

**Swindon Borough Council
Licensing Act 2003 – Licensing Panel**

NOTICE OF HEARING

Date of Hearing: Wednesday, 28 June 2017

Place of Hearing: Committee Room 2, Civic Offices

Time of Hearing: 10.00 a.m.

Panel Members:

Conservative Councillors

Alan Bishop
Vera Tomlinson

Labour Councillors

Paul Dixon

Committee Officer: Shaun Banks (Telephone 01793 463606)

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Address: Swindon Borough Council, Civic Offices, Euclid Street, Swindon SN1 2JH

AGENDA

- 1. Appointment of Chair**
- 2. Apologies for Absence**
- 3. Minutes** (Pages 9 - 32)
To receive the minutes of the meetings held on 23rd and 29th March and 3rd, 4th, 5th and 10th April 2017.
- 4. Declarations of Interest**
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.
- 5. Application to Review Premises Licence, AAA Shop, 30 County Road, Swindon, SN1 2EW, together with a copy of each relevant representation made and supporting documents** (Pages 33 - 70)

Date of Despatch: 13 June 2017

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

INFORMATION TO ACCOMPANY NOTICE OF HEARING

Action following receipt of Notice of Hearing:

A party shall give to the Licensing Panel within the period of time provided for in the following provisions of this regulation a notice (in the form attached) stating: -

- Whether he intends to attend or be represented at the hearing.
- Whether he considers a hearing to be unnecessary.
- In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

The following notice periods apply:

No later than one working day in respect of:

- Cancellation of interim authority notice following police objection, or
- Counter notice following police objection to temporary event notice.

No later than two working days before the first day of hearing:

- Review of premises licence following closure order or review of premises licence following review notice;
- Determination of application for conversion of existing licence;
- Determination of application for conversion of existing club certificate; or
- Determination of application by holder of justices' licence for grant of personal licence.

In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Right of attendance, assistance and representation:

A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

The hearing will take place in public. However the Licensing Panel may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. For these purposes a party and any person assisting or representing a party may be treated as a member of the public.

The Licensing Panel may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit that person to return, or
- permit him to return only on such conditions as the authority may specify.

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

Representations and Supporting Information:

At the hearing a party shall be entitled to:

- Give further information as appropriate in response to a point upon which the Licensing Panel has given notice that clarification is required (Note – if clarification is required from any party this will have been indicated in the Notice of Hearing);
- If given permission by the Licensing Panel, question any other party; and
- Address the authority.
- Failure of Parties to attend the Hearing

If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing the authority may: -

- Where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- Hold the hearing in the party's absence.
- Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned

Procedure:

A summary of the procedure that will normally be followed at the hearing is attached.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all Hearings. However depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to): -

- Whether to proceed in the absence of a party;
- Whether to admit new documents or information submitted at the hearing;
- Whether it is in the public interest to exclude members of the public from the hearing or any part of it;

- Whether any party wished to withdraw representations previously submitted
- Whether to disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to:
 - Their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and
 - The promotion of the licensing objectives

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**Standard procedure for licensing committee or
licensing panel review hearings**

- 1) The general facts of the review application will be put to the hearing by an officer of the Licensing Authority.**
- 2) The applicant for the review will put their case. They will be invited to clarify and support (but not add to) their written submission.**
- 3) Members of the Licensing Committee (or Panel) may ask questions arising from this submission, as may any other Member of Swindon Borough Council who is present. The premises licence holder will not be allowed to comment or reply at this stage but may ask the party which applied for the review to give a brief clarification concerning any of the points they have made.**
- 4) Ward Members who wish to speak on behalf of constituents who have made representations following the review application or aspects of the review application will be invited to speak. Written notification of those representations must be submitted within the required period of notice.**
- 5) Where individuals or organisations have given the required notice that they wish to make relevant representations on the review application, they will be invited one at a time to clarify and support (but not add to) their written submissions. Representations will be heard only from those who have submitted an objection in writing before the deadline given for comments. This restriction applies equally to Members and Officers of the Council.**
- 6) Members of the Licensing Committee (or Panel) may ask questions arising from each representation, as may any other Member of Swindon Borough Council who is present. The premises licence holder will not be allowed to comment or reply at this stage but may ask those making representations to give a brief clarification of any of the points they have made.**
- 7) Ward Members who wish to speak on behalf of constituents who have made a representation against the review and in support of the premises licence holder will be invited to speak. Written notification of the positive representation must have been submitted within the required period of notice.**
- 8) The premises licence holder and / or their solicitor or representative will be invited to make a submission in opposition to the application for review and to respond to points made by**

those who submitted the review application or who made representations subsequently. No unreasonable limits will be placed on the right of the applicant to make their case and they may present any documentation they wish, in doing so.

- 9) Members of the Licensing Committee (or Panel) may ask questions arising from the premises licence holder's submission, as may any other Member of Swindon Borough Council who is present.**
- 10) The party which applied for the review and anyone who made representations subsequently will be allowed in turn to ask the premises licence holder to give a brief clarification of any point they have made. They will not be permitted to restate or develop their review application or representation and must limit any further brief comment to issues that arise directly from answers given by the premises licence holder or the premises licence holder's representative.**
- 11) Members of the Committee or Panel hearing the application will then discuss the application in private, accompanied only by non-partisan officers who are there in a support role.**
- 12) Should any person present act in a disruptive manner the Chair will first warn him or her about their conduct and then, if the Chair considers it appropriate, may require the person concerned to leave the meeting forthwith. Where a party to the hearing insists on wasting the time of the hearing by needlessly repeating points that have been well aired and clearly put by earlier speakers, their actions may be judged to be disruptive and they may be asked to leave. It is strongly recommended that any spoken representations from groups of people with common concerns are made through an agreed spokesperson.**

LICENSING PANEL

THURSDAY, 23 MARCH 2017

PRESENT:- Councillors Alan Bishop, Paul Dixon and Nick Martin

An apology for absence were received from Councillor Vera Tomlinson.

25. Appointment of Chair

Resolved – That Councillor Nick Martin Chair this meeting of the Panel.
(Councillor Martin took the Chair.)

26. Minutes

Resolved – That the minutes of the meeting held on 24th January 2017 be confirmed and signed.

27. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

28. Application for a review of the Premises Licence in respect of Simply Fresh Retail Limited (Premier Local), 160 Cricklade Road, Swindon, SN2 8AG

The Council's Licensing Manager provided an oral report advising Members that there had not been a Premises Licence in force in respect of Simply Fresh Retail Limited (Premier Local), 160 Cricklade Road, Swindon, SN2 8AG since July 2016 when the company had been wound up. Since this was well before the presentation of the application for review there was no Premises Licence in force in respect of the premises and there was nothing against which a review could be undertaken and therefore no valid representations to consider. The Licensing Manager confirmed that the owner of 160 Cricklade Road had been advised that no alcohol, sales were permitted from the shop and that appropriate signage was displayed prominently on the premises.

Resolved – That the report of the Council's Licensing Manager be noted.

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LICENSING PANEL

WEDNESDAY, 29 MARCH 2017

PRESENT:- Councillors Caryl Sydney-Smith, Vera Tomlinson and Peter Watts

29. Appointment of Chair

Resolved – That Councillor Peter Watts Chair this meeting of the Panel.
(Councillor Watts took the Chair.)

30. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

31. Application to review the Premises Licence in respect of Grosek Polski Skelp, 42 Manchester Road, Swindon, SN1 2 AG

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Review of the Premises Licence for Grosek Polski Skelp, 42 Manchester Road, Swindon, SN1 2 AG, (b) written representations from Wiltshire Police in support of the review, (c) oral submissions in support of the application for a review received from PC Michael Diffin, M.B.E., (Police Licensing Officer), (d) oral submissions received opposing the application for review from Ms Karolina Pawlowicz (Premises Licence Holder), (e) questions from Members to the applicants and objectors and answers received, and (f) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Officer introduced the report noting that:

- The public notice in the agenda pack was incorrect. A public notice had been advertised in accordance with the relevant regulations and displayed and the consultation had ended on 5th March 2017.
- The non-display of Part B of the licence had not formed part of the public notice and therefore should not form part of the Panel's considerations.
- The review had been called by the Police on the grounds that breaches of the conditions of the premises licence and the employment of an illegal worker undermined the Licensing Objections.
- The premises Licence had been issued on 21st October 2016.
- That a visit to the premises by the Police on 4th February 2017 had found a number of breaches of the Premises Licence, including a failure to comply with Conditions 6, 7 8, 9, 10, 14 and 15, together with a person unable to work in the United Kingdom working at the premises.

The Police case for a review and summary of points raised can be broadly summarised as follows:

- There were a number of breaches to the Conditions imposed on the

Premises Licence in an area of high intensity of street drinkers.

- The conditions were imposed on the Premises Licence to ensure the responsible sale of alcohol in a sensitive area.
- There had been numerous breaches of the conditions of the Premises Licence in a short period of the store's operation.
- The disregard of the Premises Licence and employment of an illegal worker undermined the Crime and Disorder Licensing Objective.
- The person found working at the premises was appealing their residential status within the United Kingdom and was not permitted to work.
- The management of the premises had failed to undertake appropriate checks to ensure people working at the premises were permitted to work within the United Kingdom.
- The person found working illegally at the premises claimed to be helping a friend but the Police believed he was working for cash in hand.
- There was no evidence that the illegal worker had received training in respect of the sale of alcohol.
- A Police statement and Police evidence was set out in the agenda papers.
- Paragraph 11.28 of the Guidance of the Licensing Act indicated that when dealing with the undermining of the Crime and Disorder Licensing Objective there was an expectation that even in the first instance, that the Panel should consider revocation of the Premises Licence.

