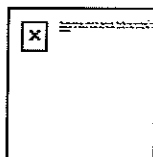


RESTRICTED



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

Page 1 of 5

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

I PC 2903 Brian Swallow, 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:	Shapla Resturant 60 West Street Alresford
Postcode (if known):	SO24 9AU

Name of premises licence holder or club holding club premises certificate (if known) Khalique Meah
---

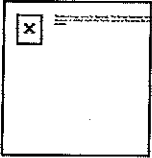
Number of premises licence or club premises certificate (if known) PREM289
---

**Details of responsible authority applicant**

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: Police Constable
Surname: Swallow First Names: Brian
Current postal address : Bishops Waltham Police Station Hoe Road Bishops Waltham
Postcode: SO32 1DS
Daytime telephone number: 02380 479578
E-mail address: brian.swallow@hampshire.pnn.police.uk (optional) force.licensing@hampshire.pnn.police.uk

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 checked="" type="checkbox"/> |
| 3) The prevention of public nuisance    | <input type="checkbox"/>            |
| 4) The protection of children from harm | <input type="checkbox"/>            |

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

This review is sought on the grounds of –

Failure to prevent crime and disorder  
Risk to public safety.

The Shapla Indian Restaurant is located on the main road in the small town of Alresford. The premises benefits from a premises licence allowing the licensable activities of late night refreshment until 00:30 Monday to Saturday and until midnight on Sunday's and the supply of alcohol until midnight Monday to Saturday and until 23:30 on Sundays. The opening hours are consistent with that of the late night refreshment hours. The supply of alcohol is for supply "on" the premises only.

On Saturday 16th January 2016, a male has been assaulted whilst standing outside of the premises. He has been hit in the face by another male who has struck him with a glass bottle. The aggrieved male has received serious facial injuries including lacerations. Glass is embedded within his face and at the time of writing it is unsure if his sight in one eye is affected.

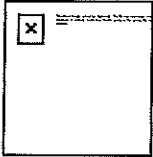
There is an on going live police investigation. As such some of the information held by the police is sensitive and may not be released to prevent prejudicing the investigation or future subsequent criminal proceedings.

On this night, the aggrieved party had been socialising in Alresford. He was told that if he wanted to continue drinking after the pubs had shut, then he should go to the Shapla Restaurant. It was further explained that if he said the right things at the bar (gave a password) he should be able to get alcohol even though he wasn't going to have a meal.

At 23:15 he made his way to the restaurant and tried the technique to get a drink but was refused by the waiter so exited the venue.

Outside the venue, on the pavement, he met with a small group who were drinking beer. He explained that he had been refused alcohol by the waiter. The group said that if he went to the bar, spoke to the barman and gave him "the password", he would get served.

He returned back inside, went to the bar, uttered the password and got served a pint of



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

lager. He took his pint and went outside onto the pavement; the same group were still there drinking so he stood chatting with them. He stood there for approximately 15 minutes. After this time, a male came out of the restaurant, after a short heated exchange of words, followed by a tussle, this male struck the aggrieved in the face with his bottle.

A witness to the incident details in his statement how he has attended the Shapla Restaurant with a friend around midnight on the night in question. They have attended solely to purchase alcohol. They purchased two pints which were served in plastic glasses. They immediately took these outside of the restaurant.

Whilst standing outside drinking, they met the aggrieved male. He asked them about purchasing alcohol within the restaurant and they directed him inside to the bar. He came out with a plastic container of lager.

The two friends stood talking to this male. He is described in the statement as being drunk as he is "wobbly" and "talking rubbish".

Another male then went into the Shapla Restaurant and came out with a "bottle of Cobra". The witness also describes this male as being "drunk". He was again "wobbly" and "slurring a bit"

After a short time, the witness describes the pair arguing and escalating to wrestling. It was at this point that the second male has struck the first in the face with the bottle of Cobra.

The offender makes off and the aggrieved party is treated by ambulance and taken to hospital.

The attending police officer at this incident, details in his report how he was initially delayed entry into the venue. Had his request for staff details refused by the duty manager who was described as being "evasive" and goes on to say how part of the recovered bottle of Cobra was the neck and top with the cap of the bottle still being in place. This would suggest that the bottle was supplied solely for consumption off and away from the premises.

The CCTV at the venue, albeit not condition upon the premises licence, appears to have been recently removed. There are new cameras installed, yet no storage or monitoring facilities.

