



**Application for a premises licence to be granted  
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/We** Navaratnam Navanathan and Juno Maureen Navanathan  
*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Anglo Asian Food & Wines 36 Station Road			
<b>Post town</b>	New Milton	<b>Post code</b>	BH25 6JX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£8700

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - o statutory function or
  - o a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

<b>Mr</b> <input checked="" type="checkbox"/>	<b>Mrs</b> <input type="checkbox"/>	<b>Miss</b> <input type="checkbox"/>	<b>Ms</b> <input type="checkbox"/>	<b>Other Title (for example, Rev)</b>	
<b>Surname</b> Navanathan			<b>First names</b> Navaratnam		
<b>I am 18 years old or over</b>				<input checked="" type="checkbox"/> Please tick yes	
<b>Current postal address if different from premises address</b>		322 Kenton Lane			
<b>Post Town</b>	Harrow			<b>Postcode</b>	HA3 8RH
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

<b>Mr</b> <input type="checkbox"/>	<b>Mrs</b> <input checked="" type="checkbox"/>	<b>Miss</b> <input type="checkbox"/>	<b>Ms</b> <input type="checkbox"/>	<b>Other Title (for example, Rev)</b>	
<b>Surname</b> Navanathan			<b>First names</b> Juno Maureen		
<b>I am 18 years old or over</b>				<input checked="" type="checkbox"/> Please tick yes	

<b>Current postal address if different from premises address</b>		322 Kenton Lane	
<b>Post Town</b>	Harrow	<b>Postcode</b>	HA3 8RH
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

<b>Name</b>
<b>Address</b>
<b>Registered number (where applicable)</b>
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b>
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year	
0	1	0	4	2	0
1	0				

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note1)  
The premises are a convenience store and off licence and have the benefit of a Premises Licence authorising off sales of alcohol only. The Licence was revoked following a review brought by Trading Standards, essentially because of failed test purchases. The premises remain open pending determination of an appeal.

The applicants are proposing to purchase the premises and have no connection with the current licence holders. They also successfully operate other off-licensed premises and in this application, propose strict conditions designed to promote the licensing objectives.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

**Please tick yes**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Supply of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P**

IN THE INTEREST OF SUSTAINABILITY PAGES 5 TO 16  
INCLUSIVE OF THE APPLICATION FORM HAVE NOT  
BEEN COPIED AS THEY ARE ALL BLANK.

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) None		
Mon	07:00	23:00			
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00			
Fri	07:00	23:00			
Sat	07:00	23:00			
Sun	07:00	23:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) None		

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

<b>Name</b> Navaratnam Navanathan	
<b>Address</b> 322 Kenton Lane Harrow	
<b>Postcode</b>	HA3 8RH
<b>Personal Licence number (if known)</b> 07NN-00AQ-837N-P99Q	
<b>Issuing licensing authority (if known)</b> Harrow Council	

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

The only matter of possible concern is the sale of alcohol.

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) None
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	07:00	23:00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5) None
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	23:00	

**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

The following mandatory conditions shall apply:-

1.. No supply of alcohol shall 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.

(Note - not to form part of the operating schedule - the following condition is proposed in anticipation of the coming into force of The Licensing Act (Mandatory Licence Conditions) Order 2010)

2. The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale of alcohol. The policy must require individuals who appear to be under 21 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark. Further the only acceptable forms of identification shall be a passport, driving licence, PASS approved card or such other means of identification as may be approved by the Police and/or Trading Standards from time to time.

**b) The prevention of crime and disorder**

1. CCTV shall be installed and maintained at the premises to the reasonable satisfaction of the Licensing Authority and the Police. The system shall include surveillance of both the internal and external areas of the premises including all entrances and exits. Recordings from the system shall be to a standard acceptable as evidence in a court of law and shall be securely retained for at least 31 days. Copies of the recordings in a playable format shall be provided to the Police and/or the Licensing Authority on request. Signs shall be displayed within the premises advising customers of the presence of CCTV.

2. The CCTV system shall be in operation whenever the premises are open and selling alcohol. The senior member of staff present shall be capable of operating the CCTV system including in particular providing copies of recordings when requested to do so. If for any reason, the CCTV becomes inoperative, the sale of alcohol must cease until such time as the system is again functioning or a back-up system is operating.

3. No alcohol shall be sold unless a Personal Licence holder is on duty at the premises but nothing herein shall prevent the Personal Licence holder from being absent for rest and meal breaks and to carry out other necessary duties (such as banking), for no more than 90 minutes in each 8 hour shift (or equivalent).

4. No alcohol product shall be sold, offered for sale or advertised as a loss leader, in other words at less than its cost price or offered either free of charge or at a reduced price if bought at the same time as a product that does not contain alcohol.

5. No sign or advertisement shall be displayed either inside or outside the premises that compares the price of any alcoholic product with either a previous or future sale price and/or the price at which the same product may be purchased at other premises.

6. All alcohol shall be displayed in clear view of the till point.



7. The Designated Premises Supervisor shall be a person whose principal occupation is to work at the premises and who is on average physically present at the premises for at least 35 hours per week. If the Designated Premises Supervisor is for any reason other than normal holiday entitlements and absences caused by short term sick leave unable to satisfy this condition, the sale of alcohol must cease until such time as another Personal Licence holder who is able to comply with this condition is appointed as the Designated Premises Supervisor.

**c) Public safety**

(Note - not to form part of the operating schedule - no specific conditions are proposed under this part on the basis that the conditions offered in other parts adequately encompass public safety).

**d) The prevention of public nuisance**

1. No waste shall be placed outside the premises after 11.30 p.m. but nothing herein shall prevent waste from being placed outside before that time and left for collection the following morning.

**e) The protection of children from harm**

(See General Condition 2)

1. Staff shall be trained in the licensing objectives, the conditions attaching to this licence, the age verification policy and other restricted or prohibited sales, such initial training shall be to at least NCPLH standard or equivalent. A record of such training shall be maintained on the premises and made available for inspection by the licensing authority and authorised persons upon reasonable request. Refresher training shall be provided at least every 3 months and a record maintained of the same; the refresher training shall be to the standard approved by Trading Standards from time to time (currently the HCC Trading Standards Age Restricted sales Retailer Pack).

2. Any member of staff who has not been trained (or received refresher training as detailed in condition 1 of this section) shall not be permitted to make any sale of alcohol unless the sale has been specifically and individually authorised by a person who has received all appropriate training.

3. Posters and signs shall be prominently displayed in the premises to publicise the age verification policy that is in place. These shall include appropriate signage on the entrances to the premises.

4. A refusals register shall be maintained on the premises to record all instances when a sale of alcohol is refused, for whatever reason. The register shall be checked by the DPS or his nominated deputy at least once a week and a note to that effect shall be recorded in the

register. The register shall be made available for inspection by the licensing authority and other authorised persons upon request.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>N Hasey Legally Egn</i>
Date	<i>19 February 2010</i>
Capacity	Solicitor for 1 <sup>st</sup> Applicant

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>N Hasey Legally Egn</i>
Date	<i>19 February 2010</i>
Capacity	Solicitor for 2 <sup>nd</sup> Applicant

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b>			
Mr P Day Horsey Lightly Fynn 3 Poole Road			
<b>Post town</b>	Bournemouth	<b>Post code</b>	BH2 5QJ
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			

**Notes for Guidance**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

**Consent of individual to being specified as premises supervisor**

Navaratnam Navanathan

-----  
*[full name of prospective premises supervisor]*

of

322 Kenton Lane  
Harrow  
Middlesex  
HA3 8RH

-----  
*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

**A PREMISES LICENCE**

-----  
*[type of application]*

by

Navaratnam Navanathan and Juno Maureen Navanathan

-----  
*[name of applicant]*

relating to a premises licence **N/A - no existing licence**  
-----  
*[number of existing licence, if any]*

for

Costcutter  
36 Station Road  
New Milton  
Hampshire  
BH25 6JX

-----  
*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

Navaratnam Navanathan and Juno Maureen Navanathan

-----  
*[name of applicant]*

concerning the supply of alcohol at

Costcutter  
36 Station Road  
New Milton  
Hampshire  
BH25 6JX

-----  
*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

07NN-00AQ-837N-P99Q

-----  
*[insert personal licence number, if any]*

Personal licence issuing authority

Harrow Council 020 8863 5611

-----  
*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

Name (please print)