The Police answered questions in respect of:

- The time of the Police visit on 21st October 2016.
- Whether the Police witnessed any sale of alcohol by the illegal worker or that there was any indication given that the person found in the shop refused any sales
- Access to the till and stock by the illegal worker found in the shop.
- The Police being present for 15-20 minutes during which time the illegal worker was in charge of the shop.

Points raised by Ms Karolina Pawlowicz opposing the application for review included but were not limited to:

- The person found in the shop was only there for ten minutes whilst she picked up her daughter from school.
- The premises operated a challenge 21 policy and had CCTV.
- The shop was only been open for two weeks prior to the Police visit as management was waiting for the installation of CCTV.

Ms Karolina Pawlowicz answered questions noting:

- That she understood the conditions relating to the Premises Licence and the need for staff training in respect of the sale of alcohol and the operation of the Challenge 21 Policy.
- The role of the husband and wife in the management of the business.
- That the illegal worker found on the premises was a friend of the family who could be trusted to look after the shop.
- The pricing policy in respect of items for sale at the premises.

- That the person left in charge of the premises was instructed not to sell alcohol whilst she was away for a period of 10 to 15 minutes.

Resolved - After considering: -

1. A review of the Premises Licence in respect of Grosek Polski Skelp, 42 Manchester Road, Swindon relating to the Prevention of Crime and Disorder Licensing Objective.
2. Representations and material put forward on behalf of the Police, other interested person and the Premises Licence Holder;

and taking into account: -

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives and in particular: -

- i. The prevention of crime and disorder;

And having listened to and carefully considered all of the evidence and submissions put forward by the police and management of Grosek Polski Skelp, 42 Manchester Road, Swindon the Panel has reached the following conclusions:

The Police have provided compelling evidence of the employment of an illegal worker and a number of breaches of the Premises Licence leading to a failure to uphold the prevention of Crime and Disorder Licensing Objective.

The Panel noted its duty under paragraph 11.28 of the guidance of the Licensing Act in dealing with the undermining of the Crime and Disorder Licensing Objective and the expectation, that even in the first instance, that revocation of the licence should be considered.

Having considered the evidence given the management of Grosek Polski Skelp, 42 Manchester Road, Swindon the Panel was not satisfied that any compelling evidence was put forward that breaches of the licensing objectives would not continue at the level currently experienced.

The Panel, conscious of its duty to ensure that the licensing objectives are met, have decided that the appropriate decision is to revoke the premises licence.

The Chair provided written copies of the decision to all parties and reminded all parties that they had the right of appeal to the Magistrates Court and that an application for any such appeal should be made within 21 days.

Reasons

1. The Panel was satisfied that the illegal worker encountered at the property by Police on 4th February 2017 could be classified as working as he was effectively in sole control of the premises and the stock of alcohol.

2. The Panel determined the employment of an illegal worker did undermine the Crime and Disorder Licensing Objective.
3. The Panel determined that there was a failure of management in not upholding its duty to undertake the appropriate legal checks in respect of the residential status and the right to work in the United Kingdom of persons working at the premises.
4. The Panel determined that there was a systematic failure of management resulting in seven breaches of Premises Licence conditions and was not satisfied that any compelling evidence was put forward that breaches of the licensing objectives would not continue at the level currently experienced.
5. The Panel heard that the illegal worker working at the Premises was a personal friend of the management. Management should have been aware of their duty to undertake appropriate legal checks on his immigration status and his right to undertake employment in the United Kingdom.
6. The Panel determined appropriate training in the sale of alcohol had not been provided to the illegal worker found on the premises by police officers.

LICENSING PANEL

MONDAY, 3 APRIL 2017

PRESENT:- Councillors Alan Bishop, Derique Montaut and Vera Tomlinson

32. Appointment of Chair

Resolved – That Councillor Vera Tomlinson Chair this meeting of the Panel.
(Councillor Tomlinson took the Chair.)

33. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

34. Application to Review the Premises Licence in respect of Moredon Off Licence, 275 Whitworth Road, Swindon, SN25 3BU

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Review of the Premises Licence for Moredon Off Licence, 275 Whitworth Road, Swindon, SN25 3BU, (b) written representations from Wiltshire Police in support of the review, (c) written representations received in support of the review from Whitworth Road Residents Association, Rodbourne Cheney Residents Association and Ms Patricia Strange (Local Resident), (d) oral submissions in support of the application for a review received from PC Michael Diffin, M.B.E., (Police Licensing Officer) in support of the Police Objection, (e) Oral submissions received in support of the application from Councillor Peter Watts (Ward Councillor), Councillor Des Moffatt (Ward Councillor), Mr King (Whitworth Road Residents Association), Mr Lucas (Rodbourne Cheney Residents Association), and Ms Strange (Local Resident), (f) oral submissions received opposing the application for review from Ms Gonul Howell (Premises Licence Holder), (g) questions from Members to the applicants and objectors and answers received, and (h) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Officer introduced the report noting that:

- The review of the premises licence for the Moredon Off Licence, 275 Whitworth Road, Swindon had been made under the Prevention of Crime and Disorder Licensing Objective.
- The application for review was set out on pages 13 to 25 of the agenda papers pack.
- Representations in support of the application had been received from Whitworth Road Residents Association, Rodbourne Cheney Residents Association and Ms Patricia Strange (Local resident).
- Councillors Des Moffatt and Peter Watts (Ward Councillors) were in attendance to support the application for a review on behalf of local residents and the Whitworth Road Residents Association and Rodbourne Cheney Residents Association.
- The current Premises Licence was attached as Appendix C to the agenda

papers pack.

- The hours permitted for the sale of alcohol were Sunday 08:00 to 2:30 hours and Monday to Saturday 08:00 to 23:00 hours.
- The review arose from two visits from Wiltshire Police on 20th December and 31st December respectively.
- On the Police visit on 20th December 2016 Sari attended the premises after being telephoned by a person working at the premises and was subsequently arrested for driving whilst unfit and for being under the influence of cannabis a Class B drug.
- On the Police visit on 31st December 2016 two person selling alcohol confirmed that they had not received training from Ms Howell nor did they have any knowledge that she was either the Premises Licence Holder or Designated Premises Supervisor.
- A number of breaches to the conditions attached to the Premises Licence were also observed on the visit to the premises on 31st December 2016.
- Options available to the Panel were set out in paragraph 2.1 of the report.

PC Michael Diffin advised the Panel that he had served a revised Statement on Ms Gonul Howell on 3rd March and requested that this be tabled to support his case. This statement amended some typographical errors and would replace the statement on pages 23 to 25 of the agenda papers pack. Following confirmation from Ms Howell that she had no objection these papers were tabled for consideration.

The Police case for a review and summary of raised points can be broadly summarised as follows:

- Three people were primarily involved in the premises Ms Gonul Howell, Mr Ali Sari and Mr Cem Keskin.
- The Police believed that the store, through the individuals involved, had links to organised crime.
- Ms Howell was believed to be in a relationship with Mr Sari and Mr Keskin was an associate of Mr Sari.
- Mr Sari was involved in a number of businesses around Swindon.
- It was believed that Ms Howell made the application for the Premises Licence because she had a clean criminal record. Mr Keskin would have been unlikely to obtain the Premises Licence in his name and Mr Sari had other premises under review.
- Staff at the premises named Mr Sari as the manager and Designated Premises Supervisor and had no knowledge of Ms Howell.
- Staff had not been provided with any formal training in respect of the sale of alcohol.
- Ms Howell had confirmed to the Police that the shop was owned by Mr Keskin and managed by Mr Sari and that she was not involved in running the premises.
- The shop had closed temporarily after which Mr Keskin was known to have worked at the shop and that Mr Sari had employed people to work there.
- On the Police visit on 20th December 2016 Sari attended the premises after being telephoned by a person working at the premises and was subsequently arrested for driving whilst unfit and for being under the influence of cannabis

a Class B drug which showed he was a poor choice to run the premises. He continued to run the premises after this offence.

- That conditions 5, 6 and 7 of the Premises Licence were found to have been breached. In addition no records of formal training could be provided in respect of the sale of alcohol, including Challenge 25 policies, or the operation of the CCTV equipment.

The Police answered questions in respect of:

- The current status of Ms Morrissey's personal licence.
- Whether evidence from the Police was primarily evidence based or subjective.
- Police experience in identifying Designated Premises Supervisors who had no daily management function in respect of the premises concerned.

Points and issues raised by Ward Councillors included, but were not limited to:

- Representations on behalf of the Rodbourne Cheney Residents Association.
- The grounds for their initial objection to the grant of a Premises Licence for Moredon Off Licence.
- Police evidence which showed a number of breaches of the conditions in force on the current Premises Licence.
- The continual failure of management to have regard to managing the premises in a suitable manner.
- The failure of management to rectify issues raised by the Police during their initial visit on 20th December 2016.
- The lack of control and even involvement in the management of the premises by the Premises Licence holder.
- Clear evidence that the owner (Mr Keskin) and manager (Mr Sari) were subverting the Designated Premises Supervisor.
- Serious worries held locally regarding the inability of the premises to uphold the prevention of Crime and Disorder and Protection of Children from harm Licensing Objectives.
- The view of the Rodbourne Cheney Residents Association and Ward Councillors that the prudent course of action was the removal of the Premises Licence.

