

LICENSING SUB – COMMITTEE

1 May 2012

Report of the Head of Legal Services

Contact Officer: Carol Stefanczuk. Tel No: 01962 848 188

Application: Review of Premises Licence

Premises: R & K News, 12 Stockbridge Road, Winchester, SO23 7BZ

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Part A.

1. Application

Applicant: Hampshire County Council Trading Standards Service

Premises: R & K News, 12 Stockbridge Road, Winchester, SO23 7BZ

- 1.1 This application is for the review of the premises licence for R & K News, under Section 51 of the Licensing Act 2003.
- 1.2 R & K News is authorised under a premises licence for the supply of alcohol for consumption off the premises and has been since 24 November 2005 when the Licensing Act 2003 came into force.
- 1.3 Mr Jay Patel and Mr Manoj Patel have been joint premises licence holders since 24 June 2009.
- 1.4 An application for the review of premises licence number PREM 56 for R & K News was received by Hampshire County Council Trading Standards Service, a Responsible Authority, on 5 March 2012 (Appendix 1).
- 1.5 The review application relates to the prevention of crime and disorder and the protection of children from harm licensing objectives. This has been prompted following two failed alcohol test purchases within three months.
- 1.6 The first sale took place on 17 November 2011 by a cashier to a 16 year old male.
- 1.7 The second sale on 20 January 2012 was made by the shop manager, Mr Jayesh Pathak to a 16 year old female. Mr Pathak did not hold a personal licence at the time. It is believed that he had passed the Award for Personal Licence Holders before the relevant date, however this cannot be confirmed.
- 1.8 The Applicant has asked for the premises licence to be revoked.
- 1.9 Following the first test purchase failure, Stephen Lawford, a Trading Standards Officer for Hampshire County Council and PC Gary Miller of Hampshire Constabulary met with the licence holders at the premises on 25 November 2011. They agreed an action plan in order to prevent further underage sales and were advised that another test purchase would follow.
- 1.10 On 15 February 2012, Stephen Lawford interviewed the licence holders following the second test purchase failure. The licence holders admitted

that they had left Mr Pathak to adhere to the action plan and accepted that the plan had not been adhered to except for sending Mr Pathak on the Award for Personal Licence Holders course. A record of refusals was kept for one week only.

- 1.11 Mr Madhavdas Menon was the Designated Premises Supervisor (DPS) at the premises from 7 December 2009 until 15 February 2012. It is understood that Mr Menon did not have any involvement with the premises from November 2011.
- 1.12 An application to vary the premises licence was received on 15 February 2012 to specify Mr Jayesh Patel as the DPS.
- 1.13 On 5 March 2012, Mr Lawford served a Closure Notice under Section 169A(2) of the Licensing Act 2003. This notice gives the licence holders 14 days to decide whether they agree to suspend the licensable activities, in this case the sale of alcohol, for 48 hours. Failure to agree or respond, can lead to prosecution by Trading Standards officers for persistently selling alcohol to underage persons.
- 1.14 On 9 March 2012, Mr Lawford received notice that the licence holders accepted the closure notice. This took affect from 1800 21 March 2012 to 1800 23 March 2012.
- 1.15 At 1810 on 21 March 2012, Mr Lawford attended the premises and reported that all alcohol had been moved to the rear of the shop where there was no public access and a sign was displayed on the door explaining that the premises could not sell alcohol.
- 1.16 A further application to vary the premises licence was received on 21 March 2012 to specify Mr Manojkumar Patel as the DPS. He is still currently in this position.
- 1.17 A copy of the application was sent to the other responsible authorities and to the licence holders.
- 1.18 Notice of the review was displayed at the premises for a period of 28 days until 2 April 2012 and a copy was placed on display at the City Offices and on the Council's website.
- 1.19 A representation was also received from the Chief Officer of Hampshire Constabulary on 14 March 2012, relating to the prevention of crime and disorder and the protection of children from harm licensing objectives.
- 1.20 Notices of the hearing were sent to all Parties on 4 April 2012.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Head of Environment

No representations received.