Details have been left for the DPS / Premises Licence holder to contact the police licensing department to discuss the incident, but at the time of writing, he has failed to do so.

From this incident the premises have failed to promote the licensing objectives, has breached conditions on its premises licence and broken the law.

They have supplied alcohol for consumption "off the premises"

They have supplied alcohol to intoxicated persons"

They have supplied alcohol "to persons not taking a table meal"

And have not assisted with a live police investigation.

These have all been deliberate acts and deliberate breaches. The details given in the



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

statements, detail how a "password" is used to obtain the alcohol unlawfully. This shows that this is a process well established and has been in use for some time, albeit up to now unchallenged.

Within a very short space of time, 5 people have been supplied alcohol, two of which were intoxicated and all of the alcohol taken off the premises.

It is with these factors alone that a person is scared for life and may have his sight affected.

The Chief Officer of police is of the opinion that mediation to resolve the issues highlighted is not justified. The placing of conditions upon the licence to prevent such incidents has also been considered and discounted as no conditions can be added to a premises licence when law breaking is so premeditated. It is worth noting that the only condition already embedded upon the licence should have prevented this incident.

As such the Chief Officer of Police request that the committee consider:  
Removing the supply of alcohol as a licensable activity from the licence.

Appendix A (Not for public circulation) includes redacted statements and a photo of the injury sustained. (All items are redacted due to the incident being a live investigation) The original documents will be retained by the police.

\*\*\*WARNING\*\*\* the photo's contain graphic images

Appendix B contains the Shapla Restaurant premises Licence (PREM289) with pages 1-3 detailing the schedule; hours of operation and those persons and or businesses connected with the venue. Page 4 showing conditions that are broken down into: Annex 1- mandatory conditions. Annex 2 – Conditions consistent with the operating schedule and Annex 3 – Blank, Annex 4 - Blank

Appendix C The plan of the Shapla Resturant as held by the Licensing Authority as forming part of the premises licence. (This shows the boundry of the premises)

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

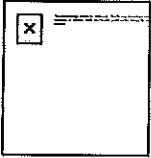
If yes please state the date of that application:

. / . /  
Day Month Year

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

n/a

**Please tick**



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

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	<u>Brian Swallow</u>	Collar Number:	<u>2903</u>
Signature:	<u>B Swallow</u>	Date:	<u>9/2/16</u>

Signature of Authorising Officer (Inspector or above)

Name	<u>Inspector Justin Roberts</u>	Collar Number:	<u>2841</u>
Signature:	<u>Inspector Justin Roberts</u>	Date:	<u>09/02/16</u>



5 BAY TREE YARD  
ALRESFORD  
HAMPSHIRE SO24 9UJ

SOLUTIONS

07 MAR 2016

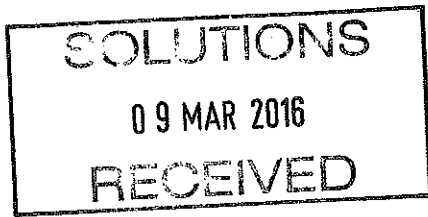
RECEIVED

4. 3. 2016

Dear Sir or Madam,

I understand the Shapla restaurant in West Street, Alresford, is threatened with non-renewal of its licence. My husband and I have been there for over 20 years, and always found it quiet, well run, good with children and pleasant, and hope it will soon re-open and that we can have our Indian meal Kingfisher beer again.

Yours sincerely



5, Chestnut Walk  
Alresford  
Hampshire  
SO24 9AA

7th March 2016.

Dear Licensing Manager

I write regarding the "Skapla"  
Restaurant in Alresford.

I have lived in Alresford for over 21 years  
and frequently use the Skapla. Living  
and working locally and socialising in  
Alresford I am in a good position to  
state that I know of no problems ever  
occurring inside or outside the Skapla. I  
have always found it to be a very orderly  
and well run business. I strongly support  
the full renewal of their licence to sell



alcohol as they have done without  
incident, to my knowledge and belief,  
for many years.