Points and issues raised by Mr Lucas and Ms Strange included, but were not limited to:

- There had been an increase in anti-social behaviour in the locality since the opening of the Moredon Off Licence which local people believed was linked to the opening of the store.
- Management generally, and specifically as evidenced by Mr Sari's arrest for a cannabis offence, was inadequate and undermined the Licensing Objectives.
- There had been a number of breaches of the conditions of the Premises Licence over the short period that the store had been operational.
- The customer base of the store given the stock and limited number of people seen using the store.

There were no questions put to the Ward Councillors or other persons present supporting the review.

Points and issues raised by Ms Gonul Howell opposing the application for review included, but were not limited to:

- She had closed the shop after she had spoken with Wiltshire Police in order to find trained staff. When she had been unable to find such staff Mr Keskin had helped out at the shop.
- She did not sell alcohol to people who were under 25 and accepted that trained staff were needed to undertake such sales.
- The operation of the shop which had nothing to do with her and she wanted to install new management to run the premises.
- She had been in discussion with Mr Keskin regarding ending his role in the operation of the shop.
- Since the store had been opened there had not been any noise complaints or complaints about under age sales of alcohol.
- She had now found a trained person with a personal licence and they would run the shop for half the day and she would work the other half of the day.

Ms Howell answered questions noting:

- That she recognised that things had gone awry and she planned to put these right, including the provision of staff training and management.
- That until the Police contacted her she was unaware of the extent of the issues at the premises.
- That she didn't want to lose the shop and wanted to work there.
- That Mr Sari did not sell cannabis, although he had previously, and that he had been clean since December.
- That Mr Sari previously employed people to work in the shop and that when she applied for the licence she didn't intend to run the premises or own it.
- That she didn't accept the premises hadn't been operated properly and she thought Mr Sari was running the store and had used her licence for that purpose.
- That she recognised the seriousness of the current situation and that she was aware the premises could sell other goods if it didn't have a valid Premises Licence.
- That Mr Keskin owned the premises; he put the money forward and she was to run it as she was a close friend.
- That she and Mr Keskin worked together.
- That she had trusted Mr Keskin although she accepted that he didn't involve her in the day to day management.
- That Mr Sari and Mr Keskin did not yet know that she wanted to take the shop over and that she would need to ask Mr Keskin prior to this happening.
- That there was no business plan in place to take over either the management or ownership of the premises.
- The shop's stock was owned by Mr Keskin.

Resolved - After considering: -

1. A review of the Premises Licence in respect of Moredon Off Licence, 275

Whitworth Road, Swindon relating to the Prevention of Crime and Disorder Licensing Objective.

2. Representations and material put forward on behalf of the Police, other interested person and the Designated Premises Supervisor;

and taking into account: -

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives and in particular: -

- i. The prevention of crime and disorder;

And that, having listened to and carefully considered all of the evidence and submissions put forward by the police, objectors and management of Moredon Off Licence, 275 Whitworth Road, Swindon the Panel reached the following conclusions:

The Police provided compelling evidence of a number of breaches of the Premises Licence leading to a failure to uphold the prevention of Crime and Disorder Licensing Objective.

The Panel noted its duty under paragraph 11.28 of the guidance of the Licensing Act in dealing with the undermining of the Crime and Disorder Licensing Objective and the expectation, that even in the first instance, that revocation of the licence should be considered.

Having considered the evidence given by the Premises Licence Holder and Designated Premises Supervisor of Moredon Off Licence, 275 Whitworth Road, Swindon the Panel was not satisfied that any compelling evidence was put forward that breaches of the licensing objectives would not continue.

The Panel, conscious of its duty to ensure that the licensing objectives are met, decided that the appropriate decision is to revoke the premises licence.

The Chair provided written copies of the decision to all parties and reminded all parties that they had the right of appeal to the Magistrates Court and that an application for any such appeal should be made within 21 days of this hearing.

Reasons

1. The Panel was satisfied that the Mrs Gonul Howell the current Premises Licence Holder and Designated Premises Supervisor did not have day to day control over the sale of alcohol.
2. The Panel heard evidence that there were sales of alcohol at the premises without a personal licence holder being present on the premises.
3. The Panel determined that there was a systematic failure of management resulting in breaches of conditions 5, 6 and 7 of the Premises Licence and was not satisfied that any compelling evidence was put forward that breaches

of the licensing conditions would not continue.

4. The Panel determined appropriate training in the sale of alcohol had not been provided to persons selling alcohol at the premises and that this undermined the Crime and Disorder Licensing Objective and was in breach of the premises licence conditions.
5. The Panel heard evidence that the premises were owned and controlled by a third party.
6. The Panel heard evidence from the premises licence holder that in future she would manage the premises day to day and that she would ensure the premises were properly managed. However, the Panel heard evidence that she had yet to seek agreement from the third party owner and had no confidence given the past issues, that she would be able to manage the premises in accordance with the licence.
7. The Panel heard evidence that further breaches of the premises licence were found on a second visit from Wiltshire police indicating that no effective action had been taken to address the concerns.

LICENSING PANEL

TUESDAY, 4 APRIL 2017

PRESENT:- Councillors Abdul Amin, Nick Martin and Vera Tomlinson

35. Appointment of Chair

Resolved – That Councillor Vera Tomlinson Chair this meeting of the Panel.
(Councillor Tomlinson took the Chair.)

36. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

37. Application to Review the Premises Licence, 131 Manchester Road, Swindon, SN1 2AF

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Review of the Premises Licence for Efes, 131 Manchester Road, Swindon Sn1 2AF, (b) written representations from Wiltshire Police in support of the review, (c) oral submissions in support of the application for a review received from PC Michael Diffin, M.B.E., (Police Licensing Officer) in support of the Police Objection, (d) oral submissions received opposing the application for review from Mr Ali Sari (Premises Licence Holder), (e) questions from Members to the applicants and objectors and answers received, and (f) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Officer introduced the report noting that:

- The application for review was called by Wiltshire Police under the Crime and Disorder Licensing Objective.
- The Council's Trading Standards Team have also made representations in support of the review and the submission is set out in the agenda papers pack.
- The Premises Licence was attached to the agenda papers pack.
- There was a change made to the Designated Premises Supervisor in January 2017.
- The current hours for the sale of alcohol set out on the Premises Licence.
- Since the application for review a request had been submitted to the Licensing Authority for a transfer of, and variation to the Designated Premises Supervisor for the premises.
- There had been a number of visits to the premises by Wiltshire Police, including a call for assistance following a theft on 3rd December 2016.
- On 8th December 2016 the Police conducted a licensing check at the property which included tobacco on sale at the premises noting a breach of condition 9 of the Premises Licence.
- On 12th December 2016 the Police visited the premises and made an arrest

related to the immigration status of an individual and noticed breaches of conditions 8 and 10 of the Premises Licence.

- The options available to the Panel following their consideration of the appeal.

PC Michael Diffin advised the Panel of typographical errors in his application for the review.

The Police case for a review and summary of raised points can be broadly summarised as follows:

- On 3rd December 2016 the Police attended the premises following a call from Mr Hider who was working at the store following a theft from the property. A statement was taken from Mr Hider, who confirmed that he worked at the premises, but Mr Sari did not wish to proceed with further action in respect of the incident.
- Immigration Checks confirmed Mr Aqeelshah Hider as being resident in the United Kingdom illegally with no right to work.
- Training records signed by Mr Hider were countersigned by Mr Sari.
- Thirty-nine packets of illicit cigarettes and three pouches of tobacco found at the property under the counter, and on sale for £5 per packet, were foreign branded and passed to Trading Standards for checks.
- The Police found a failure to comply with conditions 9 (weekly stock takes) and 10 (employment) were not being complied with.
- Paragraph 11.28 of the Guidance of the Licensing Act indicated that when dealing with the undermining of the Crime and Disorder Licensing Objective there was an expectation that even in the first instance, that the Panel should consider revocation of the Premises Licence.
- Confirmation by Trading Standards that the tobacco seized at the premises was illicit with no duty paid and/or counterfeit.
- The cigarettes were considered dangerous as it was not known what was in them.
- Mr Sari had previously been arrested for relevant offences.

The Police answered questions in respect of:

- The illicit tobacco found at the premises.

In the absence of a Trading Standards representative the Panel noted the written submission set out on Page 30 of the agenda papers.

Mr Ali Sari opposing the application for review included, but were not limited to:

- That the tobacco at the store was from Belgium and was not counterfeit.
- That he didn't have a choice but to sell the tobacco from Belgium as there were too many local stores selling tobacco (most of them illegal tobacco) and alcohol and he had a family to look after.

Mr Sari answered questions noting:

- Mr Hider had documentation in the form of a National Insurance Number,

Bank Card and Drivers Licence and Household Bill.

- No formal check on Mr Hider's right to work in the United Kingdom had been carried out as he had been told the documentation would take from six to eight weeks to eight months.
- Mr Hider worked for food money.
- Non-alcohol and tobacco products sold at the premises.
- That he was not currently involved in the management of the premises and that he had left the shop which was no longer in his name with a new Designated Premises Supervisor.
- That the alcohol was not currently being sold at the shop but was kept in his garage.