Hampshire Constabulary

A representation has been received from the Chief Officer of Hampshire Constabulary relating to the prevention of crime and disorder and

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Head of Building Control

No representations received.

Head of Safety Standards

Hampshire County Council Trading Standards Service is the applicant.

There were no representations from interested parties.

3. Observations

- 3.1 The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.2 In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.
- 3.3 The Sub-Committee must have regard to all of the representations.
- 3.4 The licensing authority must, having regard to the application and any relevant representations, take such steps showed below as it considers necessary for the promotion of the licensing objectives:-
- a) Modify the conditions attached to the licence either permanently or for a period not exceeding three months.
 - b) Exclude a licensable activity either permanently or for a period not exceeding three months.
 - c) Remove the Designated Premises Supervisor.
 - d) Suspend the licence for a period not exceeding three months.
 - e) Revoke the licence.
- 3.3 If the Sub-Committee decides that none of the above measures are appropriate, it may take no action.

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

4. Conditions

The Mandatory Conditions are imposed on a premises licence in any case.

- 4.1 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.
- 4.2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
- 4.3 Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
- 4.4 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 4.5 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.
- 4.6 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.

Possible Conditions

The Sub-Committee may wish to consider whether any further conditions are considered necessary to promote the prevention of crime and disorder and protection of children from harm licensing objectives, in the light of the application and the representation by Hampshire Constabulary.

No conditions are suggested for consideration as the recommendation from the applicant and the Police is that the premises licence should be revoked.

5. Other Considerations

Corporate Strategy (Relevance To:)

This report covers issues which relate to Economic Prosperity and Safe and Strong Communities.

Resource Implications

No fee is applicable for this application. In regulating the activities it is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Hampshire County Council Trading Standards Service
2. Representations by Hampshire Constabulary
3. Premises Licence
4. Other Appendices
 - a) Closure Notice
 - b) Map of premises
 - c) Letter from Dick Hudson
 - d) Letter from Camelot

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

We Hampshire County Council Trading Standards 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 R & K News 12 Stockbridge Road	
Post town Winchester	Post code SO23 7BZ

Name of premises licence holder or club holding club premises certificate (if known) Jay Patel and Manoj Patel
--

Number of premises licence or club premises certificate (if known) Prem 56
--

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.

This premises has failed two consecutive alcohol test purchase operations within two months. The first failure was on 17 November 2011 and was conducted by Hampshire Constabulary using a 16 year old male volunteer and the second failure on 20 January 2012 was to a 16 year old female volunteer working with HCC Trading Standards Service.

Following the first failure an action plan was served on the licence holders. None of the points listed in the action plan have been adhered to fully.

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

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

17/11/11 – The store failed a police test purchase by selling a can of Fosters lager to a 16 year old male volunteer. The 22 year old male cashier was issued with an £80 Penalty Notice for Disorder.

25/11/11 – As a result of the above failure, TSO Lawford and police licensing officer PC Miller visited the store and dealt with licence holders Jay Patel and Manoj Patel. They said DPS Mr Menon had gone to India earlier in November 2011. Training records could not be produced; a refusals book was not in use and a 21 policy was not in operation in the store. An action plan was issued to the licence holders (copy at Annexe A) this was issued in order to prevent further underage sales and they were advised how vitally important it was that they adhere to it. They were advised that another test purchase would follow. They were warned of the dire consequences of a 2nd sale within the next three months and failure to adhere to the action plan, which would lead to a closure notice being issued in lieu of prosecution and a Review of the premise licence which could lead to revocation.

20/01/12 - The store failed a Trading Standards test purchase by a 16 year old female volunteer, when a 1.5 litre bottle of Frosty Jack's cider was sold to her without any questions being asked by shop Manager Mr Jayesh Pathak. An £80 Penalty Notice for Disorder (PND) was issued to Mr Pathak.