-----  
Navaratnam Navanathan  
-----

Date

**Costcutter**  
 Harvest Mills, Common Road  
 Dunnington, York YO19 6RY  
 Tel: 01904 488663  
 Fax: 01904 488828



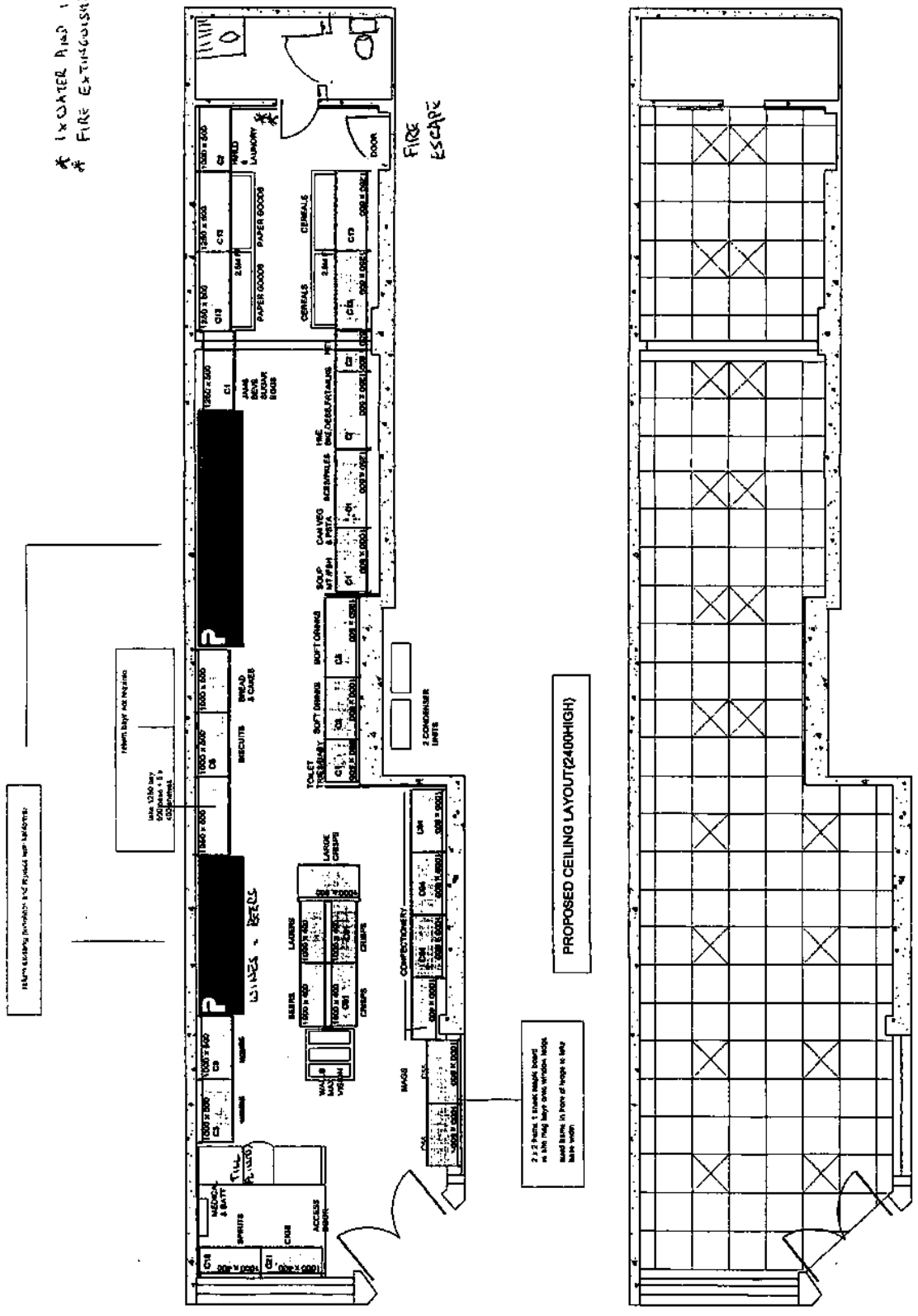
Newstead Industrial Estate,  
 Trentham,  
 Stoke-on-Trent  
 Staffordshire  
 ST4 6JA  
 Tel: 01782 858777 Fax: 01782 647066  
 e-mail: sales@unoresolutions.com  
 website: www.uno-group.com

Client: MR N ~~XXXXXXXXXXXX~~ NANA TUNAS  
 Address: COSTCUTTER AND CO PSUM FOOD  
 34 STATION ROAD A LANE Z  
 NEW MILTON  
 HANTS

Proposed Costcutter  
 Drawing Title: PROPOSED COSTCUTTER  
 Customer approval: \_\_\_\_\_ Date: \_\_\_\_\_  
 Scale: 1:100  
 Drawn by: P. ROSSER  
 Title: 30-08-08  
 Rev: \_\_\_\_\_  
 Drawing No. \_\_\_\_\_

Contractors must verify all dimensions on site before any works are commenced. This drawing remains the property of UNO AWARDS and may not be reproduced in any way without prior consent.  
 Copyright © UNO Awards  
 November 2006

1x WATER AND 1x CO2  
 FIRE EXTINGUISHER



# \* Objection \*

Sarah Wilson

---

**From:** 6 OCU Licensing Mailbox [western.licensing@hampshire.pnn.police.uk]  
**Sent:** 19 March 2010 15:49  
**To:** Licensing e-mail address;  
**Cc:** 'Lawford, Stephen'  
**Subject:** Premise licence OBJECTION - Anglo Asian Food & Wines, New Milton  
**Importance:** High  
**Attachments:** Objection 190310.pdf; G90 Final.doc; Occurrence Summary.doc

Dear Sir / Ma'am

Please find attached the police objection to the granting of a premise licence at 36 Station Road, New Milton.

Supporting documents for the current objection to include  
1 - Application for review of Alpha (Costcutter), 36 Station Road, New Milton

2 - Occurrence summary for Alpha (Costcutter), 36 Station Road, New Milton

Yours sincerely

6 OCU Licensing Unit  
Hampshire Constabulary

\*\*\*\*\*

This electronic message contains information from Hampshire Constabulary which may be legally privileged and confidential. Any opinions expressed may be those of the individual and not necessarily the Hampshire Constabulary.

The information is intended to be for the use of the individual(s) or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of the information is prohibited. If you have received this electronic message in error, please notify us by telephone +44 (0) 845 045 45 45 or email to [postmaster@hampshire.pnn.police.uk](mailto:postmaster@hampshire.pnn.police.uk) immediately. Please then delete this email and destroy any copies of it.

All communications, including telephone calls and electronic messages to and from the Hampshire Constabulary may be subject to monitoring. Replies to this email may be seen by employees other than the intended recipient.

\*\*\*\*\*



**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

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

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 48 Hours)
<input type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input checked="" type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)

Name of Applicant:	Navaratnam NAVANATHAN and Mrs Juno Maureen NAVANATHAN
Name of Proposed DPS:	Navaratnam NAVANATHAN

Details of relevant conviction ( Personal Licence Applications ONLY)

Postal address of premises:	Anglo Asian Food & Wines (formerly Alpha/Costcutter) 36 Station Road New Milton
Postcode:	BH25 6JZ

**Details of responsible authority applicant**

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	Sgt.
Surname: Adams	First Names: T.M.
Current postal address :	6 OCU Licensing Team Romsey Police Station 111 The Hundred Romsey
Postcode:	SO51 8BZ
Daytime telephone number:	02380 670904
E-mail address: (optional)	western.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





**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

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

- |   |                                     |  |
|---|-------------------------------------|--|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> | <i>Please select<br/>one or more<br/>boxes</i> |
| 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 ground(s) for representation:

Hampshire Police wish to raise an outright objection to the granting of a Premises Licence at Anglo Asian Food & Wines, 36 Station Road, New Milton.

An application for a new Premises Licence was originally received by Hampshire Police on 29/10/08. It raised concerns as we believed that there was a real risk that a further outlet for alcohol in the town would increase crime, disorder and anti social behaviour in the area. Because this was a new licence and there was no previous "track record" for the operation of licensed premises our grounds to object would be based on what could be reasonably expected given our experience elsewhere.

On 24th November 2008 we submitted a formal objection to the granting of a licence under the Crime and Disorder objective  
The applicant subsequently agreed to additional conditions namely;

- All staff will be conversant with the licensing objectives, premises licence conditions and operating schedule. They will be fully trained to ensure that no underage drinking, drunkenness, use of drugs or anti-social behaviour takes place on the premises. Individual training records will be kept for all members of staff.

- CCTV should be installed and maintained at the premises to the satisfaction of the Licensing Authority and Police. As a minimum it shall enable surveillance of both internal and external areas of the premises including all entrances and exits. Recordings from the system will be to a standard acceptable as evidence in a court of law and will be securely retained for a minimum of 30 days. The recording will be surrendered in a playable format to Hampshire Constabulary or the Licensing Authority immediately on request.

As a result of this amendment and because, as outlined above, there was not any Crime and Disorder linked to the premises at that point we had to make the decision to withdraw our objection.

New Milton Town Council had also raised an objection and the matter was heard by New Forest Licensing Sub-Committee decision on 17.12.08.

The licence was granted as the sub-committee was of the view that it had not been



**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

demonstrated that the supply of alcohol would cause an increase in the levels of crime and disorder and public nuisance within the vicinity provided that the measures agreed by the applicant in addition to those in the operating schedule were imposed as conditions. Five conditions were added to the licence

1 - All staff will be conversant with the licensing objectives, premises licence conditions and operating schedule. They will be fully trained to ensure that no underage drinking, drunkenness, use of drugs or anti-social behaviour takes place on the premises. Individual training records will be kept for all members of staff.

2 - CCTV should be installed and maintained at the premises to the satisfaction of the Licensing Authority and Police. As a minimum it shall enable surveillance of both internal and external areas of the premises including all entrances and exits. Recordings from the system will be to a standard acceptable as evidence in a court of law and will be securely retained for a minimum of 30 days. The recording will be surrendered in a playable format to Hampshire Constabulary or the Licensing Authority immediately on request.