Resolved - After considering: -

1. A review of the Premises Licence in respect of Efes, 131 Manchester Road, Swindon relating to the Prevention of Crime and Disorder Licensing Objective.
2. Representations and material put forward on behalf of the Police, other interested person and the Premises Licence Holder;

and taking into account: -

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives and in particular: -

- i. The prevention of crime and disorder;

And having listened to and carefully considered all of the evidence and submissions put forward by the police, trading standards and Designated Premises Supervisor and Premises Licence Holder of EFES, 131 Manchester Road, Swindon the Panel reached the following conclusions:

The Police have provided compelling evidence of the employment of an illegal worker, sale of illegal tobacco and breaches of the Premises Licence leading to a failure to uphold the prevention of Crime and Disorder Licensing Objective.

The Panel noted its duty under paragraph 11.28 of the guidance of the Licensing Act in dealing with the undermining of the Crime and Disorder Licensing Objective and the expectation, that even in the first instance, that revocation of the licence should be considered.

Having considered the evidence given by the Premises Licence Holder and Designated Premises Supervisor of EFES, 131 Manchester Road, Swindon the Panel was not satisfied that any compelling evidence was put forward that breaches of the licensing objectives would not continue.

The Panel, conscious of its duty to ensure that the licensing objectives are met, have decided that the appropriate decision is to revoke the premises licence.

The Chair provided written copies of the decision to all parties and reminded all parties that they had the right of appeal to the Magistrates Court and that an application for any such appeal should be made within 21 days.

Reasons

1. The Panel was satisfied that the illegal worker encountered at the property by the Police on 30th November 2016 was working at the Premises. The Panel heard evidence from Mr Sari that he worked at the premises for £15 a day food money.
2. The Panel heard evidence that the illegal worker found on the premises had been confirmed as an illegal immigrant by the Home Office.
3. The Panel heard evidence from the Premises Licence Holder that he had documentation from the illegal worker in the form of a driving licence, household bill, national insurance card and bank card which he considered sufficient to show that the person was able to work in the United Kingdom. The Panel determined that there was a failure of management in not upholding its duty to undertake the appropriate legal checks in respect of the residential status and the right to work in the United Kingdom of persons working at the premises.
4. The Panel determined the employment of an illegal worker did undermine the Crime and Disorder Licensing Objective.
5. The Panel heard evidence that there was illegal tobacco at the premises for sale. Mr Sari confirmed tobacco from Belgium was sold at the premises. The Panel determined that there was no evidence that any duty had been paid in respect of this tobacco.
6. The Panel determined the sale of illegal tobacco did undermine the Crime and Disorder Licensing Objective.
7. The Panel determined that there was a failure of management resulting in breaches of conditions 9 and 10 of the Premises Licence and was not satisfied that any compelling evidence was put forward that breaches of the licensing conditions would not continue.
8. The Panel heard evidence from Mr Sari that he was no longer managing or had a business interest in EFES which were now managed by a third party. The Panel received no evidence of the sale of the premises or return of lease preventing him from returning to operate the premises.

LICENSING PANEL

WEDNESDAY, 5 APRIL 2017

PRESENT:- Councillors Vera Tomlinson, Nadine Watts and Alan Bishop

An apology for absence was received from Councillor Malcolm Davies.

38. Appointment of Chair

Resolved – That Councillor Vera Tomlinson Chair this meeting of the Panel.
(Councillor Tomlinson took the Chair.)

39. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

40. Application to Review the Premises Licence in respect of Best Barbecue, 24 Victoria Road, Swindon, SN1 3AW

The Panel considered (a) a report of the Council's Licensing Manager setting out details of an application for a Review of the Premises Licence for Best Barbecue, 24 Victoria Road, Swindon, SN1 3AW, (b) written representations from Wiltshire Police in support of the review, (c) oral submissions in support of the application for a review received from PC Michael Diffin, M.B.E., (Police Licensing Officer), (d) oral submissions opposing the application received from Mr Mehmet Sancı (Premises Licence Holder) (e) questions from Members to the applicants and objectors and answers received, and (f) the Council's procedure for licensing hearings, the Secretary of State's Guidance and the Council's Statement of Licensing Policy.

The Council's Licensing Officer introduced the report noting that:

- The review of the Premises Licence had been called by Wiltshire Police on the grounds of the Prevention of Crime and Disorder.
- Since the application for the review the Premises Licence had been varied to remove the sale of alcohol. This meant there was no Designated Premises Supervisor and the sole licensable activity was the provision of Late Night Refreshments.
- The options available to the Panel in respect of the review.
- There was correspondence from the Council's Environmental Health Department within the Police submission but they had not made a formal submission to join the review process.

The Police case for a review and summary of points raised can be broadly summarised as follows:

- Police officers witnessed a breach of conditions 8, 9 and 10 of the Premises Licence during a visit on 11th November 2016.

- Mr Korkmaz (the Designated Premises Supervisor) confirmed to the Police that he was not involved in the management or operation of the premises.
- On 12th November 2016 a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001 was served on the premises which were closed immediately.
- In the opinion of the Police, Mr Mehmet Sancı had no knowledge of his obligations under the Licensing Act.
- Mr Sancı had a history of confrontation with Police and Council Officers and had been aggressive and dismissive against them.
- Mr Sancı had been selling alcohol prior to obtaining a Premises Licence and only did so following discussions with the Police.

The Police answered questions in respect of:

- Incidents, public nuisance and/or breaches of the peace at the premises since November 2016.
- Mr Sancı's interaction with the Police since he started to operate the premises.
- The on-going request by the police to revoke the Premises Licence and their view that the lack of engagement by Mr Sancı was undermining the Prevention of Crime and Disorder Licensing Objective.

Points raised by Mr Sancı opposing the application for review included, but were not limited to:

- That he had operated the premises for 15 years and in that time there were only three incidents requiring police attendance due to trouble.
- When visited by the Police there were only two people in the shop, his father and a regular customer drinking alcohol.
- During the Police visit he asked them to wait for five minutes as he was busy serving a number of customers.
- The Police asked an employee who didn't speak English for a copy of the Premises Licence.
- There were eight or nine customers waiting to be served when an Environmental Health Officer visited the premises.
- He sold very little alcohol when he was licensed to do so.
- He had offered CCTV footage in respect of the incidents referred to by the Council and Police.
- His star rating had been downgraded because of a lack of staff training records.
- He was proud of his establishment and stayed until 04:00 hours cleaning up after the premises closed.
- He had lived in Swindon for 17 years and had never had a criminal record and tried to be law abiding.
- He accepted in Court offences at the premises relating to food hygiene.
- He had ceased selling alcohol.

Mr Sancı answered questions noting:

- The current hours of operation of his business.

- Confirmation that relevant paperwork was up-to-date and where applicable on public display.
- Historically he had applied for a Premises Licence when he was advised by the Police that he needed one, and had at that time stopped selling alcohol until it was issued. He noted that when he bought the business in 2005 the previous business had sold alcohol which lead to his confusion in respect of the need for a licence.
- He had not previously run a business that involved the sale of alcohol.
- The alcohol had been kept in a cabinet under the counter for convenience and was listed on his menus.
- The volume of stock he would normally keep and his subsequent disposal of the stock when he varied his Premises Licence.
- He also tried to comply with the requirements of the law.

Resolved - After considering: -

1. A review of the Premises Licence in respect of Best Barbecue, 24 Victoria Road, Swindon relating to the Prevention of Crime and Disorder Licensing Objective.
2. Representations and material put forward on behalf of the Police, other interested person and the Premises Licence Holder;

and taking into account: -

1. The Secretary of State's Guidance; and
2. The Licensing Authority Licensing Statement:

And having in mind the promotion of the Licensing Objectives and in particular: -

- i. The prevention of crime and disorder;

And having listened to and carefully considered all of the evidence and submissions put forward by the Police and management of Best Barbecue, 24 Victoria Road, Swindon.

The Panel considered the breaches of conditions related to the sale of alcohol and noted that a variation of the Premises Licence on 8th December 2016 had removed the sale of alcohol as a licensable activity.

The Panel noted evidence from the Premises Licence Holder that relevant documentation relating to the Premises Licence was now up to date and where applicable on public display.

The Panel was disappointed to hear from two enforcement agencies that the premises Licence Holder had failed to be fully co-operative and/or had been aggressive in his attitude towards them. The observed that bit expected the Premises Licence Holder to be fully co-operative with enforcement authorities.

Having taken into account the removal of alcohol from the Premises Licence and

assurance that the maintenance and display of documentation pertaining to the licence was in accordance with Premises Licence requirements the Panel decided that no further action was necessary.

The Chair provided written copies of the decision to all parties and reminded all parties that they had the right of appeal to the Magistrates Court and that an application for any such appeal should be made within 21 days.

Reasons

1. Alcohol as a licensable activity had been removed from the Premises Licence through a variation of the Premises Licence agreed with Wiltshire Police subsequent to this application for review.
2. There was no evidence of any disorder or breaches of the conditions since 12th November 2016.
3. The Premises Licence Holder had confirmed that he was now in compliance with the documentation requirement of the Premises Licence.
4. The Panel heard evidence that the Premises Licence Holder had ceased the sale of alcohol immediately he was made aware that he was in breach of the Premises Licence.
5. The Panel whilst noting that the Licence Holder had not always been fully co-operative with enforcement authorities did not consider that the evidence before them suggested that the Crime and Disorder Licensing Objective was seriously undermined so as to warrant adopting any of the options available to the Panel under the Licensing Act.