15/02/12 - TSO Lawford interviewed the two licence holders at a mediation meeting. During this meeting they admitted that the DPS Menon had left the store in November 2011 and had never returned to the store. They said their plan was to make Mr Pathak the new DPS after sending him on an APLH course. They admitted that they had not advised the Licensing Authority nor the police of their plan. They admitted that they had left Mr Pathak to adhere to the action plan and accepted that the plan had not been adhered to at all except for sending Mr Pathak on an APLH course and keeping a record of refusals for one week only. Mr Pathak's wife who also worked in the store had not received any training. They stated that TSO Lawford was going to send them some Challenge 25 posters, but when they did not arrive they admitted doing nothing about it.

Trading Standards and Hampshire Constabulary have tried to assist this store with their problems of making underage sales of alcohol. A joint visit was made to the store on 25 November 2011 when an action plan was served on the two licence holders and advice was given on best practice to prevent further underage sales. TSO Lawford explained the consequences of a 2nd underage sale and failure to adhere to the action plan. TSO Lawford mediated with the licence holders on 15 February 2012 and advised that he would be applying for a Review and asking for the premise

licence to be revoked.

This premises has been operating with a DPS who has not had anything to do with the business as he has not been anywhere near the premises since November 2011.

The licence holders have failed to adhere to the action plan and have a 100% failure record of underage sales test purchases. Trading Standards believe this is entirely due to poor company practice and have no confidence in this business selling alcohol. Therefore Trading Standards say that the only option is for the premise licence to be Revoked.

Applying conditions to the licence would not be an effective nor proportionate action to take.

May we also highlight paragraph 11.24 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 letter to the store dated 25 November 2011.

Annexe A

R & K News
12 Stockbridge Road
Winchester
Hants
SO23 7BZ

25 November 2011

Dear Sirs

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 check and sign it 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 to challenge every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification. 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

MR S G LAWFORD
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.....

05/03/12.....

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.

RESTRICTED

**Application for the review 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 Alan READ, 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)

Premises or Club Premises details

Postal address of premises:	R&K News 12 Stockbridge road Winchester
Postcode (if known):	SO237BZ

Name of premises licence holder or club holding club premises certificate (if known) Jay PATEL and Manoj PATEL

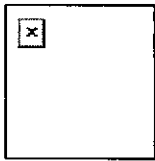
Number of premises licence or club premises certificate (if known) Prem 56

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: P.C. 1168
Surname: READ First Names: ALAN
Current postal address : Winchester Police Station, North Walls, Winchester, Hampshire
Postcode: SO238DW
Daytime telephone number: 01962841561
E-mail address: alan.read@hampshire.pnn.police.uk (optional)

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

RESTRICTED



**Application for the review 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 are making a representation in respect of Hampshire Trading Standards call for a review of the of the premises licence of R&K NEWS under the licensing objectives of The prevention of crime and disorder and The protection of children from harm. This follows two successive test purchase failures for alcohol at the store the details of which are listed below

On 17th November 2011 The police carried out the a test purchase for alcohol using a 16 year old male volunteer. On this occasion the sales assistant Gohil SATYAYITSNH sold the volunteer a can of Fosters lager. The sales assistant was issued with a penalty notice fine of £80.

As a result of this failure the store was visited on 25th November 2011 by Police licensing officer Gary MILLER and Mr Steven LAWFORD of HCC Trading Standards. Both Premises licence holders were interviewed and it was noted at this meeting that training records could not be produced, a refusals book was not in use and there was no challenge 21 policy in operation at this store. An action plan was agreed at this meeting to address these issues and this was confirmed in writing to the premises licence holders by Mr LAWFORD on 25th November 2011. Both Premises licence holders were warned that as a result of this failure that the store would be retested in due course and that should they fail again there would be a review of the premises licence.

On 20th January 2012 officers from Trading Standards carried out a test purchase for alcohol at the store using a 16 year old female volunteer. The volunteer purchased a 1.5 litre bottle of Frosty Jack's cider from the stores manager Mr Jayesh PATHAK who was subsequently issued with a Penalty notice fine of £80.

On 15th February 2012 enquiries by Mr LAWFORD of Trading Standards with the premises licence holders revealed that there had been no adherence to the action plan he had given them and that they intended to name Jayesh PATHAK as the DPS due to the absence of the existing DPS Mr MENON.