I feel that it would be totally  
unfair and disproportionate for one  
recent incident outside the Shopla to  
have any adverse or negative effect  
on the popular local business.

yours faithfully

MR. COLIN TESTER



**Winchester**  
City Council

## Premises Licence

Premises Licence Number

PREM289

05/01121/LAPRMC

### Part 1 – Premises Details

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

Shapla Restaurant  
60 West Street  
Alresford  
Hampshire  
SO24 9AU

Telephone number 07976179135

Where the licence is time limited the dates

Licensable activities authorised by the licence

- l) Late Night Refreshment
- m) Supply of Alcohol

Times the licence authorises the carrying out of licensable activities

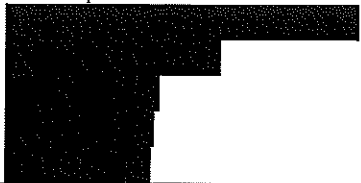
- l) Late Night Refreshment
  - (i) *Monday to Saturday* 2300 to 0030
  - (ii) *Sundays* 2300 to 0000
  - (iii) *Good Friday* 2300 to 0000
  - (iv) *Christmas Day* 2300 to 0000

	(v)	<b>New Years Eve</b>	<b>2300 to 0030 1 January (0000 if on a Sunday)</b>
m)		<b><u>Supply of Alcohol</u></b>	
	(i)	<b>Monday to Saturday</b>	<b>1000 to 0000</b>
	(ii)	<b>Sunday</b>	<b>1200 to 2330</b>
	(iii)	<b>Christmas Day</b>	<b>1200 to 2330</b>
	(iv)	<b>Good Friday</b>	<b>1200 to 2330</b>
	(v)	<b>New Years Eve</b>	<b>1000 to 0000 1 January (2330 if on a Sunday)</b>

<b>The opening hours of the premises</b>			
The hours the premises may open for other than Licensable Activities shall be:			
	(i)	<b>Monday to Saturday</b>	<b>1000 to 0030</b>
	(ii)	<b>Sundays</b>	<b>1200 to 0000</b>
	(iii)	<b>Good Friday</b>	<b>1200 to 0000</b>
	(iv)	<b>Christmas Day</b>	<b>1200 to 0000</b>

<b>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</b>	
Alcohol is supplied for consumption on the Premises	

**Part 2**

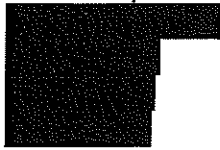
<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b>
Khalique Meah 

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

Registered Company Number

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

Mr Khalique Meah



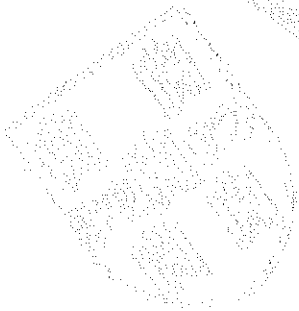
**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence Number

**PERS278**

Licensing Authority

**Winchester City Council**



A handwritten signature in black ink, which appears to read "David Ingram".

Head of Environmental Health & Licensing

## **Annex 1 – Mandatory conditions**

### **Where the Licence Authorises Supply of Alcohol:**

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.

### **Where the Licence requires Door Supervision:**

Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

### **The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – effective from 1 October 2014**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) 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 either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**  
 – effective from 28 May 2014

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1-
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula-  $P = D + (D \times V)$  where-
    - (i) **P** is the permitted price,
    - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### Conditions from existing licences:-

#### **Justices Restaurant –Licence**

Intoxicating liquor may be supplied on the premises only to persons who are taking table meals there and as an ancillary to that meal