LICENSING PANEL

MONDAY, 10 APRIL 2017

PRESENT:- Councillors Alan Bishop, Peter Watts and Caryl Sydney-Smith

41. Appointment of Chair

Resolved – That Councillor Peter Watts Chair this meeting of the Panel.
(Councillor Watts took the Chair.)

42. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

43. Consideration of an Objection Notice to a Temporary Event Notice, Simply Fresh, 160 Cricklade Road, Swindon SN2 8AG

The Council's Licensing Manager, at the request of the Panel telephoned the applicant and his legal advisor to clarify the reason for their absence at the hearing. The Council's Licensing Manager was unable to contact the applicant. However, the Council's Licensing Manager was able to confirm that the applicant's legal advisor had confirmed that he had not received instructions for the applicant and was therefore not representing him.

The Panel noted that the first date applied for under the Temporary Event Notice was Monday 13th April 2017 and determined that it was impractical to adjourn the hearing for this date. As the facts before Members were the same for all three dates the Panel determined that, as the Council's Licensing Manager had confirmed that the applicant was aware of the date and time of the hearing and that no application had been made for a deferral, the hearing for all three applications should proceed in the applicant's absence.

The Council's Licensing Officer introduced the report noting:

- The Police objection to the applications for Temporary Event Notices for 160 Cricklade Road, Swindon were made on the grounds the proposed events would undermine the Prevention of Crime and Disorder Licensing Objectives.
- There was currently no Premises Licence operational at the premises. This meant that the conditions previously in place for the premises would not be valid.
- The options available to the Panel when reaching their decision.
- The dates and times set out in the application.

PC Michael Diffin advised the Panel that the Police had supporting evidence to submit to the hearing. The Panel determined that the supporting information could be tabled.

The Police case for review and a summary of points raised can be broadly summarised as follows:

- That the Premises Licence previously held by the premises expired on 16th July 2016.
- Mr Thasarathkumaran had indicated to the Police that he was the Premises Licence Holder and Designated Premises Supervisor. The Police contended that in their opinion he was aware that these had not in fact been transferred when making an application for a Temporary Event Notice on 24th March 2017.
- A further application was received from Mr Ragunathan Rasaiya on 30th March 2017.
- On 18th October 2016 a Police visit found a lone female at the premises. This female had been refused leave to remain in the United Kingdom and had no right to work.
- When a transfer request was received on 13th March 2017 checks showed that the business had been dissolved in July 2016 and that no application to transfer the Premises Licence had been made and so there was no Premises Licence in existence.
- Discussions with Mr Thasarthkuman's solicitor indicated that his client owned the stock at the premises. The Police contended that although the application for a Temporary Event Notice had been received from Mr Rasaiya it was Mr Thasarathkumaran who would operate at the location.
- A visit to the store whilst it was managed by Mr Thasarthkuman on 18th October 2016 had identified breaches of conditions 5, 7, 8 and 9 of the Premises Licence.
- The Police believed that Mr Thasarthkuman's failed to comply with previous licence conditions proved that he was not actively promoting the Prevention of Crime and Disorder Licensing Objective at that time and would not promote licensing objectives in the future.

The Police answered questions in respect of:

- Details relating to the illegal worker found at the premises.
- The failure of Mr Thasarthkuman to maintain and operate CCTV at the premises.
- That whilst the Police had not direct evidence against Mr Rasaiya they believed that he would not be in control of the management of the premises should a Temporary Event Notice be granted.
- The Police contention that Mr Rasaiya's application was only forthcoming when Mr Thasarthkuman believed he would fail in his application.
- Mr Thasarthkuman's failure to engage with them in respect of someone managing the premises whilst he sold the remainder of his stock.

In the absence of the applicant the Panel considered the written submission for a temporary Event Notice.

Resolved - That having carefully considered (i) applications for three Temporary Event Notices and representations in relation to the objection from Wiltshire Constabulary, (ii) and taking into account the Secretary of State's Guidance and the Licensing Authority Licensing Statement, and (iii) having in mind the promotion of the Licensing Objectives in particular the prevention of Crime and Disorder the Panel has decided to issue a counter notice against the temporary event notices covering the periods Thursday 13th April 2017 to Tuesday 18th April, 2017, Thursday 20th April 2017 to Tuesday 25th April 2017 and Thursday 27th April

2017 to Tuesday 2nd May 2017, as it was not satisfied that Licensing Objectives in respect of the Prevention of Crime and Disorder would be upheld if the temporary event notices were permitted to proceed.

Reasons

1. The Panel heard evidence the Premise Licence held by Simply Fresh Limited, 160 Cricklade Road, Swindon, had lapsed in July 2016 when it went into voluntary liquidation. Nevertheless the business had continued to sell alcohol. Subsequently the Police found numerous breaches of the Premises Licence, including a failure to implement a Challenge 21 scheme, ensure training of all staff, the display of appropriate signage and the keeping of a single refusals book. There was also an illegal worker employed in the premises.

2. Although there was no actual evidence the applicant was connected to the premises at the time it had a Premises Licence, he did not appear before the Panel to give evidence as to how he would ensure that the Licensing Objectives would not be undermined.

3. The Panel had no confidence that the applicant would have sufficient autonomy from the business owner to ensure that the Licensing Objectives would not be undermined.

The Panel reminded the Police that they had the right of appeal to the Magistrates Court against this decision and that any such appeal should be made within 21 days of the receipt of the written determination and no later than five days before the scheduled event. The Panel also requested that the Council's Licensing Officer advise the applicant of this right of appeal when issuing a counter notice against the temporary event notices.

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Review of a Premises Licence in respect of the AAA Shop, 30 County Road, Swindon, SN1 2EW

Licensing Panel

Date: 28 June 2017

Author: Kathryn Ashton – Licensing Manager

Wards: Central

Parishes Affected: Central Swindon South

1. Purpose and Reasons

- 1.1 To consider the application for a review of a Premises Licence received from the Wiltshire Police in respect of the AAA Shop, 30 County Road, Swindon, SN1 2EW.

2. Recommendations

It is recommended that the Panel:

- 2.1 Considers the application made by the Wiltshire Police together with any supporting evidence, and determines the application for the review of the premises licence. The options available to the Panel are:
- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition;
 - To exclude a licensable activity from the scope of the licence;
 - To remove the Designated Premises Supervisor, for example, because they consider that the problems are the result of poor management;
 - To suspend the licence for a period not exceeding three months;
 - To revoke the Licence

3. Detail

- 3.1 An application for the review of a Premises Licence in respect of the AAA Shop, 30, County Road, Swindon, SN1 2EW has been received from Wiltshire Police who consider that the licensing objectives in respect of the prevention of crime and disorder are being undermined by current licensable activities at the premises. A copy of the Wiltshire Police's application is attached as Appendix A. No other representations have been received to the consultation on this review.
- 3.2 The 'AAA Shop' is a licensed premises, operating under a Premises Licence (ref: 881120455PREM), which is attached as Appendix B. The licence was issued on 16th October 2012. The Premises Licence holder is Meeran HUSSEIN. Mr Shagul Hameed GULMOHAMMED is listed as the Designated Premises Supervisor, (DPS). The Licence permits the sale of alcohol between 09.00hrs

Review of a Premises Licence in respect of the AAA Shop, 30 County Road, Swindon, SN1 2EW

Licensing Panel

Date: 28 June 2017

and 22.00hrs Sunday to Thursday and between 09.00hrs and 00.00hrs on Friday and Saturday. The Licence includes the following conditions:

Condition 1 – A single refusals book shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

Condition 2 – All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.

Condition 3 – A 'Challenge 21' policy shall be adopted. When any person who appears to be under 21 presents alcohol at the checkout, they shall be required to prove their age. No evidence other than a photo driving licence, a passport, other government issued identity card or a PASS accredited card (eg. Citizencard) or its equivalent successor card shall be accepted.

Condition 4 – Signage shall be displayed prominently at points of sale and near the entrance to the store, indicating that customers who appear to be under 21 who wish to buy alcohol will be challenged to prove their age. A sign or signs shall be displayed prominently near the points of sale.

Condition 5 – Based on a risk assessment around the 4 licensing objectives, site specific and appropriate CCTV equipment shall be provided and maintained in line with Police requirements. The CCTV product will be retained for a minimum of 31 days and made available to enforcement bodies on request, subject to the current guidelines issued by the Office of the Data Commissioner.

- 3.3 The Wiltshire Polices' application for review is dated 20th January 2017, and includes the following grounds:

On 9th April 2014, Wiltshire Police conducted a routine visit to the premises and spoke with Mr HUSSEIN at the time of the visit as the following conditions were not being complied with;

Condition 1 – *Mr HUSSEIN was unable to produce a refusals book and did not have one in place*

Condition 2 – *Mr HUSSEIN was unable to produce any staffing records*

Review of a Premises Licence in respect of the AAA Shop, 30 County Road, Swindon, SN1 2EW

Licensing Panel

Date: 28 June 2017

Condition 5 – Mr HUSSEIN stated that installed CCTV in the store only recorded for seven days.

On 13th May 2014 the Wiltshire Police conducted a follow up visit of the premises. They found a lone male working there, who said that he had only been employed there for five days, had not received any formal training regarding the sale of alcohol, and was unable to produce any training records, or the refusals book. He was unable to say how long the CCTV recorded for. It was also noticed that there were no 'Challenge 21' signs up and there was no age verification policy in place.

A short time later the DPS, Mr GULMOHAMMED attended the premises. The following breaches of condition were identified and disclosed.