3 - Every individual who appears to be under 21 years of age seeking to purchase or be supplied with alcohol at or from the premise shall produce means of identification in the form of a passport, photo driving licence or PASS accredited photo ID, proving that individual to be 18 years of age or older. No sale or supply of alcohol will be made to any such person who is unable to produce such identification.

4 - All staff shall be trained to challenge every individual who appears to be under 21 years of age and to refuse service where individuals cannot produce acceptable means of identification, such training shall be provided not less than every six months, and written records shall be kept of all training and refresher training. 'Challenge 21' posters shall be displayed in prominent positions at the premise.

5 - A written log shall be kept of all refusals including refusals to serve alcohol. The holder of the premises licence shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis.

A licence was subsequently issued on or about 22nd December 2008.

As a result of information from local officers and community information the shop was visited on 20th February 2009 to ensure the staff were complying with conditions on the licence and the requirements of the Licensing Act 2003. On this date police witnessed a 15 yr old girl purchasing alcohol from the store. This is a criminal offence and also a clear breach of the licence condition requiring those appearing to be under 21 years of age to be challenged and asked to provide ID proving they are aged 18yrs or older.

A visit was subsequently conducted and various breaches of the Licensing Act and specific breaches of the licence were disclosed.

Problems continued despite significant time being invested by both Police and Trading



**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

Standards trying to support the licensee and staff.

This culminated in both the Police and Hampshire Trading Standards seeking a review of the licence.

A copy of the review papers submitted by the Constabulary is attached.

We adopt a 3 stage approach to dealing with "problem" licensed premises, offering support in the early stages, moving onto enforcement if the support stage fails to achieve the necessary improvements, culminating in an application for review as a final resort if all other avenues have failed. It should be made clear that the police do not call for a review lightly and it is seen by us as very much the last option.

A schedule of occurrences linked to the premises and submitted as part of the review is attached.

From the outset there were serious concerns that the granting of the licence would add to crime and disorder locally and the schedule only shows those calls directly linked to the premises. Community intelligence was telling us that youths were able to purchase alcohol and this was confirmed when we conducted test purchase operations. It is not unreasonable in the circumstances to expect that some of the alcohol related anti-social behaviour experienced by local residents to be linked to unlawful sales of alcohol from the store to local youths.

We deliberately chose not to include such incidents in the schedule as the link would only be speculative although not, in our view, unrealistic.

It is interesting to note that prior to the issue of the licence there is not a single crime recorded at the premises for a 16 month period - the most recent being the theft of a pedal cycle in August 2007. For the whole of 2007 there was only one additional crime recorded. Each time an officer is called to investigate a crime there is a direct cost which is ultimately borne by the local taxpayer. In addition to the financial implications the investigation will inevitably prevent the officer patrolling his/her community.

It is clear that the issue of the Premises Licence has had an impact on crime and disorder in the area and has caused police resources to be diverted significantly more than prior to the licence being granted. There is clear evidence that young people have been able to purchase alcohol at the shop despite repeated visits, support and warnings from police and Trading Standards. The effects of alcohol abuse, particularly amongst the young has been well publicised.

At the review hearing the applicant was present and it was disclosed by the current licence holder's solicitor that Mr Navanathan was actually working at the shop at the time and was proposing to take over the licence subject to the outcome of the review.

One of the Sub-Committee's options was to remove the DPS (and replace him). They chose not to do so despite the current applicant being present and introduced to the members of sub-committee as a prospective new owner/DPS

The application contains a number of suggested conditions:



**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

The prevention of Crime and Disorder

No.s 1 & 2 relate to CCTV. They are broadly similar to those on the "current" licence although the current requirement for any footage to be supplied to the police immediately on request has been omitted. A delay in the production of footage is a real problem for investigating officers and can seriously hamper live investigations where the offender is at large. We would consider this a retrograde step from what is currently in place.

No. 3 provides for a personal licence holder to be on duty save for a period of no more than 90 minutes each day. Whilst this would appear to be a helpful condition it is largely unenforceable as our experience with similar conditions elsewhere is that there is no practical way of knowing if there is compliance and that if the premises is visited and the nominated person is absent then this clause is relied on in order to allow sufficient time for the nominated person to attend (even though he or she may not have actually been there for some hours or indeed days)

No.s 4 & 5 relate to the marketing and promotions. It is not clear how these proposed conditions will make any practical difference to the problems associated with the store and in any case would be very difficult to enforce.

No.5 states that alcohol will be in clear view of the till point. Given the size of the store the majority of the displays are in view of the till in any case so the condition is largely meaningless

No. 7 seeks to provide some clarity on the number of hours the DPS will work at the premises each week but as with condition 3 is very difficult to enforce unless formal and accurate time sheets are kept and available for scrutiny. The previous DPS rarely worked in the evening because he had a 2nd job and was unable to supervise during these high risk times when the attempted purchase of alcohol by juveniles was most likely.

The applicants live in Harrow, around 100 miles and at least 2 hrs journey time each way by car to the shop. They have at least one other licensed premises (we are aware of a premises in Rugby - the application suggests there is more than one) where Mr Navanathan is currently the DPS and we question how effective day to day management control of these premises can realistically be achieved.

A covering letter submitted with the new premise licence application explains that this application is running in tandem with an appeal by the current licence holder, Mr Thomas, in respect of the revocation of the licence at the review hearing on March 05. 2010.

We believe that this application frustrates the entire review process. There is very little difference, save for the name of the licence holder, between the proposed licence and conditions to the one that has been revoked. Some of the proposed conditions are either unenforceable or largely meaningless and others are actually less effective than those already in place.

From the outset the police believed that the opening of licensed premises at this address would adversely affect crime and disorder in the area. That belief was shown to be well founded and we now have a "track record" of what the results of allowing a licensed premises to trade here is.



RESTRICTED

G89  
Page 6 of 7

**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

To allow a new owner to simply step in and, in effect, take over from where the previous owner left off would, in our view, make a mockery of the review process and ignore the significant time spent by the authorities trying to tackle the problems and the effect this premises has had on the local community.

**It is an offence, under section 158 of the Licensing Act 2003 to make a false statement  
in or in connection with this representation**

**Police recommendations (including any conditions)**

The issue of the licence should be refused taking into account previous history, the representations presented at the review hearing and issues outlined above.

RESTRICTED



RESTRICTED

G89  
Page 6 of 6

**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

Signature of Officer Completing

Name T.M Adams Collar Number: PS 1634  
Signature: ..... Date: 18/03/10

Signature of Authorising Officer

Name A.S JENNINGS Collar Number: SS00 INSPECTOR  
Signature: ..... Date: 19/03/10

RESTRICTED

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

Page 1 of 6

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

I T.M. Adams, 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:	Alpha (Costcutters) 36 Station Road New Milton Hants
Postcode (if known):	BH25 6JX

Name of premises licence holder or club holding club premises certificate (if known) Mr Thomas George
--

Number of premises licence or club premises certificate (if known) 1419
--

**Details of responsible authority applicant**

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: Sgt.
Surname: Adams First Names: T.M.
Current postal address : 6 OCU Licensing Team Romsey Police Station 111 The Hundred Romsey
Postcode: SO51 8BZ
Daytime telephone number: 08450 454545 Ext 734-174
E-mail address: (optional) western.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

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

Page 2 of 6

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

- |   | <i>Select one or more<br/>boxes</i> |
|---|-------------------------------------|
| 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 wishes to make representations in support of the review of Alpha (Costcutter), 36 Station Road, New Milton sought by Hampshire Trading Standards. The grounds for our representations are based on two of the licensing objectives under the Licensing Act 2003; the 'Protection of children from harm' and 'Prevention of crime and disorder'.

In October 2008 Hampshire Constabulary received an application for a premises licence for the supply by retail of alcohol, 7 days a week, 07:00 – 23:00 at Alpha (Costcutter), 36 Station Road, New Milton. The premise was a newly refurbished shop which had not previously held a licence to sell alcohol.

The premise is located on New Milton High Street, which is surrounded by businesses and residential dwellings. The locality had been subject to alcohol related antisocial behaviour and the problems were so severe that it was necessary to apply for a Dispersal Order under the Anti-Social Behaviour Act 2003. This was the first time it had been necessary to apply for such an order anywhere in the New Forest District Council area. The police continue to conduct high visibility patrols in this area to reduce the problems highlighted by the local community.

Hampshire Constabulary objected to the granting of the new premises licence as we did not believe that the applicant's proposals would satisfactorily promote the licensing objectives, a copy of the representations can be located at Annex A. The two main areas for concern were in respect of staff training and provision of a CCTV system which was fit for purpose. In the majority of cases where premises cause problems in a community staff training is a major factor. Although the operating schedule indicated CCTV would be installed at the store, the police required an amendment to the premise licence in order to ensure a good quality system was in place to both prevent crime and disorder and promote public safety. In many cases lack of effective CCTV evidence has hampered investigation of crimes and incidents at retail premises.