Despite interventions and advice from Hampshire Constabulary and more so by Trading standards the Premises licence holders have failed to grasp the seriousness of these

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

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matters which is clearly demonstrated by the fact that they both failed to implement the action plan set out by Trading standards or even take an active role in the supervision of those they employed following the first test purchase failure

Having failed two test purchases for alcohol within three months the premises licence holders have clearly demonstrated that they are incapable of running the store in compliance with the Licensing law or in a way that promotes the licensing objectives. They have nominated one of the persons who actually made one of the underage sales (PATHAK) as the proposed new DPS which is unacceptable.

Hampshire constabulary can see no further intervention or condition that could be applied to the licence that could assist the Premises Licence holders in running the store in a way that promotes the licensing objectives. Hampshire Constabulary would ask the committee to revoke the premises licence and feel that this is a necessary and proportionate response to the circumstances described above and the only real way to promote the licensing objectives.

Hampshire Constabulary would also ask the committee to consider the following case law and Secretary of State's guidance coming to their decision:

B) Bassetlaw V Worksop 2009 which deals in part with the issues of the committee's decision being deemed a "punishment":

"Strictly speaking, the provisions of the 2003 act cannot be used for punishment. However, deterrence is an appropriate objective, and one contemplated by the guidance when dealing with a review of the licence where there has been criminal activity on the premises (in this case, the sale of alcohol to underage persons)."

The police would also ask the committee to consider the following parts of the Secretary of States Guidance under section 182

Par 11.26 The question of the sale of alcohol on the premises for underage drinkers is considered where it states:

" 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 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."

Par 11.24 This provides that the licensing Authorities duty in circumstances such as these 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."

Par 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

**Application for the review of a
Premises licence or Club Premises certificate
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further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

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

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 P.C. Alan Read

Collar Number: 1168

Signature:

Date: 6/3/12

Signature of Authorising Officer (Inspector or above)

Name

Collar Number:

Signature:

Date:



Winchester
City Council

Premises Licence

Premises Licence Number

PREM56

12/00494/LAVDPS

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

R And K News
12 Stockbridge Road
Winchester
Hampshire
SO23 7BZ

Telephone number 01962 852658

Where the licence is time limited the dates

Licensable activities authorised by the licence

- m) Supply of Alcohol
n)

Times the licence authorises the carrying out of licensable activities

The hours the premises may be used for permitted regulated entertainment shall be as follows:

- m) Supply of Alcohol
- | | | |
|-------|---------------------------|--------------------------------------|
| (i) | Monday to Saturday | 0800 to 2300 |
| (ii) | Sunday | 1000 to 2230 |
| (iii) | Christmas Day | 1200 to 1500
1900 to 2230 |

The opening hours of the premises

n/a

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Jay Patel
1 Spencer Close
Pamber Heath
Tadley
RG26 3XL

Mr Manoj Patel
71 Braithwaite Gardens
Stanmore
HA7 2QG

Registered number of holder, for example company number, charity number (where applicable)

Registered Company Number
Registered Charity Number

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Manojkumar Patel
71 Braithwaite Gardens
Stanmore
Middlesex
HA7 2QG

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number	06MP-00AQ-DPRC-YDXE
Licensing Authority	London Borough of Harrow

Head of Legal Services

Annex 1 – Mandatory conditions

1. 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. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.
4. 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.
5. 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.

Annex 2 – Conditions consistent with the Operating Schedule

Conditions from existing licences:-

Justices Off-Licence

None

Annex 3 – Conditions attached after a hearing by the licensing authority

n/a

Annex 4 – Plans

See attached



Hampshire County Council

Trading Standards Service
Culture, Communities and Business Services
Montgomery House
Monarch Way, Winchester
Hampshire SO22 5PW
www.hants.gov.uk/tradingstandards
e-mail; tsadvice@hants.gov.uk

Telephone 01962 833620
Fax 01962 833699

The Premise Licence Holders
R & K News
12 Stockbridge Road
Winchester
Hants
SO23 7BZ

Enquiries to	Mr S G Lawford	My reference	337191/CN
Direct Line	01962 833658	Your reference	
Date	5 March 2012	E-mail	steve.lawford@hants.gov.uk

Dear Sirs

Please find attached closure notice issued under Section 169A(2) of the Licensing Act 2003. This notice offers a period of closure as an alternative to criminal prosecution for an offence of repeatedly selling alcohol to underage persons.