Condition 1 – Mr GULMOHAMMED was unable to produce a current refusals book.

Condition 2 – Mr GULMOHAMMED was unable to produce any staff training records stating that it had all been lost some time ago and he was waiting for a new CD from the Council. He was unable to confirm whether the member of staff in the shop had been trained.

Conditions 3 and 4 – Mr GULMOHAMMED was unable to produce any age verification policy and stated that he was still waiting for the Council to give him 'Challenge 21' signs

Condition 5 – Mr GULMOHAMMED stated he was unsure how long the CCTV recorded for.

As a result of this meeting GULMOHAMMED was issued a Police Adult Simple Caution for offences under the Section 136(1) of the Licensing Act 2003.

On 19th November 2014 the premises was visited by HM Revenue and Customs and the Home Office Immigration Enforcement Team. On arrival there were two customers in the shop and a man working there, who was observed serving the two customers. When spoken to by Immigration Officers he stated that he was not allowed to work in the UK, and had been there for a month. The male stated that he was from India, and had no identification on him. He was later arrested by Immigration Officers for being illegally in the UK.

HUSSAIN arrived a short time later and was spoken to by the Immigration Officers.

Review of a Premises Licence in respect of the AAA Shop, 30 County Road, Swindon, SN1 2EW

Licensing Panel

Date: 28 June 2017

S182 of the Licensing Act, 2003 states (at para 11.27) “There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously”. This activity includes “...knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person’s leave to enter”.

Para 11.28 of the Act goes on to state that “Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes it is expected that revocation of the licence – even in the first instance is seriously considered”

The Wiltshire Police cite harmful social and economic effects of illegal working, and the exploitation that illegal workers suffer. The importance of working hard to make the UK an unattractive place for illegal immigrants is highlighted and the need to take tough action against those who exploit vulnerable illegal workers.

On 8th September 2015, Wiltshire Police officers attended the premises to conduct routine checks. At the time of attending there was one male working in the shop who stated that he was only working for the day. He stated that he had no training from anyone with regards to his responsibilities and had no knowledge of GULMOHAMMED being the DPS. He was unable to provide any training documentation. The following licence conditions were found to be breached

Condition 1 – *The male working in the shop was unable to produce either Part A of the Premises Licence, or a refusals book.*

Condition 2 – *The male working in the shop had received no training in regard to his responsibilities.*

On 19th September 2015 Wiltshire Police officers attended the premises and spoke with HUSSEIN. On this occasion he stated that the CCTV records (ran) for 2 months and produced training for members of staff at the premises. He produced a refusals book with the last entry showing in June 2014 stating that his daughter had been drawing in the book and as a result some pages had been removed. As a result HUSSEIN agreed to implement the following improvements:

- Ensure that all training records are held in the same folder and that refresher training will be given to staff every six months and this will be documented, and*

Review of a Premises Licence in respect of the AAA Shop, 30 County Road, Swindon, SN1 2EW

Licensing Panel

Date: 28 June 2017

- *Ensure that all staff have been fully trained in the use of the CCTV system and that they know where the premises licence is and training records, so they can be produced at the time.*

On 11th January 2017, Wiltshire Police officers attended the premises to conduct routine checks. On entering, HUSSEIN was present with his wife who claimed that she had a personal licence but was unable to produce it. Also asleep behind the till was their young child.

The DPS, GULMOHAMMED was unavailable as he was out of the country on holiday. The following conditions were found to be breached:

Condition 1 – *A refusals book was produced, but showed no refusals had been recorded since August 2016. HUSSEIN stated that they had stopped using it, but would start again.*

Condition 2 – *HUSSEIN was unable to produce any staff training documents.*

Condition 5 – *HUSSEIN stated that the monitor for the CCTV was not working and that they were unable to download any footage from it.*

Wiltshire Police are asking that the premises licence at AAA Shop, County Road be revoked as over a number of years there has been a total disregard by the Licence holder and DPD to implement and comply with the conditions on the licence.

- 3.4 The Panel is requested to consider the application for the review of the premises licence from the Wiltshire Police and supporting evidence, having regard to Swindon Borough Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under Section 182 of the Licensing Act, 2003.

4. Alternative Options

- 4.1 It would be possible to defer the determination of the review application to a date within five working days of the day (or the last day) on which the hearing was held, or to defer the hearing itself to a specified date (or dates) where it is considered to be necessary for the authority's consideration of any representation or notice made by a party. However, either step should be seen as an exceptional measure.

Review of a Premises Licence in respect of the AAA Shop, 30 County Road, Swindon, SN1 2EW

Licensing Panel

Date: 28 June 2017

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to crime and disorder, or to unwarranted damage to the business in question. Either scenario could raise issues of compensation. In the case of an appeal, the Council could become liable for costs.

Legal and Human Rights Implications

- 5.2 A declaration has been made by the Secretary of State that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

- 5.3 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

This report relates to the requirements of licensing legislation.

- 5.4 Diversity Impact Assessment

It is not considered that the preparation of a DIA is required in respect of this report.

- 5.5 **Consultees**

The Director of Law and Democratic Services (Monitoring Officer) and Director of Finance (Section 151 Officer) are consulted in respect of all reports.

- 5.6 **Background Papers**

Licensing Act, 2003

Secretary of State revised Section 182 Guidance

Swindon Borough Council's Statement of Licensing Policy, (2016)

- 5.7 **Appendices**

Appendix A - Application from Wiltshire Police for the review of a Premises Licence, (dated 20th January 2017).

Review of a Premises Licence in respect of the AAA Shop, 30 County Road, Swindon, SN1 2EW

Licensing Panel

Date: 28 June 2017

Appendix B – Copy of extant Premises Licence, 30 County Road, Swindon, SN1 2EW, (dated 16th October 2012).

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WILTSHIRE POLICE



Swindon Police Station
Gablecross
Shrivenham Road
South Marston
Swindon
Wiltshire SN3 4RB
Telephone: 101
Direct Dial: 01380861630

Meeran HUSSEIN
AAA Shop
30 County Road
Swindon
SN2 1AG

Date 20/01/17

Your ref

Our ref

Reply contact name is **PC Michael DIFFIN MBE Police Licensing Officer**

Dear Sir,

RE – Application for Premise Licence Review AAA Shop 30 County Road Swindon

Please find enclosed Wiltshire Police application and evidence to review the premises licence at AAA Shop under the Crime and Disorder Objective of the Licensing Act 2003.

Yours Sincerely,

Michael DIFFIN MBE
Police Constable 1630
Police Licensing Officer.



INVESTOR IN PEOPLE

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all
cases ensure that your answers are inside the boxes and written in black ink. Use
additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I PC 1630 Michael DIFFIN MBE on behalf of the CHIEF CONSTABLE OF
WILTSHIRE POLICE

(Insert name of applicant)

**apply for the review of a premises licence under section 51 (delete as
applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description AAA Shop 30 County Road	
Post town SWINDON	Post code (if known) SN1 2EW

Name of premises licence holder or club holding club premises certificate (if known) Meeran HUSSEIN. There is no registered address.
--

Number of premises licence or club premises certificate (if known) 881120455PREM
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the
premises ☐
- 2) a responsible authority (please complete (C) below) ☒

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 1630 Michael DIFFIN MBE POLICE LICENSING OFFICER SWINDON POLICE STATION GABLECROSS, SHRIVENHAM ROAD, SOUTH MARSTON, SWINDON, SN3 4RB
Telephone number (if any) 01380 861630
E-mail address (optional) michael.diffin@wiltshire.pnn.police.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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

This application to review the premises licence of AAA Shop is based on evidence which identifies breaches of the licensing objective of:

Crime & Disorder - Continued failure to comply with conditions on a premise licence.
Offences under Section 136(1) Licensing Act 2003.

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

Licence Review – AAA Shop County Road, Swindon.

AAA Shop is a Licensed Premises and operates under a premises licence number 881120455PREM issued by Swindon Borough Council (SBC). The premises licence holder is Meeran HUSSEIN. The licence was issued in accordance with the Licensing Act 2003 to allow the sale by retail of alcohol Sunday to Thursday 0900hrs to 2200hrs and Friday and Saturday 0900hrs to 0000hrs. The premises has no restriction on opening hours for non licensable activities.

The Designated Premises Supervisor(DPS) is Shagul Hameed GULMOHAMMED.

On 09/04/2014 Wiltshire Police conducted a routine visit at the premise and spoke with HUSSEIN at the time of the visit the following conditions were not being complied with.

HUSSEIN was unable to produce a refusals book and did not have one in place.

Condition one on the licence states

A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

HUSSEIN was unable to produce any staff training records.

Condition two on the premise licence states

All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.

HUSSEIN stated that the CCTV in the store only recorded for seven days.

Condition Five on the premise licence states

Based on a risk assessment around the 4 licensing objectives, site specific and appropriate CCTV equipment shall be provided and maintained in line with Police requirements. The CCTV product will be retained for a minimum of 31 days and made available to enforcement bodies on request, subject to the current guidelines issued by the Office of the Data Commissioner.

HUSSEIN was advised that the above issues needed to be resolved soonest and prior to any officers next visit.

On Tuesday 13 May 2014 at 1045hrs Police attended the location to conduct a follow up check on entering there was a lone male working at the location who stated that he had only been employed there for five days, he stated that he had not received any formal training re the sale of alcohol and was unable to produce any training records nor the refusals book. He was unable to say how long the CCTV recorded

for.