A hearing was held at Appletree Court on 17 December 2008, the Licensing Sub-Committee considered the application along with evidence supplied by the applicant, and objector, New Milton Town Council whose letter of objection can be located at Annex B. The Sub-committee decision was that it had not been demonstrated that the supply of



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

Page 3 of 6

alcohol would cause an increase in the levels of crime and disorder and public nuisance within the vicinity of the licensed premise, provided that the measures agreed by the applicant in its operating schedule were imposed as conditions.

The Decision of the Licensing Sub-committee hearing can be located at Annex C.  
Five conditions were added to the premise licence as per below.

1 - All staff will be conversant with the licensing objectives, premises licence conditions and operating schedule. They will be fully trained to ensure that no underage drinking, drunkenness, use of drugs or anti-social behaviour takes place on the premises. Individual training records will be kept for all members of staff.

2 - CCTV should be installed and maintained at the premises to the satisfaction of the Licensing Authority and Police. As a minimum it shall enable surveillance of both internal and external areas of the premises including all entrances and exits. Recordings from the system will be to a standard acceptable as evidence in a court of law and will be securely retained for a minimum of 30 days. The recording will be surrendered in a playable format to Hampshire Constabulary or the Licensing Authority immediately on request.

3 - Every individual who appears to be under 21 years of age seeking to purchase or be supplied with alcohol at or from the premise shall produce means of identification in the form of a passport, photo driving licence or PASS accredited photo ID, proving that individual to be 18 years of age or older. No sale or supply of alcohol will be made to any such person who is unable to produce such identification.

4 - All staff shall be trained to challenge every individual who appears to be under 21 years of age and to refuse service where individuals cannot produce acceptable means of identification, such training shall be provided not less than every six months, and written records shall be kept of all training and refresher training. 'Challenge 21' posters shall be displayed in prominent positions at the premise.

5 - A written log shall be kept of all refusals including refusals to serve alcohol. The holder of the premises licence shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis.

Where community intelligence or information from officers links underage drinking to a particular premises Hampshire Constabulary & Hampshire County Council Trading Standards conduct test purchase operations to ensure premise operators are complying with the law.

These operations are conducted in accordance with LACORS guidance (LACORS - the Local Authorities Coordinators of Regulatory Services is the local government central body responsible for overseeing local authority regulatory and related services in the UK.)

Police operations have been conducted at Alpha (Costcutter) store as a result of community information which had been received regarding the sale of alcohol to underage persons. The premise sold alcohol on three different occasions to volunteers who were under 18

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

Page 4 of 6

years of age during operations conducted by both Hampshire Constabulary & Hampshire County Council Trading Standards.

Following any failure the Police and/or Trading Standards always provide support and guidance to premise operators aiming to prevent further problems and to assist the DPS and staff members to promote the licensing objectives and ensure unlawful sales are not made.

Police have been called to the premises on numerous occasions, a detailed summary of incidents, police support and intervention is attached at Annex D. Below are some of the examples of the intervention measures in addition to those conducted by Trading Standards. It is noteworthy that before being converted into a convenience store and gaining a licence to sell alcohol the police do not have a single crime linked to the premises for 16 months prior to the issue of the licence.

20/02/09 Test purchase operation conducted. A 15 year old volunteer was sold a bottle of WKD blue. The seller was issued with a fixed penalty notice.

04/03/09 A licensing visit was undertaken by PS Adams and PS Barry to address the failed test purchase operation.

During the meeting breaches of the Licensing Act 2003 requirements and premise licence conditions were raised;

- No premises licence summary on display at the premise. (Offence contrary to section 57(4) and (8) of the Licensing Act 2003)
- Insufficient record of staff training (Breach of licence conditions 2 & 4).
- CCTV images kept for 4 days not the required 30 days and the necessary IT equipment needed to burn a DVD was not on site (Breach of licence condition 1).
- Challenge 21 scheme not being operated (Breach of licence condition 3).
- No refusals log (Breach of licence condition 5).

To follow up the meeting and police concerns a letter was sent to Mr George, the Designated Premises Supervisor, with a requirement of an action plan to address the issues raised. A copy of this letter can be located at Annex E.

03/04/09 Test purchase operation conducted (Mr Patrick Curran NFDC Licensing Enforcement Officer also present and witnessed the sale). A 15 yr old police volunteer was sold a bottle of cider; seller was issued with a fixed penalty notice

15/04/09 PS Barry & PC Kingsnorth conducted a licensing visit at the premise, they met Mr George and discussed the letter sent as a result of the previous visit and why Mr George had failed to respond and provide an action plan. Mr George confirmed he had received the letter, though he stated that he did not realise that he was to reply and prepare an Action Plan as to what measures he intended to introduce to counter the breaches and issues which had been highlighted. Problems with the CCTV had still not been resolved and Mr George claimed that he was in the process of addressing it.

13/05/09 Action Plan received by Hampshire Police from Mr George - this can be located at Annex F.

23/07/09 Test purchase operation conducted. Identification asked for, no sale made.

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

Page 5 of 6

29/07/09 Visit arranged to discuss the progress of the Action Plan. Mr George stated that it was his intention to make another member of staff the DPS but that had been hindered by the staff member returning to India and taking an extended period of leave. [To date no such application has been made]

31/07/09 Routine visit made by Mr Patrick Curran NFDC Licensing Enforcement Officer at 20:40hrs following anonymous reports re under age sales. This was a Friday evening and therefore a high risk time for juveniles attempting to purchase alcohol. Only one member of staff working, the DPS nor indeed any personal licence holder was present or available. (Copy of Mr Curran's statement can be found at annex G)

09/10/09 Test purchase operation conducted. Identification asked for.

30/10/09 Trading Standards Test purchase operation conducted. 16 yr old volunteer purchased alcohol from the premise, seller was issued a fixed penalty notice.

It has subsequently come to our notice that Mr George has become DPS of another licensed premise in Poole. It has already been identified that Mr George's full time job is with the Post Office and we had concerns that he was unable to fulfil his role as DPS effectively. The Secretary of State's guidance describes the DPS as the one specified individual who can be readily identified for the premises who will have "day to day responsibility for running the premises" We do not believe that a person can be in effective "day to day" control of two licensed premises many miles apart and in this case additionally he also has a separate full time job – we believe this position is untenable.

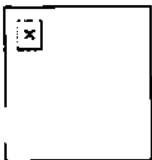
In summary, Hampshire Constabulary fully supports a review of the premise licence and believes the licence should be revoked. We have no confidence in the management at the premises despite repeated visits and support from both the Police and Trading Standards. The DPS and staff at the store have committed offences under the Licensing Act 2003 and seem unable or unwilling to comply with straightforward conditions designed to promote the licensing objectives. This is despite agreeing to those conditions in order to secure the licence to sell alcohol following objections to their original application.

In spite of police intervention immediately after the first failed test purchase operation the DPS did not address matters properly, there was regular community intelligence regarding continuing sales of alcohol to children which was evidenced by two further failed test purchase operations.

Alcohol is a major contributory factor to antisocial behaviour, violent crime in particular and the risk to young people's health has been well published. Licensed premises have a critical role in preventing the sale of alcohol to children and it is clear in this case that despite significant involvement of enforcement agencies the management of the premises have clearly failed in their duties.

Enclosed in this application is the evidence which support the review for Alpha (Costcutter) Store.

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



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
Objection to grant of Premises Licence 24/11/08

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 T.M. Adams Collar Number: 1634
Signature: Date: 06/01/10

Signature of Authorising Officer (Inspector or above)

Name J. Willson Collar Number: 5409
Signature: Date: 06/01/10

### Alpha (Costcutter), New Milton

Occurrences which have been reported to the police  Test Purchase Operations  Intelligence

Police interaction with the Designated Premise Supervisor and Area Manager  Action plan

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
44090044104	Rowdy & inconsiderate	30/01/09	18.24	Member of staff	Member of staff from Costcutter is reporting that they have some youths in the shop who are causing trouble. On officer arrival the group of youths were not present, CCTV was unavailable so unable to identify person(s) involved.
44090059808	Theft	10/02/09	10.53	Member of staff	A group of youths entered the store and one male concealed item about his person. The youth was apprehended by staff and the premise was closed awaiting Police arrival, detaining the offender inside. The person had not removed items from the store at any point but had left before police arrival CCTV footage was viewed, unfortunately did not show facial image and it could not be paused. This was an attempt only and nothing was taken from the store. The attending officer and other officers reviewed the CCTV footage at the time and were unable to identify the male responsible.
44090069802	Rowdy & inconsiderate	16/02/09	19.34	Member Of public	Telephone call from youths concerned about a member of staff at Costcutters was brandishing a knife. Following enquiries at the shop it transpires that a member of staff was opening a box with a box cutter when 2 youths started a disturbance, he left the box cutter behind the counter and pointed at the youths who then dispersed.
44090076600	Test Purchase Operation	20/02/09			Police Test Purchase Operation - Member of staff served alcohol to an underage volunteer. Fixed