If you wish to accept this notice both premise licence holders need to contact me in writing or by email within 14 days of the date of this notice, or this will lead to prosecution.

If you decide to accept the proposed closure this does not mean that you have to close the whole premise, but all sales by retail of alcohol at the premises during the period specified in part 9 of this notice must cease. All alcohol must be removed from areas that the public have access to before 18.00 hours on 21 March 2012 and not replaced until after 18.00 hours on 23 March 2012.

During this period the premises will be monitored to ensure that you are complying with this closure notice.

The premise licence holders should read parts 10, 11, 12 and 13 of this notice with particular care as they contain information concerning your rights.

Yours sincerely

MR S G LAWFORD
Trading Standards Officer

Director of Culture, Communities and Business
Karen Murray



CLOSURE NOTICE FOR PERSISTENTLY SELLING ALCOHOL TO CHILDREN

Section 169A(2) of the Licensing Act 2003

This notice offers a period of closure as an alternative to criminal prosecution for an offence of repeatedly selling alcohol to underage persons. It is addressed to the person(s) (which may include a company etc) who hold the relevant premises licence for the premises concerned. A copy of this closure notice will be sent to the holder of the premises licence at the address for that person set out in the licence.

The premise licence holder(s) should read parts 10, 11, 12 and 13 of this notice with particular care as they contain information concerning their rights. If you have been handed this notice and are not the premises licence holder, you may wish to inform the premises licence holder(s) that this notice has been served.

1. Name of the inspector of weights and measures giving this closure notice	
Julie Chambers Team Manager Legal and Compliance	
2. Name of the trading standards officer serving this closure notice. (A closure notice may be served by being handed to a person on the premises who appears to have control of or responsibility for the premises and who need not be the premises licence holder).	
Stephen Lawford	
3. Date on which closure notice is given	
1 1 5 0 1 3 2 0 1 2	

Details of premises and premises licence holder(s)	
4. Address of premises in respect of which this notice is being given	12 Stockbridge Road Winchester Hants SO23 7BZ
5. Premises Licence Reference number and issuing licensing authority	Prem 56 Winchester City Council
6. Name of premises licence holder(s)	Jay Patel and Manoj Patel
7. Address of premises licence holder(s). (This is the address to which a copy of this closure notice will be sent)	1 Spencer Close 71 Braithwaite Gardens Pamber Heath Stanmore Tadley Middx RG26 3XL HA7 2QG

8. Particulars of alleged offence under section 147A of the Licensing Act 2003, including:	
<ul style="list-style-type: none"> • particulars of unlawful sales made to persons under 18; • dates of the sales; and • the individuals making the sales (so far as known). 	
(Note: you can be liable for the offence if you were a premises licence holder at the time each unlawful sale took place on the premises)	
First unlawful sale:	One can of Fosters lager sold to a 16 year old volunteer on a police test purchase operation on 17 November 2011 by Gohil Satyajitsinh.

Second unlawful sale:	One 1.5 litre bottle of Frosty Jack's cider sold to a 16 year old volunteer on a Trading Standards test purchase operation on 20 January 2012 by Mr Jayesh Pathak.
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9. Proposed period (maximum 48 hours) during which sales of alcohol by retail are to be prohibited (commencing not less than 14 days after this closure notice was served):

From	Time: 18.00	To	Time: 18.00
	Date: 21 March 2012		Date: 23 March 2012

10. Effect of accepting of the proposed prohibition (closure)

If you decide to accept the proposed closure (on how to do this, see part 12 below), all sales by retail of alcohol at the premises during the period specified in part 9 of this notice will be unauthorised. An unauthorised sale is a criminal offence (see section 136 of the Licensing Act 2003). A person guilty of an offence under that section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

11. Right to elect to go to trial

You do not have to accept the proposed closure. As an alternative, you may elect to be tried in a court of law for the offence described in part 8 above. That right may be exercised by informing the officer named in part 14 in writing or by e-mail.