It was also noticed that there were no "Challenge 21" signs up in the location and there was no age verification policy in place.

A short time later the DPS identified as GULMOHAMMED attended the location checks were conducted with him and the following condition breaches were disclosed.

GULMOHAMMED was unable to produce a current refusals book.

Condition one on the licence states

A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

GULMOHAMMED was unable to produce any staff training records stating that it had all been lost some time ago and he was waiting for a new CD from the council. He was unable to say whether the member of staff in the shop had been trained..

Condition two on the premise licence states

All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.

GULMOHAMMED was unable to produce any age verification policy and stated that he was still waiting for the council to give him "Challenge 21" signs.

Conditions three and four on the premise licence state

A 'Challenge 21' policy shall be adopted. When any person who appears to be under 21 presents alcohol at the checkout, they shall be required to prove their age. No evidence other than a photo driving licence, a passport, other government issued identity card or a PASS accredited card [e.g. Citizencard] or its equivalent successor card shall be accepted.

4. Signage shall be displayed prominently at points of sale and near the entrance to the store, indicating that customers who appear to be under 21 who wish to buy alcohol will be challenged to prove their age. A sign or signs shall be displayed prominently near the points of sale.

GULMOHAMMED stated that he was unsure as to how long the CCTV recorded for.

Condition Five on the premise licence states

Based on a risk assessment around the 4 licensing objectives, site specific and appropriate CCTV equipment shall be provided and maintained in line with Police requirements. The CCTV product will be retained for a minimum of 31 days and made available to enforcement bodies on request, subject to the current guidelines issued by the Office of the Data Commissioner.

As a result of the above visit GULMOHAMMED was dealt with on 14th May 2014 by

way of being issued a Police Adult Simple Caution for offences under Section 136(1) Licensing Act 2003.

On 19th November 2014 the premise was visited by Her Majesty's Revenue & Customs and the Home Office Immigration Enforcement Team as part of Operation Salida.

On arrival there were two customers in the shop and a man working there observed serving the two customers in the shop. When spoken to by Immigration Officers he stated he was not allowed to work in the UK and had been there for a month. The male stated that he was from India stated and had no Identification on him. This male was later arrested by immigration for being illegally in the UK.

HUSSAIN arrived a short time later and was spoken to by Immigration Officers.

For the panels information -

S.182 Guidance of the Licensing Act 2003 - para 11.27 states –

"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously" –

Such activity includes –

". . . knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter".

Para 11.28 –

"Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the license – even in the first instance is seriously considered".

Illegal working has harmful social and economic effects within the UK, it undercuts British businesses and their workers that stay within the law and exploits migrant workers. As long as there are opportunities for illegal working, the UK will remain an attractive place for illegal immigrants. Partners are working very hard to impact upon and disrupt employers breaking the law by taking tough action against those who do so.

There is evidence that illegal workers are paid less than the minimum wage, do not pay tax, and may be doing work that breaches health and safety regulations. Employers who use illegal workers may do so to exploit a vulnerable person, may be connected with human trafficking and avoid providing national minimum standards such as the minimum wage or paid holiday. This is extremely harmful to the exploited workers and enable dishonest employers to gain an unfair advantage over competitors who operate within the law of the United Kingdom.

On 8th September 2015 Officers attended the Premise to conduct routine checks at the time of attending there was one male working in the shop who stated that he was only working for the day, he stated that he had had no training from anyone with regards to his responsibilities and had no knowledge of GULMOHAMMED being the DPS. He was unable to provide any training documentation.

Condition two on the Premise Licence states

All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an

equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time

He was unable to produce Part A of the Premise Licence an offence under the Licensing Act 2003.

He was unable to produce a refusals book.

Condition one on the Premise Licence states

A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

HUSSEIN was contacted and unable to attend the location at the time there fore the member of staff was advised not to sell alcohol at the location.

On 19 September 2015 Officers attended and spoke with HUSSEIN at this time he stated that the CCTV records for 2 months and produced training for members of staff at the location. He produced a refusals book with the last entry showing in June 2014 stating that his daughter had been drawing in the book and as a result of this some pages had been removed.

As a result of the visit HUSSEIN agreed to implement the following improvements.

Ensure that all training records are held in the same folder and that refresher training will be given to staff every six months and this will be documented.

Ensure that all staff have been fully trained in the use of the CCTV system and that they know where the premises licence is and training records so they can be produced at the time.

On Wednesday 11th Janurary 2017 at 1650hrs Officers attended the premise to conduct rouine checks on entering the location HUSSEIN was present with his wife who claimed that she had a personal licence but was unable to produce it, also asleep behind the till was their young child.

The DPS GULMOHAMMED was unavaliable as he was out of the county on holiday.

On examining the refusals book produced it showed that there had been no refusals recorded since August 2016 HUSSEIN stated that they had stopped using it but would start again.

Condition one on the premise licence states

A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

HUSSEIN was unable to produce any staff training documents.

Condition two on the premise licence states

All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.

HUSSEIN stated that the monitor for the CCTV was not working and that they were unable to download any footage from it.

Condition five on the premise licence states

Based on a risk assessment around the 4 licensing objectives, site specific and appropriate CCTV equipment shall be provided and maintained in line with Police requirements. The CCTV product will be retained for a minimum of 31 days and made available to enforcement bodies on request, subject to the current guidelines issued by the Office of the Data Commissioner.

Wiltshire Police are asking that the premise licence at AAA Shop County Road be revoked as over a number of years there has been a total disregard by the licence holder and DPS to implement and comply with the conditions on the licence.

Please tick yes

Have you made an application for review relating to this premises before ☐

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 and when you made them

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

Signature

..... *Michael J. Pugh*

Date

..... 20 JAN

Capacity Police Licensing Officer

.....

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

INDEX

- 1. Premise Licence AAA County Road**
- 2. PC 1630 DIFFIN Witness Statement**



Licensing Team
5th Floor Wat Tyler House
Beckhampton Street
Swindon SN1 2JG
01793 466113
licensing@swindon.gov.uk

Signed

.....
Licensing Manager

Premises licence issued on 16 October 2012

Premises licence number

881120455PREM

Part 1. Premises details

Postal address of premises or if none, Ordnance Survey map reference or description
AAA Shop 30 County Road Post Town Swindon Post Code SN1 2EW Telephone
number No disclosed.

Where the licence is time limited, the dates The licence operates for every date from
16 October 2012 onward.

Licensable activities authorised by the licence The licensable activity is the sale of
alcohol

The times the licence authorises the carrying out of licensable activities

09.00hrs until 22.00hrs Sunday to Thursday, 09.00hrs until 00.00hrs Friday and
Saturday

The opening hours of the premises Opening hours when no licensable activities are
taking place are at the sole discretion of the proprietor.

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies The licence authorises only the off sales of alcohol.

Name (registered) address, telephone number and e-mail (where relevant) of holder of premises licence The licence is held jointly by Meeran Hussein. There is no Registered address.

Registered number of holder, for example company number, charity number (where applicable) Not applicable.

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol The designated premises supervisor is Mr Shagul Hameed Gulmohammed of 299 Cricklade Road Swindon SN2 1AG

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol The Personal Licence number Mr Shagul Hameed Gulmohammed is 881110094, issued by Swindon

Annexe 1.

Mandatory conditions No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annexe 2.

Conditions consistent with the Operating Schedule

1. A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

2. All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.

Annexe 2 cont'd

3. A 'Challenge 21' policy shall be adopted. When any person who appears to be under 21 presents alcohol at the checkout, they shall be required to prove their age. No evidence other than a photo driving licence, a passport, other government issued identity card or a PASS accredited card [e.g. Citizencard] or its equivalent successor card shall be accepted.

4. Signage shall be displayed prominently at points of sale and near the entrance to the store, indicating that customers who appear to be under 21 who wish to buy alcohol will be challenged to prove their age. A sign or signs shall be displayed prominently near the points of sale.

5. Based on a risk assessment around the 4 licensing objectives, site specific and appropriate CCTV equipment shall be provided and maintained in line with Police requirements. The CCTV product will be retained for a minimum of 31 days and made available to enforcement bodies on request, subject to the current guidelines issued by the Office of the Data Commissioner.

Annexe 3.

Conditions attached by the licensing authority after a hearing Not applicable

Annexe 4. Plans

The attached is a representation of the original plan, held on the licensing register of the Licensing Authority for Swindon.

IN THE MATTER OF AN APPLICATION BY THE CHIEF CONSTABLE OF
WILTSHIRE POLICE FOR A LICENSING REVIEW OF (AL) MOREDON OFF
LICENCE , 275 WHITWORTH ROAD, SWINDON.

STATEMENT OF Police Constable MICHAEL DIFFIN MBE

I, Police Constable 1630 MICHAEL DIFFIN, Police Licensing Officer, Licensing Department, Divisional Police Headquarters, Gablecross Police Station, Swindon, Wiltshire SN3 4RB will say as follows:

1. I am a Police Licensing officer for Wiltshire Police and I have been in post since April 2015. My role is to gather and collate evidence around Licensing issues. Prior to this I was the Night Time Economy Manager for Swindon Town Centre. I took up this position in 2012 and held this post until early 2015. I have been a member of the Wiltshire Constabulary since 2001 and have served all of my time in Swindon Town Centre. My role as the Police Licensing Officer is to work with the local policing teams and other agencies to identify and tackle long term issues in areas caused as a result of alcohol and non-compliance with the Licensing Act 2003.
2. Wiltshire Police record all visits and interaction with Licensed premise on our Niche recording system that is used to evidence action and work with premise and staff. Each premise has its own record that is managed by me as the licensing officer. Information placed on it is from a number of sources, Police Officers visits, other agency visits via agreed information sharing protocols. The information is checked by me to ensure that it is current and relevant to the premise prior to its addition.
3. On the 9th April 2014 PC DIFFIN conducted a routine visit at the premise and spoke with Meeran HUSSEIN at the time of the visit the following conditions were not being complied with.
4. HUSSEIN was unable to produce a refusals book and did not have one in place.