**Alpha (Costcutter), New Milton**

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
44090093662	Burglary	03/03/09	02.30	Member of staff	Penalty Notice issued. Offender forced entry to the front window of Costcutters. Entry was gained. Offender entered the area behind the till and filled pockets with packets of cigarettes and left the shop. An hour later the offender returned and filled a black bin liner with alcohol and cigarettes. CCTV footage was seized from Costcutters in the form of a CD. Officers attempted to view the footage but it was not in a playable format and had to be sent to specialist unit.
44090095126	Intelligence	04/03/09			The new Off-licence on Station Road in New Milton is selling alcohol to underage youths without asking for ID. Young kids are purchasing drink there before heading to the Recreation ground and consuming it.
44080505263	Licensing visit	04/03/09		PS Barry & PS Adams	A licensing visit was undertaken by PS Adams and PS Barry to address the issues of that were identified during the recent Test Purchase Operation with Mr Thomas George who is the Designated Premise Supervisor (DPS) at the store. The following breaches were raised with Mr George during the visit. <ul style="list-style-type: none"> <li>- No challenging of young persons requesting drink sales</li> <li>- Underage alcohol sales</li> <li>- No premises licence on display</li> </ul> Further issues were raised with Mr George that would hinder him from fulfilling his licensing

Hampshire Constabulary  
6 OCU Licensing Team

Alpha (Costcutter), New Milton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
					<p>objectives:</p> <p>Insufficient record of staff training.</p> <p>No refusals log</p> <p>DPS appeared to have relatively good working knowledge of the CCTV equipment, but it transpired that it is only kept for 4 days not the required 30 days. The necessary IT equipment needed to burn a DVD was not on site; it appears also that a larger hard drive is needed.</p> <p>Mr George works for the Royal Mail as a manager; he states that he works every morning at the store. His business partner Mr Poley is about to take his personal licence and Mr George concedes that it would be sensible to change DPS from himself to Mr Poley as he has no other work commitments. Mr George stated that all staff would be sent on the licensing course.</p> <p>The premises had recently suffered a burglary. Crime Reduction advice given was given.</p> <p>To follow up the meeting and police concerns a letter was sent to Mr George, with a requirement of an action plan to address the issues raised.</p>
44090144503	Test Purchase Operation	03/04/09			Police Test Purchase Operation – Member of staff served alcohol to an underage volunteer. Fixed

Hampshire Constabulary  
6 OCU Licensing Team

Alpha (Costcutter), New Milton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
44080505263	Licensing visit	15/04/09		PS Barry & PC Kingsnorth	<p>Penalty Notice issued.</p> <p>PS Barry &amp; PC Kingsnorth conducted a licensing visit at the premise where they met the Mr George. PS Barry went through the letter dated the 06/03 of which Mr George confirmed he had received, though he stated that he did not realise that he was required to reply and prepare an Action Plan as to what measures he intended to introduce to counter the breaches and issues that had been highlighted. PS Barry gave him a further copy of the letter and emphasised the need for a response.</p> <p>Mr George confirms that a further 2 members of staff are now personal licence holders and once Mr Poley has his, they will apply for Mr Poley to become the DPS.</p> <p>Mr George states that he is still in the process of addressing the capacity of the CCTV.</p> <p>Mr George understands that his premises will be tested again and should there be a further failure that a review application will be sought.</p> <p>PS Barry advised in relation to possible abuse that the staff are suffering and instructed Mr George and his staff to report such matters immediately to police.</p>
44090172883	Intelligence	22/04/09			A male and a female youth 15yrs old bought alcohol

Hampshire Constabulary  
6 OCU Licensing Team



Alpha (Costcutter), New Milton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
44090178108	Intelligence	24/04/09			from Cost cutters, New Milton. A bottle of Rum was purchased on 18.04.09 from the premises.
44090186383	Intelligence	25/04/09			On 24/04/09 at 18:30 hours a bottle of White Strike cider was seized from two youths in Station Road New Milton. Alcohol obtained from Costcutters by getting unknown person to buy it for them
44080505263	Action plan	13/05/09		Mr George	<p>Youths, some as young as fifteen, are obtaining alcohol and cigarettes from the Costcutters store.</p> <ul style="list-style-type: none"> <li>- I am maintaining good staff training records; a member of staff had the official training. Now two other staff members are going for the training.</li> <li>- We are keeping the refusals log now. Before your visit we were writing the refusals on the diary and it was up to date.</li> <li>- The CCTV we asked the provider to supply the right hard drive, Hopefully we may sort it very soon</li> <li>- My co-director is on holiday as soon as he is back I will change my DPS post to him. Because he is the full time shop manager.</li> <li>- I got a new staff member who got good experience on sale of alcohol.</li> </ul>
44090292537	Intelligence	26/06/09			On 26/06/09 at 18:30 hours Costcutters in Station Road New Milton sold a crate of lager to a juvenile.

Hampshire Constabulary  
6 OCU Licensing Team

Alpha (Costcutter), New Milton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
44080505263	Test Purchase Operation	23/07/09			When asked if they were going to serve the underage male till operator replied "Yes."
44080505263	Licensing visit	29/07/09		PS Barry	Police Test Purchase Operation - Identification asked for, no sale made. Visit by prior arrangement to discuss progress of Action Plan. The plan to make Mr Poly the DPS has been hindered by Mr Poly taking an extended period of leave, returning to India. He is now back in the UK and it remains Mr George plans to make him the DPS. Mr George is not currently making a profit of the business and looking at 2 alternatives. 1) He sells the business. 2) Costcutters are looking at buying the Balfour newsagents at the NW railway station. If they succeed in this, then Mr George is considering taking on this business as well. His hope is that the expansion will reduce the overheads. Mr George owns another newsagents in Poole. Mr George stated he had sent 3 further members of staff on the BIIAB course.
44080505263	Test Purchase Operation	09/10/09			Police Test Purchase Operation - Identification asked

Hampshire Constabulary  
6 OCU Licensing Team

Alpha (Costcutter), New Milton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
44090452024	Intelligence	17/10/09			for, no sale made.
44090467637	Theft	27/10/09	21:44	Member of staff	Costcutters, Station Road, New Milton are serving alcohol to underage persons.
44090467735	Assault on police				Male entered Costcutters Shop and selected can of beer making no attempt to pay. Offender chased by store owner. Police detained offender who was extremely aggressive to Police officers and attempted to head butt them landing glancing blows.
44090475200	Test Purchase Operation	30/10/09			Trading Standards Test Purchase Operation - Member of staff served alcohol to a 16 yr old volunteer. Fixed Penalty Notice issued.
44080505263	Routine visit	18/12/09	21:10	PCSO Mitchener	Visited Costcutters/Check at 21:10 - 18/12/09. Manager Poly Manjooran who does not hold a personal licence is serving throughout the evening. DPS not present. 2 Refusals were made of this date: 1 Male, 1 Female, Both refused Alcohol due to lack of ID. This was logged in the Stores Refusal Log.

\* Objection \*

Sarah Wilson

**From:** Lawford, Stephen [stephen.lawford@hants.gov.uk]  
**Sent:** 19 March 2010 18:41  
**To:** Licensing e-mail address  
**Cc:** PDay@hlf-law.co.uk; 6 OCU Licensing Mailbox  
**Subject:** RE: Application: Grant of Premises Licence (S17) Ref: LICPR/10/01193 - ANGLO ASIAN FOOD & WINES, 36 STATION ROAD, NEW MILTON, BH25 6JX  
**Attachments:** Anglo Asian Food & Wines New Milton Rep.doc; Alpha (Costcutter) New Milton Review.doc  
 Dear Sirs

Please find attached Representation from HCC Trading Standards and copy of Review papers on Alpha Store, 36 Station Road, New Milton.

Yours faithfully

Steve Lawford

Trading Standards Officer

**From:** licensing@nfdc.gov.uk [mailto:licensing@nfdc.gov.uk]  
**Sent:** 22 February 2010 13:20  
**To:** Liquor Licensing  
**Subject:** Application: Grant of Premises Licence (S17) Ref: LICPR/10/01193 - ANGLO ASIAN FOOD & WINES, 36 STATION ROAD, NEW MILTON, BH25 6JX

<b>To:</b>	The Responsible Authorities
<b>Our Ref:</b>	LICPR/10/01193 - SW
<b>Date:</b>	22 February 2010
<b>Application Type:</b>	<b>Grant of Premises Licence (S17)</b>
<b>Premises Details:</b>	<b>Anglo Asian Food &amp; Wines, 36 Station Road, New Milton, BH25 6JX</b>
<b>Proposed Applicant Details:</b>	Navaratnam Navanathan Juno Maureen Navanathan <b>322 Kenton Lane</b> <b>Harrow</b> HA3 8RH <b>322 Kenton Lane</b> <b>Harrow</b> HA3 8RH

LICENSING ACT 2003

22/03/2010

47

## CONSULTATION

I should be pleased if you will assess the application and, if after due consideration, you wish to make representation you must advise the Council of the details of that representation by no later than **22 March 2010**.

If we do not hear from you by that date we will assume you do not wish to offer a representation and continue with the licence application process.

### **PLANNING AUTHORITIES PLEASE NOTE**

**Inevitably there will be occasions when NFNPA Development Control receive applications which should have been sent to NFDC Planning, and visa versa. In these instances on receipt of applications would both authorities quickly identify these applications and send them to the correct planning authority by way of the fastest possible means.**

Response:

\*\*\*\*\*

The information in this electronic mail (email) and any appendices to it is the property of New Forest District Council.