12. How to accept the proposed prohibition

In order to accept the proposed closure, *all* premises licence holder(s) should notify the officer named in part 14 of their decision in writing or by e-mail **within 14 days** of this notice being served. Failure to notify the officer named in part 14 of acceptance of the prohibition within 14 days will be taken as a decision to elect for trial for the alleged offence described in part 8.

13. Effect of a failure by one or more of the premises licence holders to accept the proposed prohibition

The right to be tried for the alleged offence described in part 8 of this closure notice will be taken to have been exercised unless every person who was a holder of the premises licence at the time this notice was given accepts the proposed prohibition.

14. Name of the police officer or trading standards officer to whom notice exercising the option to accept the prohibition should be given, or election to go to trial must be sent, within 14 days

Trading Standards Officer Stephen Lawford

The address of the officer in part 14

Hampshire County Council Trading Standards Service Montgomery House Monarch Way Winchester Hants SO22 5PW

E-mail address and telephone number of the officer in part 14

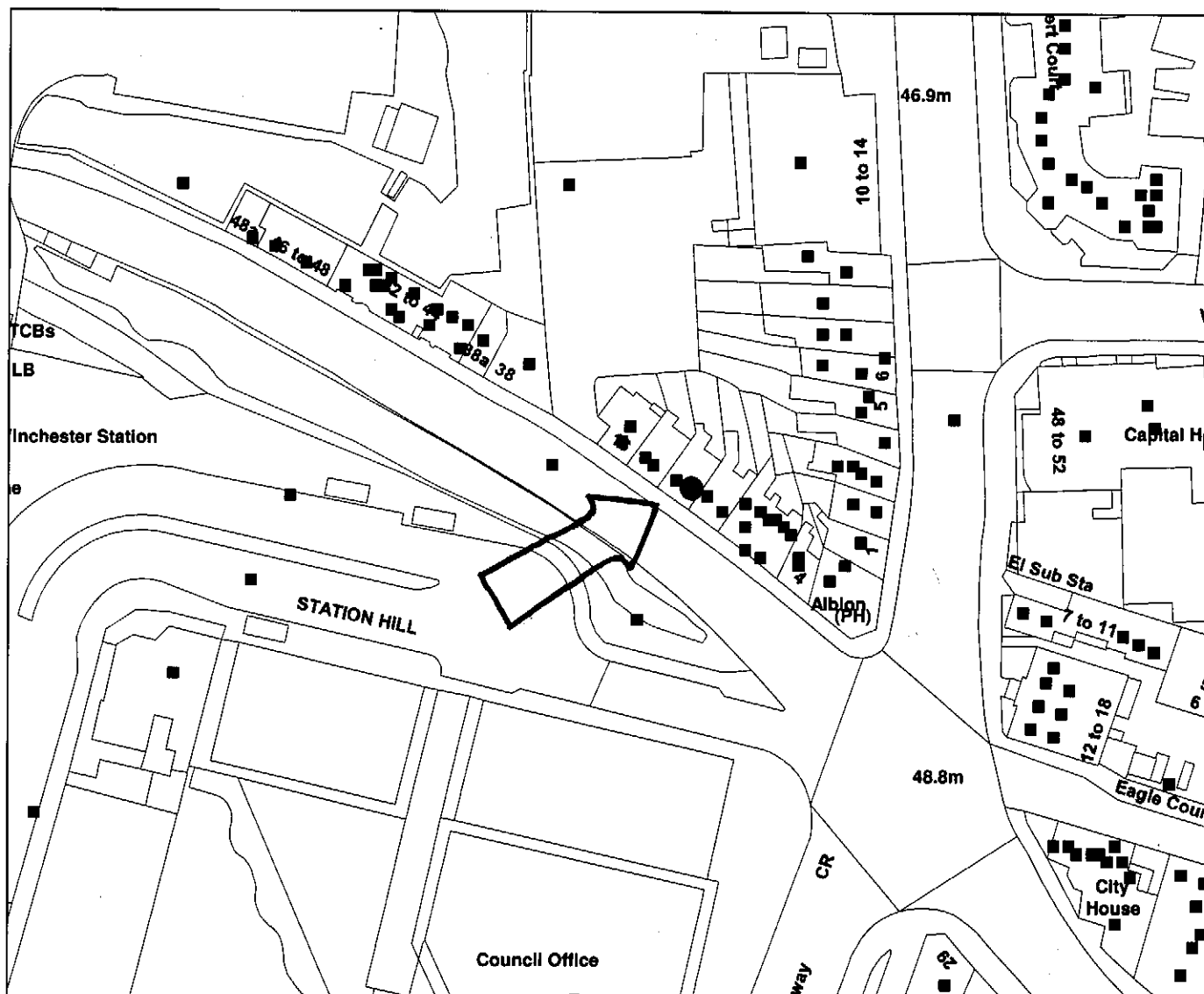
stephen.lawford@hants.gov.uk Tel: 01962 833658