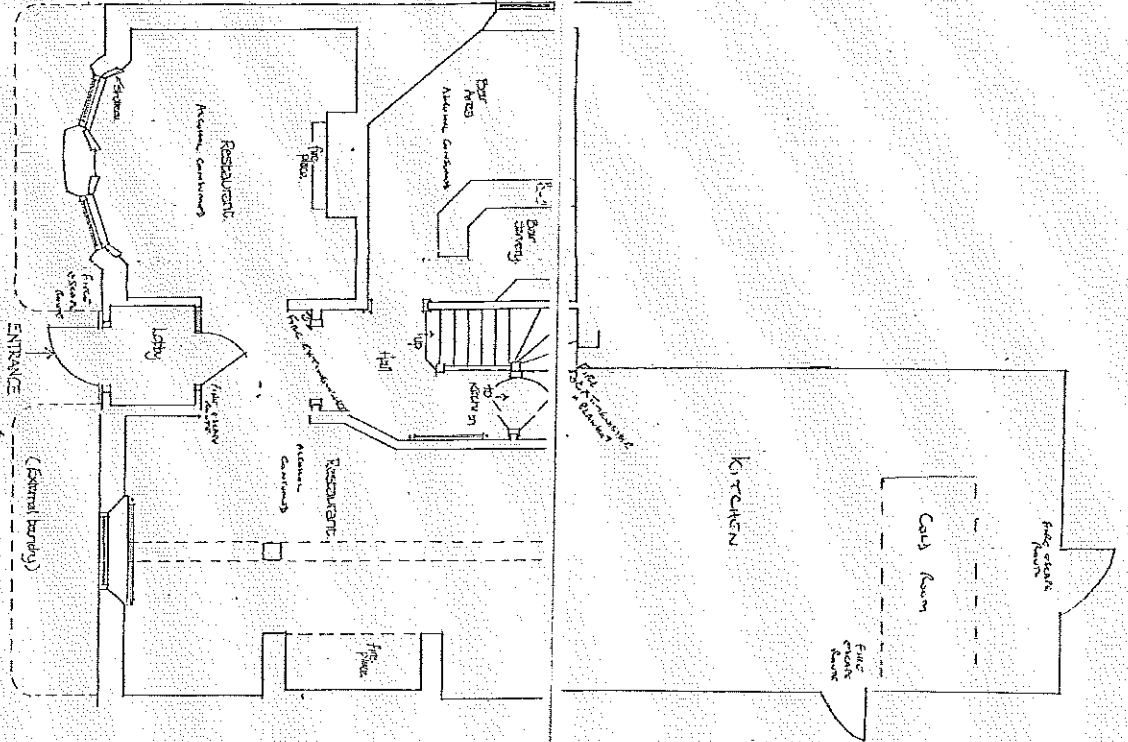
Suitable beverages other than intoxicating liquor (incl. drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