It may contain confidential information. It is intended for the addressee only. Communications using this email system may be subject to recording and/or monitoring in accordance with relevant legislation.

Please examine the full terms of this disclaimer by clicking on the following hyper link:

[www.newforest.gov.uk/emaildisclaimer](http://www.newforest.gov.uk/emaildisclaimer)

**Hampshire County Council Trading Standards Service wish to make a representation(s)**

**regarding the granting of the Premises Licence issued under the Licensing Act 2003, for :-**

**Anglo Asian Food & Wines  
36 Station Road  
New Milton  
Hants  
BH25 6JX**

**We are a responsible authority.**

**(A) REPRESENTEE DETAILS (fill in as applicable)**

Mr  Mrs  Miss  Ms   
Other title (for example, Rev)

**Surname**  
Lawford

**First names**  
Stephen George

Are you over 18  Yes

Hampshire County Council  
Trading Standards Service  
Montgomery House  
Monarch Way  
Winchester, Hants

Post Town Postcode SO22 5PW

Contact telephone number in working hours 01962 833658

Email address (optional) Steve.Lawford@hants.gov.uk

**This application to object relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Hampshire County Council Trading Standards wish to object to the issue of this licence.**

**The previous premise at this location, Alpha Store, was subject to a Review application by Trading Standards.**

**At the Review hearing the licensing panel revoked the premise licence.**

**It is a fact that the premise made three underage sales of alcohol on test purchase exercises, two conducted by the police and one by Trading Standards.**

**Hampshire Constabulary supported the Review and gave details of crime and disorder, that simply were not there before this premise was an off-licence.**

**It would go against the intention of the legislation and it's Guidance to simply grant a new licence, so quickly after a previous licence had been revoked.**

**It is for these reasons that Trading Standards object to this application for a premise licence.**

**A copy of our Review papers are attached to this Representation.**

**For the sake of duplication, we agree with the view expressed by Hampshire Constabulary in their Representation dated 19 March 2010.**

**Indeed Trading Standards Officer (TSO) Lawford discussed this application at some considerable length with Sgt Adams, as the two agencies work very closely on licensing matters and test purchase exercises.**

**However, if the panel are minded to issue a licence, we believe that the applicant has not taken sufficient precautions to promote the licensing objectives, to ensure the prevention of sales of alcohol to persons under the age of eighteen.**

**Trading Standards would not want a licence granted with the conditions suggested by the applicant.**

**We would then ask the panel to amend some of the Applicant's conditions and add some extra conditions to be applied to the licence.**



--

**Signature of representee or representee's solicitor or other duly authorised agent. If signing on behalf of the representee, please state in what capacity.**

Signature.....

S.Lawford

.....

Date... 19/03/10.....

.....

Capacity.....Trading Standards Officer

**Contact name (where not previously given) and address for correspondence associated with this representation (please read guidance note 5)**

N/A

**Post town**

**Post code**

## 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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Alpha (Costcutter) 36 Station Road	
<b>Post town</b> New Milton	<b>Post code</b> BH25 6JX

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr T George
--

<b>Number of premises licence or club premises certificate (if known)</b> 1419
---

### 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.

These premises have failed three alcohol test purchase operations within seven and a half months. The first failure was on 20 February 2009 and was conducted by the Hampshire Constabulary using a 15 year old volunteer, the second failure on 3 April 2009 was again conducted by the Hampshire Constabulary using a 15 year old volunteer and the third failure on 30 September 2009 was to a 16 year old volunteer working with HCC Trading Standards.

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

Listed below are the details of test purchases, intelligence and complaints received about this store and visits made to the store by Trading Standards Officers (TSO's)

**20/02/09** – Information was received from the police that the store had failed a test purchase by selling alcohol to a 15 year old volunteer.

**25/02/09** – As a result of the above failure, TSO Lawford visited the store and dealt with partners Joby and Poly. Training records could not be produced. No premise licence summary was displayed. Only one small 21 policy sign was displayed in store. Advice was given on how to avoid further underage sales. They were advised that a test purchase would follow. They were warned of the consequences of a 2nd sale, which could lead to prosecution and/or a Review of the premise licence.

**06/03/09** – A follow-up letter (Annexe A) was sent to the licence holder confirming the advice given by TSO Lawford on 25/02/09. Clearly the advice regarding signing the refusals book weekly was not followed.

**03/04/09** – Information was received from the police that the store had failed a test purchase by selling alcohol to a 15 year old volunteer.

**09/04/09** - The store passed a Trading Standards alcohol test purchase by a 15 year old volunteer.

**30/06/09** – Intelligence was received from a member of the public that her 17 year old son was able to purchase alcohol on 27/06/09 without being asked for any ID.

**23/07/09** - The store passed a police alcohol test purchase by a 16 year old and a 15 year old volunteer.

**29/07/09** – Following the intelligence received on 30/06/09, TSO Penton visited the store. He discussed the complaints that had been received. The store was advised that a test purchase would follow.

**30/07/09** – A follow-up letter (Annexe B) was sent to the licence holder confirming the advice given by TSO Penton on 29/07/09.

**05/08/09** - TSO Lawford attended a tape recorded interview of owner and DPS of the store Mr Thomas George at the invitation of Patrick Curran, Licensing Enforcement Officer for New Forest District Council. At this interview Mr George stated that the store's refusals book was being checked and signed weekly as per the condition on the store's premise licence.

**12/08/09** - TSO Lawford visited the store and dealt with director Mr Poly Manjooran. A PACE code B notice was left. The refusals books were checked and they had only been checked and signed since 07/08/09, a clear breach of licence condition. The refusals books had not been signed at all prior to 07/08/09., despite Mr George's

admission under caution on 05/08/09.

**24/08/09** – Intelligence was received from Paul Weston, Licensing Officer for New Forest District Council that his office had received a report that suspected underage sales of alcohol were occurring at the store.

**09/10/09** - The store passed a police alcohol test purchase by a 16 year old volunteer.

**19/10/09** – Intelligence was received from a member of the public who stated that her 16 year old son's friend, also 16, had been sold alcohol from this store whilst he waited outside. She wanted to report them as her son got drunk and fell and cut his head later that day.

**30/10/09** - The store failed a Trading Standards test purchase by a 16 year old volunteer, when alcohol was sold to her without any questions being asked. A Penalty Notice for Disorder (PND) was issued to the member of staff that sold the alcohol.

**03/11/09** - Following the intelligence received on 19/10/09 TSO Lawford interviewed the member of the public concerned and her son.

Trading Standards have tried to assist this store with their problems of making underage sales of alcohol. An Underage Sales Retailer Pack which gives comprehensive advice was sent to the store and the store are using it to record training as per the training condition on the licence. An Age Restricted Sales Newsletter was sent to the store in June 2009. This gives much advice on all age restricted products and specifically due diligence, acceptable ID, age perception and tips on how to avoid making sales to those underage. We have visited the store on 3 occasions to give advice on best practice to try and prevent further underage sales. TSO Lawford gave further advice to licence holder/DPS Mr George after the interview on 05/08/09.

Regrettably the store has continued to make underage sales, therefore we ask that the premise licence be Revoked.

If it is felt that revocation is not a proportionate action to take, we would ask that the licence is suspended for a period of three months.

Case law, the details of which follow at Annexe C, allows the panel to do this, not as a punishment but as a deterrence. The main principles of court's decision were as follows:-

1. The general approach of Licensing Authorities on a Review is to establish the cause or causes of the concerns and to take remedial action which is necessary and proportionate.
2. However, when considering Reviews arising in connection with crime (and underage sales are included) deterrence is an appropriate objective and one contemplated by the Secretary of State in the Guidance.
3. Whilst punishment may strictly not be a valid tool on a Review, in Reviews where there has been activity in connection with crime, deterrence could be.

We also ask that the following additional conditions be applied to this premises licence as a result of this review.

1. All staff to be trained to a minimum of NCPLH standard, only a person with such a qualification may sell alcohol. All staff not trained to this standard must have sales of alcohol authorised by a person who has been trained to this standard. Refresher training to be recorded monthly, using HCC Trading Standards Age Restricted Sales Retailer Pack.
2. A personal licence holder to be on duty at all times that the premises is conducting licensable activities. The primary task is to manage alcohol sales.
3. Recordable CCTV to be of a standard agreed by the Police. This must be acceptable to evidential use if required. This system must also record the outside of the premises as well as the inside and imagery obtained must be retained for a minimum of 31 days on a rolling basis. The CCTV footage must be made available in a format that can be viewed by Police/Council Officials and must be given to them on demand. This system must be maintained at all times and be capable of having a backup system installed should it be needed whilst the main system is being supervised or maintained."
4. CCTV shall be on at all times that the premises is conducting licensable activities and to have a person on duty who has been trained to operate the CCTV system and capable of producing copies of recorded images at the demand of the Police or Council official.
5. The holder of the premises licence to ensure that every individual who appears to be under the age of 25 seeking to purchase alcohol MUST produce the following photographic identification proving that they are 18 years of age or over. UK passport, UK photo driving licence and PASS accredited photo ID only. If no identification is produced no sale or supply of alcohol to be made.
6. 'Challenge 25' signage must be displayed at the till, on the entry door and near to the alcohol display.