R & K News, 12 Stockbridge Road

Application for Review of Premises Licence

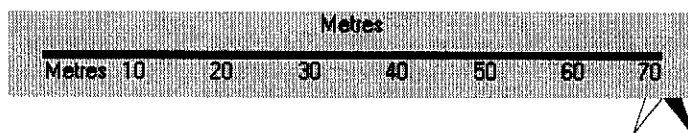


Winchester
City Council



Legend

Scale:



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Organisation	Winchester City Council
Department	
Comments	
Date	16 April 2012
SLA Number	00018301



Dick Hudson
Licensing Consultant
87 Richmond Road
Poole
BH14 0BU

01202 721919

E-mail – RichardjudsonH@netscape.net

Thursday 19th April 2012

Dear Sir/Madam,

**R and K News, 12 Stockbridge Road, Winchester SO23 7BZ
Winchester City Council – Premises Licence Number 56
Application for Review of Premises Licence**

I write with reference to the above application scheduled for hearing on Tuesday 1st May 2012. I enclose for your information a copy of a letter from Camelot UK Lotteries Limited advising the Manager of R and K News that on 17th December the store had passed a test purchase operation conducted by Camelot in relation to sale of National Lottery tickets.

In view of the dates of the failed test purchases quoted by Hampshire Trading Standards in their application for a review of the licence I intend to produce the original document to the hearing as part of my presentation on behalf of the holders of the Premises Licence and to address the Licensing Sub-Committee on the significance of the letter in relation to the review application.

I am sending a copy of this letter and a copy of the letter from Camelot to Mr Lawford of Hampshire Trading Standards and to PC Read of the Hampshire Constabulary for their information and attention.

Yours sincerely,

Dick Hudson – Licensing Consultant

To The Licensing Officer
Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

Private & Confidential



**The Manager
R & K NEWS
12 STOCKBRIDGE ROAD
SO23 7BZ**

Camelot UK Lotteries Limited

Tolpits Lane
Watford
WD18 9RN

Ref: RCTP/4010431

Dear Sir or Madam,

**Premises at R & K NEWS, 12 STOCKBRIDGE ROAD, SO23 7BZ
Retailer Number 450761**

On 17/12/2011 at 12:30 you were tested, as part of our Operation Child test purchase programme, to establish whether you are employing the appropriate safeguards effectively to prevent under age sales.

A 1st visit was made to your premises using a young person and I am pleased to say that your staff refused to sell a National Lottery ticket on that occasion. Please could I ask you to continue to remind your staff to remain vigilant and do everything possible to prevent sales to under sixteens.

Congratulations once more and keep up the good work.

Yours faithfully

Stephen Gavin
Security Operations Manager

On behalf of:
Camelot UK Lotteries Limited

*Please call 01344 418565 if you have any queries regarding the visit details within this letter.
Office hours 9am – 5pm*

Please call 01923 425 000 and ask for Security Operations if you have any queries regarding Operation Child in general.