Condition one on the licence states

A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a

review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

5. HUSSEIN was unable to produce any staff training records.

Condition two on the premise licence states

All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.

6. HUSSEIN stated that the CCTV in the store only recorded for seven days.

Condition Five on the premise licence states

Based on a risk assessment around the 4 licensing objectives, site specific and appropriate CCTV equipment shall be provided and maintained in line with Police requirements. The CCTV product will be retained for a minimum of 31 days and made available to enforcement bodies on request, subject to the current guidelines issued by the Office of the Data Commissioner.

7. HUSSEIN was advised that the above issues needed to be resolved soonest and prior to any officer's next visit.
8. On Tuesday 13 May 2014 at 1045hrs PC DIFFIN attended the location to conduct a follow up check on entering the location there was a lone male identified as Sabanathan GENGARATNAM born 24/09/1970 working at the location he stated that he had only been employed there for five days and that he had not received any formal training re the sale of alcohol and was unable to produce any training records nor the refusals book. He was unable to say how long the CCTV recorded for.
9. It was also noticed that there were no "Challenge 21" signs up in the location and there was no age verification policy in place.
10. At 1100hrs the DPS identified as Shagul Hameed GULMOHAMMED born 06/06/1989 attended the location, he was cautioned and the following checks were conducted with him as a result the following condition breaches were discovered.
11. GULMOHAMMED was unable to produce a current refusals book.

Condition one on the licence states

A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any

additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

12. GULMOHAMMED was unable to produce any staff training records stating that it had all been lost some time ago and he was waiting for a new CD from the council. He was unable to say whether the member of staff in the shop had been trained.

Condition two on the premise licence states

All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.

13. GULMOHAMMED was unable to produce any age verification policy and stated that he was still waiting for the council to give him "Challenge 21" signs.

Conditions three and four on the premise licence state

A 'Challenge 21' policy shall be adopted. When any person who appears to be under 21 presents alcohol at the checkout, they shall be required to prove their age. No evidence other than a photo driving licence, a passport, other government issued identity card or a PASS accredited card [e.g. Citizencard] or its equivalent successor card shall be accepted.

Signage shall be displayed prominently at points of sale and near the entrance to the store, indicating that customers who appear to be under 21 who wish to buy alcohol will be challenged to prove their age. A sign or signs shall be displayed prominently near the points of sale.

14. GULMOHAMMED stated that he was unsure as to how long the CCTV recorded for.

Condition Five on the premise licence states

Based on a risk assessment around the 4 licensing objectives, site specific and appropriate CCTV equipment shall be provided and maintained in line with Police requirements. The CCTV product will be retained for a minimum of 31 days and made available to enforcement bodies on request, subject to the current guidelines issued by the Office of the Data Commissioner.

15. As a result of the above visit GULMOHAMMED was dealt with on 14th May 2014 by way of being issued a Police Adult Simple Caution for offences under Section 136(1) Licensing Act 2003.
16. On 19th November 2014 the premise was visited by Her Majesty's Revenue & Customs and the Home Office Immigration Enforcement Team as part of Operation Salida. On arrival there were two customers in the shop and a man working there identified as Xavier Bony INNASI MUTHU born 26/06/1990 was observed serving

the two customers in the shop. When spoken to by Immigration Officers he stated he was not allowed to work in the UK and had been there for a month. The male stated that he was from India stated and had no Identification on him. This male was later arrested by immigration for being illegally in the UK.

17. HUSSAIN arrived a short time later and was spoken to by Immigration Officers.

18. On 8th September 2015 PC DIFFIN attended the Premise to conduct routine checks at the time of attending there was one male working in the shop identified as Zeb AURANG who stated that he was only working there for the day, he stated that he had had no training from anyone with regards to his responsibilities and had no knowledge of GULMOHAMMED being the DPS. He was unable to provide any training documentation.

19. Condition two on the Premise Licence states

20. All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time

21. He was unable to produce Part A of the Premise Licence an offence under the Licensing Act 2003.

22. He was unable to produce a refusals book.

Condition one on the Premise Licence states

A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

23. HUSSEIN was contacted and unable to attend the location at the time therefore the member of staff was advised not to sell alcohol at the location and he elected to close the store after talking with HUSSEIN

24. On 19th September 2015 PC DIFFIN re - attended the location and spoke with HUSSEIN at this time he stated that the CCTV records for 2 months and produced training for members of staff at the location. He produced a refusals book with the last entry showing in June 2014 stating that his daughter had been drawing in the book and as a result of this some pages had been removed.

25. As a result of the visit HUSSEIN agreed to implement the following improvements.

Ensure that all training records are held in the same folder and that refresher training will be given to staff every six months and this will be documented.

Ensure that all staff have been fully trained in the use of the CCTV system and that they know where the premises licence is and training records so they can be produced at the time.

26. On Wednesday 11th January 2017 at 1650hrs Officers attended the premise to conduct routine checks on entering the location HUSSEIN was present with his wife who claimed that she had a personal licence but was unable to produce it, also asleep behind the till was their young child.
27. The DPS GULMOHAMMED was unavailable as he was out of the county on holiday.
28. On examining the refusals book produced it showed that there had been no refusals recorded since August 2016 HUSSEIN stated that they had stopped using it but would start again.

Condition one on the premise licence states

A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

29. HUSSEIN was unable to produce any staff training documents.

Condition two on the premise licence states

All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.

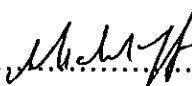
30. HUSSEIN stated that the monitor for the CCTV was not working and that they were unable to download any footage from it.

Condition five on the premise licence states

Based on a risk assessment around the 4 licensing objectives, site specific and appropriate CCTV equipment shall be provided and maintained in line with Police requirements. The CCTV product will be retained for a minimum of 31 days and made available to enforcement bodies on request, subject to the current guidelines issued by the Office of the Data Commissioner.

Statement of Truth

I confirm that the contents of this statement are true to the best of my knowledge and belief.

Signed..........
PC MICHAEL DIFFIN

Dated.....20 JAN 17.....



Licensing Team
5th Floor Wat Tyler House
Beckhampton Street
Swindon SN1 2JG
01793 466113
licensing@swindon.gov.uk

Signed

.....
Licensing Manager

Premises licence issued on 16 October 2012

Premises licence number

881120455PREM

Part 1. Premises details

Postal address of premises or if none, Ordnance Survey map reference or description
AAA Shop, 30 County Road Post Town Swindon Post Code SN1 2EW Telephone number No disclosed.

Where the licence is time limited, the dates
The licence operates for every date from 16 October 2012 onward.

Licensable activities authorised by the licence
The licensable activity is the sale of alcohol

The times the licence authorises the carrying out of licensable activities
09.00hrs until 22.00hrs Sunday to Thursday, 09.00hrs until 00.00hrs Friday and Saturday

The opening hours of the premises
Opening hours when no licensable activities are taking place are at the sole discretion of the proprietor.

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies The licence authorises only the off sales of alcohol.

Name (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

The licence is held jointly by Meeran Hussein. There is no Registered address.

Registered number of holder, for example company number, charity number (where applicable) Not applicable.

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

The designated premises supervisor is Mr Shagul Hameed Gulmohammed

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

The Personal Licence number Mr Shagul Hameed Gulmohammed is 881110094, issued by Swindon

Annexe 1.

Mandatory conditions

No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a

Annexe 2.

Conditions consistent with the Operating Schedule

1. A single refusals book shall be kept and it shall be completed in consecutive order. This log shall be reviewed on a monthly basis and a record shall be made that a review has been conducted. On identification of any trends, the need for any additional staff training shall be re-assessed. The log shall be available for inspection by an authorised officer at any reasonable time.

2. All staff shall be given formal training on age-restricted sales either by using the SWERCOTS training cd-ROM (or its replacement or equivalent) or by means of an equivalent training course. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.

Annexe 2 cont'd

3. A 'Challenge 21' policy shall be adopted. When any person who appears to be under 21 presents alcohol at the checkout, they shall be required to prove their age. No evidence other than a photo driving licence, a passport, other government issued identity card or a PASS accredited card [e.g. Citizencard] or its equivalent successor card shall be accepted.

4. Signage shall be displayed prominently at points of sale and near the entrance to the store, indicating that customers who appear to be under 21 who wish to buy alcohol will be challenged to prove their age. A sign or signs shall be displayed prominently near the points of sale.

5. Based on a risk assessment around the 4 licensing objectives, site specific and appropriate CCTV equipment shall be provided and maintained in line with Police requirements. The CCTV product will be retained for a minimum of 31 days and made available to enforcement bodies on request, subject to the current guidelines issued by the Office of the Data Commissioner.

Annexe 3.

Conditions attached by the licensing authority after a hearing
Not applicable

Annexe 4. Plans

The attached is a representation of the original plan, held on the licensing register of the Licensing Authority for Swindon.

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