Annexe A – Follow up letter to the store dated 6 March 2009.

Annexe B – Follow up letter to the store dated 14 April 2009.

Annexe C – Case law - R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350 QBD: Slade J.: 7 November 2008

Annexe A

Mr Thomas George  
Alpha Store (Costcutter)  
36 Station Road  
New Milton  
Hampshire  
BH25 6JX

Enquiries to Stephen Lawford My reference SL/232838

Direct Line 01962 833658 Your reference

Date 6 March 2009

E-mail [stephen.lawford@hants.gov.uk](mailto:stephen.lawford@hants.gov.uk)

Dear Mr George

Licensing Act 2003  
Costcutter 36 Station Road New Milton Hampshire BH25 6JX

Further to my visit to the above premise on 25th February 2009, following a failed police alcohol test purchase, I write to confirm my discussions with Joby and Poly.

In order to comply with the conditions of your premise licence, it is essential that refresher training takes place for all staff every six months (and records are kept), proof of age identification is requested, the refusals book is used and monitored weekly and the laminated posters provided by this Service are displayed. Please continue to ask for ID if you think a person may be under 21. You are also advised to check any company or trade association procedures. If any of the conditions are breached, you could face prosecution and a maximum fine of £20,000.

Under the Licensing Act 2003 it is illegal to sell alcohol to anyone under the age of 18. Anyone convicted of this offence faces a maximum fine of £5,000. As I advised, you may be subject to a test purchase by one of our young volunteers.

Please do not hesitate to contact me if you wish to discuss this matter further.

Yours sincerely

Steve Lawford  
Trading Standards Officer



Annexe B

Mr Thomas George  
Costcutter  
36 Station Road  
New Milton  
Hampshire  
BH25 6JX

Enquiries to Thomas D Penton My reference TDP/C245753

Direct Line 01962 833659 Your reference

Date 30 July 2009  
E-mail tom.penton@hants.gov.uk

Dear Mr George

Licensing Act 2003

Further to my visit to the above premise on 29 July 2009, following information from the police that alcohol was sold to a person under the age of 18, I write to confirm our discussions.

It is recommended that age restricted product training takes place for all staff and a record kept. Also recommended is the continued use of a refusals log for all age restricted products, and to aid with age perception, it is advisable for staff to 'Think under 21' and to ask for photo ID from anyone who they suspect is underage.

Under the Licensing Act 2003 it is illegal to sell alcohol to anyone under the age of 18. Anyone convicted of this offence faces a maximum fine of £5,000. It is not my intention to take any further action at the present time. As I advised, you may be subject to a test purchase by one of our young volunteers.

In addition under the Business Names Act and The Companies Act you are required to display the details of the proprietor clearly on the premise. Please see enclosed factsheet for further information.

Yours sincerely

T D PENTON  
Trading Standards Officer

Enc

Annexe C

**R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350**

**QBD: Slade J.: 7 November 2008**

---

On the determination under s 52 Licensing Act 2003 of an application for review of a premises licence in circumstances involving criminal conduct connected with the licensed premises, consideration must be given to what was necessary to promote the objective of crime prevention, and to the needs of the wider community, and not be limited to guidance and remedial action and to the needs of the licence-holders.

Slade J so held when granting the claimant, Bassetlaw District Council, judicial review of a decision of Worksop Magistrates' Court on 24 July 2007 to allow an appeal by licensees, Steven Glyn Jones and Rachel Catherine Jones, against a decision by the council's licensing committee on 26 April 2007 to suspend for four weeks their licence to sell alcohol at their business premises, a convenience store.

SLADE J said that unlawful sales of alcohol had been made to two 14-year-old girls who had been sent by the Trading Standards Office to make test purchases. The girls had been served by young cashiers. The district judge had overturned the decision of the licensing authority that the shop proprietors' licence should be suspended for four weeks and had substituted the addition of six more conditions to the licence. The licensing authority challenged the district judge's decision on several grounds, some relating to the construction of provisions of the Licensing Act 2003 and the guidance issued by the Secretary of State under s 182 of that Act. The district judge had failed to bear in mind that, where premises had been used for criminal purposes, the licensing authority had a duty to take steps in the interests of the wider community. The district judge had considered that the function of both the licensing authority and, on appeal, the magistrates' court was not punitive but remedial. It was clear from his decision that the district judge had considered only the provisions in the guidance which were dealing with situations not involving crime. Where, as here, crime was involved, wider considerations came into play, including the prevention of crime, and, if not punishment, at least deterrence. Departure from the guidance was permissible, but the district judge had failed to identify why, and in what respects, he had departed from the guidance, and that too was an error of law.

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.....  
 10/12/09.....  
 Capacity.....  
 Trading Standards Officer.....

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

**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.

**Anglo Asian Food and Wines  
36 Station Road  
New Milton**

**Application for the grant of a Premises Licence**

**Applicant's Response to Representation received from the Police  
and Trading Standards**

**Introduction**

These premises were granted a premises Licence under the Licensing Act 2003 on 17 December 2008. On 5 February 2010, the licence was revoked following an application for review at the behest of Trading Standards, supported by the Police.

The premises continue to trade pending determination of an appeal against that revocation. This is an application for a new licence made by persons entirely unconnected with the previous holder/DPS, save that they have agreed to buy the premises, subject to obtaining a licence.

Both the Police and Trading Standards have objected to the grant.

**The statutory framework**

(All references are to the Licensing Act 2003 (as amended) unless specifically asserted to the contrary).

S.18 asserts:-

(1) This section applies where the relevant licensing authority-

(a) receives an application for a premises licence made in accordance with section 17 (*which is the case here*), and

(b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section (*which is also the case here*).

(2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to –

(a) such conditions as are consistent with the operating schedule accompanying the application (*see also R (on the application of Bristol Council) -v- Bristol Magistrates' Court [2009] EWHC 625 referred to below – this does not mean that whatever is written in the operating schedule must be slavishly repeated, word for word but rather that the licence as issued should have conditions consistent with the schedule and, in particular, section P thereof*), and

(b) any conditions which must under section 19, 20 or 21 be included in the licence. (*note – only section 19 is relevant here but any licence now issued will also need to incorporate the new mandatory condition regarding age verification policies, with effect from 1<sup>st</sup> October 2010*).

(3) Where relevant representation are made *and it is accepted that this is the case here*), the authority must

(a) hold a hearing to consider them... (*irrelevant words omitted*) and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are –

(a) to grant the licence subject to –

- (i) the conditions mentioned in subsection 2(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
- (ii) any condition which must under section 19, 20 or 21 be included in the licence; *(note again – only section 19 is relevant here but any licence now issued will also need to incorporate the new mandatory condition regarding age verification policies, with effect from 1<sup>st</sup> October 2010).*

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates; *(not relevant here as the only licensable activity applied for is the sale of alcohol)*

(c) to refuse to specify a person in the licence as the premises supervisor

(d) to reject the application

(5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

(6) For the purposes of this section, “relevant representations” means representations which –

(a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,

(b) meet the requirements of subsection (7) *(which is the case here)*

(c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and

(d) *irrelevant*

(7) *Omitted – the conditions are satisfied*

(8) *Omitted – irrelevant*

(9) the requirements of this subsection are that the representations –

(a) were made by a chief officer of police for the area in which the premises are situated, and

(b) include a statement that, due to the exceptional circumstances of the case, he is satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective.

(10) *Omitted – irrelevant.*

Section 37 is concerned with applications to vary the licence to specify an individual as premises supervisor. Notice of the application must be given to the police under s.37(4). Such a notice can only be given by the holder of the premises licence. It follows that if the licence has not been issued or granted, no application can be made

to change the DPS. However, there is nothing to prevent a notice being given the moment a licence is issued with a request that it takes immediate effect under s.38.

S.37(5) provides that "Where a chief officer of police notified under subsection (4) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating why he is so satisfied."

Note that the relevant wording here is identical to the wording in section 18(9)(b).

If the licensing authority goes on to reject the application, the effect is that the licence remains in place but continues to specify the same person as the Premises Supervisor. If that person fails to request that he or she be removed as the designated premises supervisor, he or she is not automatically removed. If such a notice is given, the licence remains in force but cannot authorise the sale of alcohol because the mandatory condition specified in section 19 cannot be satisfied.

Section 42 is concerned with the transfer of licences and again requires that notice of such an application be given to the police.

s.42(6) provides that "Where a chief officer of police notified under subsection (5) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating why he is so satisfied."

If the licensing authority goes on to reject the application, the effect is that the licence remains in place but continues to be held in the name of the original holder.

#### **The "suitability" of applicants and/or the DPS.**

Unlike the regime that existed under the Licensing Act 1964 where liquor licences were granted to named individuals and could only be transferred if the Court was satisfied that the applicants for a transfer (or indeed a new licence) were "fit and proper persons," the essence of the Licensing Act is to split the licensing regime into two – individuals have personal licences and premises have premises licences.