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

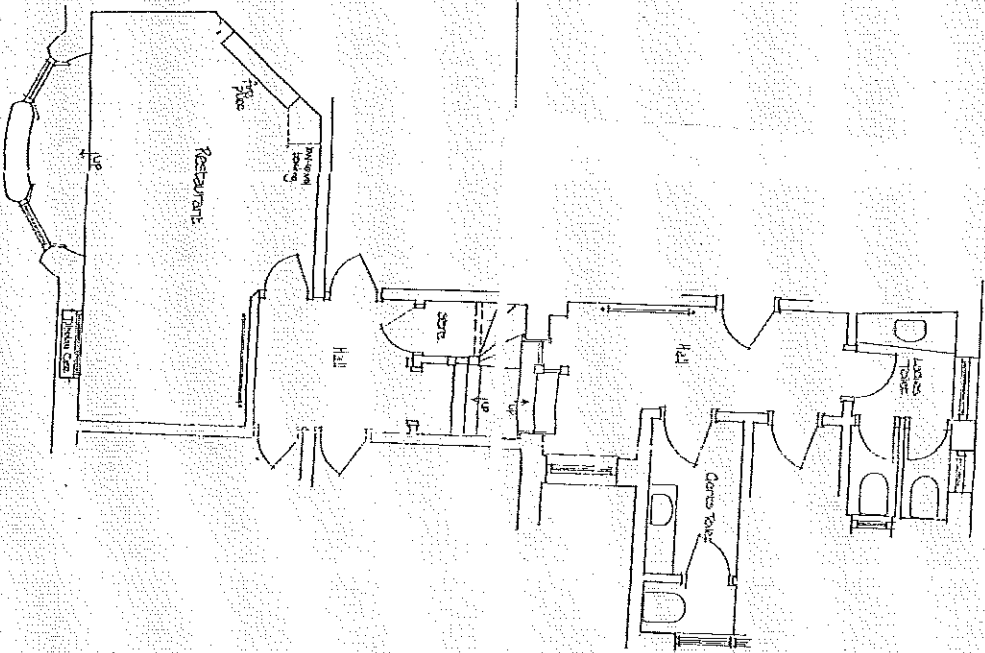
n/a

## **Annex 4 – Plans**

See attached



GROUND FLOOR



FIRST FLOOR

**EVADIA ISHMORE**  
 Domestic Interior Design

PROJECT: SHARVA RESTAURANT  
 SCALE: 1:50 DATE: 10/05  
 ARCHITECT: EVADIA ISHMORE 1795, WARDHANA, KOLKATA

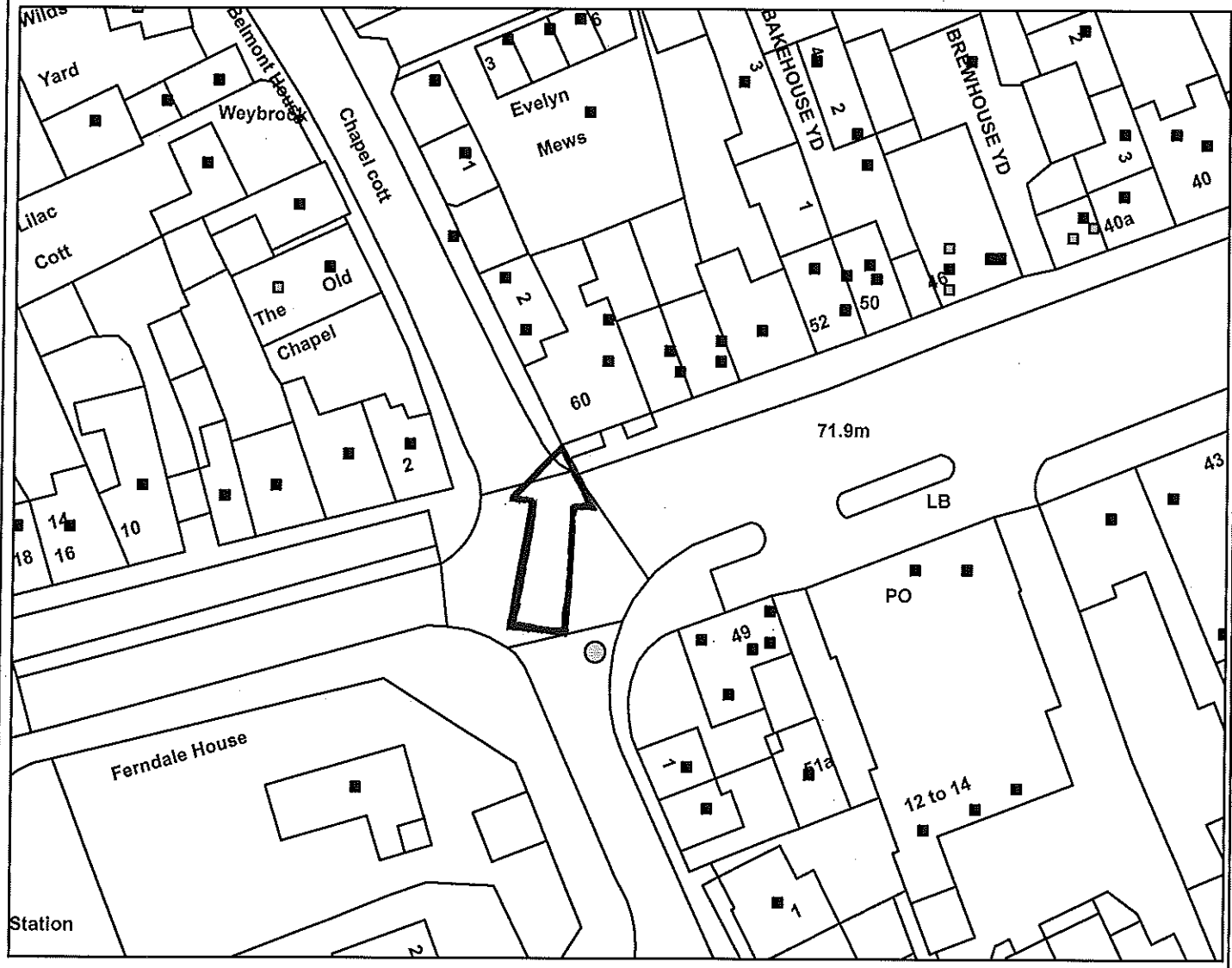





# Appendix 4

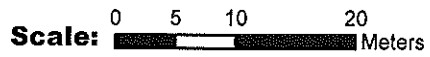


Shapla Review



**Legend**


- Premises



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Winchester City Council license 100019531

Organisation	Winchester City Council
Department	Winchester GIS
Comments	
Date	04/04/2016
MSA Number	100019531