers, will be invited to submit representations to the Sub-Committee and call witnesses in support of their application for a review of the premises licence;
- 6 The Members, the Police, the Licence Holder and any other persons who have made representations, will be invited to ask questions of the Trading Standards Officers and/or their witnesses;
- 7 The Police will be invited to make representations to the Sub-Committee;
- 8 The Members, the Trading Standards Officers, the Licence Holder and any other persons who have made representations will be invited to ask questions of the Police and/or their witnesses;

- 9 Other persons who have made representations will be invited to submit their representations to the Sub-Committee;
- 10 The Members, the Trading Standards Officers, the Police and the Licence Holder will be invited to ask questions of those other persons who have made representations and/or their witnesses;
- 11 The Licence Holder, will be invited to submit representations to the Sub-Committee and call witnesses in support of their representations;
- 12 The Members, the Trading Standards Officers, the Police and any other persons who have made representations will be invited to ask questions of the Licence Holder and/or their witnesses;
- 13 The Trading Standards Officers will be given an opportunity to submit any final comments to the Sub-Committee;
- 14 The Police will be given an opportunity to submit any final comments to the Sub-Committee;
- 15 Other persons who have made representations will be given an opportunity to submit any final comments to the Sub-Committee;
- 16 The Licence Holder will be given an opportunity to submit any final comments to the Sub-Committee;
- 17 The Chairman will announce that the Sub-Committee will retire to consider its determination. The Sub-Committee, in retiring, will be accompanied by the Council's Solicitor, for legal advice only, and the Democratic Services Officer;
- 18 If at any time before making its determination, the Sub-Committee wishes to ask any additional questions of any of the parties, it will return to the Committee Room to ask those questions in front of all parties to the hearing. At this stage, the Chairman will allow further questions by any of the parties of those additional questions, if this is deemed necessary;
- 19 After any further retirement, the Sub-Committee will return to the Committee Room and the Democratic Services Officer will announce the decision of the Sub-Committee, together with the reasons for that decision.