The essence of the system is portability – anyone over 18 who has no relevant convictions and who holds a recognised licensing qualification is entitled as of right to apply for and be granted a personal licence without any reference to the police. In terms of the holder of a licence, section 16 provides

(1) The following persons (*and this includes a body corporate and/or a partnership or more than one individual, as is the case here*) may apply for a premises licence –

(a) a person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates.

*(The remainder of the section is not relevant).*

The fitness of the applicant to hold a licence is a concept that is alien to the Licensing Act 2003 and is not a ground upon which an application for a licence can be refused.

The only circumstances in which the licensing authority can consider refusing to allow a particular individual to be the DPS is where exceptional circumstances apply.

The police have not given any notice to the effect that there are exceptional circumstances in this case whereby the appointment of Mr Navanathan as DPS would undermine the crime prevention objective.

Indeed, the Guidance at paragraph 4.23 asserts " a designated premises supervisor may supervise more than one premises as long as they are able to ensure that the four licensing objectives are properly promoted and the premises complies with licensing law and licensing conditions."

Paragraph 4.25 of the Guidance gives an example of what might amount to exceptional circumstances :

"a particular designated premises supervisor is first appointed or transfers into particular premises and their presence in combination with particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to minors (a relevant offence) and then transfers into premises known for underage drinking."

Paragraph 4.28 deals with application for review but is relevant in that it asserts "It is not expected that licensing authorities or the police should seek to use the power of intervention as a routine mechanism for hindering the portability of a licence or use hearings of this kind as a fishing expedition to test out the individual's background and character. The Secretary of State therefore expects that such hearings should be rare and genuinely exceptional."

Paragraph 8.68 deals with situations where the police have objected to transfer of a licence. It asserts "Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder). For example, the police would rightly seek to prevent a company having a licence transferred to it if they had evidence that the premises might be used to launder money from drugs crime" and later in the same paragraph "The burden would be on the police to demonstrate to the authority that there were good grounds for believing that the transfer of the licence would undermine the crime prevention objective...."

Para 6.69 states "It is stressed that such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police."

#### **"Cumulative Impact"**

The objection by the police begins by explaining that they had initially objected to the application made at the end of 2008 for the original licence because "we believed that there was a real risk that a further outlet for alcohol in the town would increase crime, disorder and anti social behaviour in the area."

The Town Council also objected to the original application stating (inter alia) "This proposal will exacerbate the anti-social behaviour in the vicinity, the location of this store being at the gateway to the Recreation Ground, which has had historic problems with youths primarily." It may be of some relevance that the Town Council



has not raised any objection to this application, made over a year after the premises first started selling alcohol.

Paragraphs 13.24 to 13.38 of the Guidance deal with “cumulative impact.” There is no such policy in place for New Milton’s Town centre – this is perhaps not surprising as there appear to be only two other off-licensed premises and three on-licensed premises (this is subject to confirmation).

The relevance of this part of the Guidance is that it makes it clear that before such a policy is adopted there has to be “good evidence that crime and disorder or nuisance are happening and are caused by customers of licensed premises, or that the risk of cumulative impact is imminent (13.28).

At 13.33 “It would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. Special policies will usually address the impact of a concentration of licensed premises selling alcohol for consumption on the premises.”

No evidence has been produced by the police of crime in the general locality nor has any statistical evidence been produced to demonstrate any overall trend, either upwards or downwards both during the period leading up to the review and subsequently.

Instead, the police point to incidents that have occurred in the shop itself but the Committee will need to consider whether there is any evidence that any of these incidents are related to the fact that the premises are licensed – it is after all not a dedicated off-licence but a convenience store that now specialises in selling “ethnic food” (as Mr Navanathan refers to it). In terms of turnover (and profit), tobacco sales account for about 30%, food products almost 50% and alcohol approximately 20%. It is also worth noting that the refusals register kept by the applicant and his staff records that the majority of occasions when a customer is challenged about his or her age relate to attempts to buy tobacco or tobacco related products.

The incidents recorded in January and February 2009 (excluding the test purchase) relate to youths being rowdy or a theft – unconnected with alcohol sales. There is an incident in October 2009 of theft of a can of beer where, with the apparent assistance of staff, the police were able to detain the offender who was “extremely aggressive.”

All the remaining incidents relate to intelligence suggesting under age sales or test purchases.

The evidence produced of crime and disorder associated with the premises (other than under age sales), either directly or indirectly is, in reality extremely limited and no evidence at all has been produced as to any problem alleged to have occurred since Mr Navanathan and his staff have been running the shop – i.e. since the review.

### **Under Age sales**

The application for a new licence is not a “re-run” of the review hearing nor is it an appeal (see further below on this issue).

The fact of the matter is that there were 3 failed test purchases over a 7 month period but it should also be emphasised that there were also a number of occasions when test purchasers were refused – these were on 9<sup>th</sup> April 2009, 23<sup>rd</sup> July 2009 and 9<sup>th</sup>

October 2009. Trading Standards carried out a further test purchase on 19<sup>th</sup> February 2010 when again, the sale was refused.

Section 147A of the Licensing Act was inserted by the Violent Crime Reduction Act 2007 and was in force throughout the period from when the shop was first granted its licence, until the review hearing.

It provides that a person is guilty of an offence if on 3 or more occasions within a period of 3 months, alcohol is unlawfully sold to a person under 18. Proof of such sales is defined by s.147A(7) as being a conviction under s.146, a caution for the same offence or a fixed penalty.

Both the police and trading standards dealt with the person making the under-age sale by way of a fixed penalty. No proceedings could have been undertaken under s.147A because there were not sufficient unlawful sales within any 3 month period (note now that the Act has been further amended and what has become known as the "3 strikes rule" is not the "2 strikes rule" as evidence of only two offences in 3 months is now required).

The s.147A offence can be committed by any "responsible person" which includes the holder of the licence and the DPS (s.153(4)) and where the holder of the licence is convicted, s.147B provides that the premises licence may be suspended in so far as it relates to the sale by retail of alcohol "for a period not exceeding three months."

Even in these circumstances, Parliament did not see fit to give the Courts power to revoke a licence.

Reference has also been made to the Bassetlaw Council case. There is an argument that no reference should have been made to this case as that contravenes a Practice Direction made by the Lord Chief Justice of England on 9<sup>th</sup> April 2001. That is a debate for another time and place but for the moment, the facts of that case are that there were two sales within a short space of time to two 14 year old girls. The decision of the Licensing Committee, upheld by the High Court was not to revoke the licence but to suspend it for a period of 4 weeks.

### **The relevance of what has now happened.**

The case of Daniel Thwaites plc -v- Wirral Borough Council in the High Court on 6 May 2008 concerned an appeal by residents who were dissatisfied with the decision of a Magistrates' court to allow a pub run by Thwaites to extend its hours.

This case is relevant for two reasons. Firstly it emphasises again that (as did R (on the application of Bristol Council) -v- Bristol Magistrates' Court) that decisions must be made on an evidential basis and not on the basis of speculation or concern about what might happen.

Secondly, the Court took into account the fact that since the hearing in the Magistrates' Court, the premises had in fact operated successfully, making use of the longer hours.

Although the circumstances here are of course different, the same principle must apply. Had the premises failed further test purchases, the Police and/or Trading standards would be entitled to point to those. The fact that the opposite has occurred must be of weight in favour of the applicant.

## **Undermining the decision to revoke**

Regardless of what view one takes of the Bassetlaw case, the fact of the matter remains that the police always had an option to prosecute anyone concerned with the sale of alcohol to persons under 18 but chose not to do so. They could have taken that course independently of an application to review a licence, in conjunction with such an application or even instead of a review.

Had the law as it now stands been in force in April 2009 (which it was not), the police could then have prosecuted Mr George under s.147A and had he been convicted, the Court would have had power to suspend his licence for up to 3 months but not to revoke it.

There is nothing in the Licensing Act that prevents an application for a new licence being made in circumstances such as these and indeed, the Council's Licensing sub-committee recognised that precise fact when it asserted in its decision (on the review) "If the licence is revoked, any new owner could apply for a new licence in any event.

## **Summary and Conclusion**

Although it is submitted that the character and experience of Mr Navanathan, his wife and their staff are not relevant in any event in the absence of any objection to them by the Chief Officer of Police, pointing to exceptional circumstances, the fact of the matter is that they have successfully operated these premises since February.

There is a presumption in favour of granting this licence and the burden is on those who oppose it to demonstrate on an evidential basis that one or more of the licensing objectives would be undermined to such an extent that it is necessary (i.e. that there is no alternative) but to refuse a licence.

Both the Police and Trading Standards appear to criticise the conditions proposed in the application but have not specified what further conditions they would seek were the Licensing Committee minded to grant.

This document has been prepared on 1st April 2010 so that it might be included with the papers for the hearing. It is to be hoped that between now and then, further discussions can take place concerning the conditions which, ultimately, it will be for the Committee to decide whether to impose on the licence or not.

Photographs of the premises are also attached as these might assist all concerned. Copies of the refusal register and other of the documents and procedures operated in the shop will be served in advance of the hearing. Copies of all cases referred to can be supplied on request.

Philip Day  
Solicitor  
Horsey Lightly Fynn  
3 Poole Road  
Bournemouth BH2 5QJ  
Tel 01020 551991 email pday@hlf-law.co.uk

1<sup>st</sup> April 2010







