

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

**NOTICE OF HEARING**

**Date of Hearing:** Friday, 7 July 2017

**Place of Hearing:** Committee Room 1, Civic Offices

**Time of Hearing:** 11.30 a.m.

**Panel Members:**

Conservative Councillors

Nick Martin

Caryl Sydney-Smith

Vera Tomlinson

**Committee Officer:** Shaun Banks (Telephone 01793 463606)

Email: email: sbanks@swindon.gov.uk

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

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**AGENDA**

- 1. Appointment of Chair**
- 2. Apologies for Absence**
- 3. 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.

- 4. Application to Review Premises Licence in respect of Havelock News, 49 Havelock Street, Swindon, SN1 1SD together with a copy of each relevant representation made and supporting documents (Pages 7 - 52)**

**Date of Despatch:** 20 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:

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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:

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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:

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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:

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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:

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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

**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.**

**Review of a Premises Licence in respect of Havelock News 49  
Havelock Street, Swindon, SN1 1SD**

**Licensing Panel**

**Date: 7<sup>th</sup> July 2017**

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Author: Kathryn Ashton – Licensing Manager  
Wards: Central  
Parishes Affected: Swindon Central South

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**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 Havelock News, 49 Havelock Street, Swindon, SN1 1SD.

**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

**3.0 Detail**

- 2.2 An application for the review of a premises licence in respect of Havelock News, 49 Havelock Street, Swindon, SN1 1SD has been received from Wiltshire Police who consider that the licensing objectives in respect 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.
- 3.2 Havelock News is a licensed premises, operating under a premises licence (ref: 881140231LAPRE), attached as Appendix . The licence was issued on 10<sup>th</sup> April 2014, and permits the sale of alcohol on Monday to Wednesday 0800 - 2300hrs, Thursday to Saturday 0800 - 2000hrs and Sunday 1000 - 2200hrs. The premises opening hours are Monday to Saturday 0800 - 2300hrs and Sunday 1000 - 2230hrs Monday to Saturday from 08.00hrs to 23.00hrs and on Sunday from 08.00hrs to 22.30hrs. The Designated Premises Supervisor and premises licence

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)

# **Review of a Premises Licence in respect of Havelock News 49 Havelock Street, Swindon, SN1 1SD**

**Licensing Panel**

**Date: 7<sup>th</sup> July 2017**

holder is Kayathri RAMESHKUMAR. Havelock News trades under this name and the address on the door reads "49 Havelock Street".

3.3 The grounds for the review are stated in the Police's application as follows:

3.3.1 On 31<sup>st</sup> January 2017, Wiltshire Police officers conducted a routine licensing check at the premises. At the time of the visit there was confusion as to who the current premise owner was and there was no evidence to show that there was a Designated Premise Supervisor in place at the location who was involved in the day to day running of the shop.

The Witness Statement of PC Diffin, attached as part of Appendix A, explains that at the time of his visit the male at the location was unclear as to who owned the shop and enquires at the time revealed that the shop had been purchased two years earlier by the now named designated Premise Supervisor and Premise Licence holder who had failed to transfer the Premise Licence.

3.3.2 Whilst at the premises on 31<sup>st</sup> January, PC Diffin also noted that a number of licensing conditions were being breached, namely conditions 5, 6, 7, 8 and 9. For clarification;

Condition 5 states

"A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request."

Condition 6 states

"All staff working at the premises shall be fully trained so that they are aware of the Challenge 25 scheme and all staff shall receive refresher training at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request."

Condition 7 states

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)



# **Review of a Premises Licence in respect of Havelock News 49 Havelock Street, Swindon, SN1 1SD**

**Licensing Panel**

**Date: 7<sup>th</sup> July 2017**

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“CCTV equipment which is fit for purpose and which covers all trading areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. All CCTV recordings shall be retained for a minimum of 28 days and made available to a police constable or authorised officer on request. At any time when a licensable activity is being carried on, there must be a person on the premises who is able to both operate the CCTV system and to download the footage on request.”

Condition 8 states

“All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.”

Condition 9 states

“An incident book shall be kept on the premises and used to record any accidents or incidents of disorder in the premises as soon as reasonably practicable. The entries shall include the time, date and brief details of what has happened and the names of the persons involved where known.”

3.3.4 On the 4<sup>th</sup> February 2017 Wiltshire Police Officers conducted a follow up licensing check at the location PC Diffin spoke with the Premises Licence holder and the Designated Premises Supervisor and it was noted licensing conditions were still being breached, namely conditions 5, 6, 7, 8 and 9. The Witness Statement of PC Diffin, attached as part of Appendix A details these breaches.

3.3.5 On the 5<sup>th</sup> April 2017 Wiltshire Police Officers conducted a follow up licensing check at the location PC Diffin spoke with the member of staff present and it was noted licensing conditions were still being breached, namely conditions 5, 6, 7, and 8. The Witness Statement of PC Diffin, attached as part of Appendix A details these breaches.

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

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)

# **Review of a Premises Licence in respect of Havelock News 49 Havelock Street, Swindon, SN1 1SD**

**Licensing Panel**

**Date: 7<sup>th</sup> July 2017**

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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.

## **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 Finance (Section 151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

- 5.6 **Background Papers**

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)

# **Review of a Premises Licence in respect of Havelock News 49 Havelock Street, Swindon, SN1 1SD**

**Licensing Panel**

**Date: 7<sup>th</sup> July 2017**

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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 April 2017), incorporating the Witness Statement of PC Diffin, (dated April 2017), the Witness Statement of Vince Ayriss (dated April 2017), the witness Statement of Jane Jennings (dated April 2017)

Appendix B – Copy of extant Premises Licence, 49 Havelock Street Swindon SN1 1SD

Appendix C – Copy of public notice

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# WILTSHIRE POLICE



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

Kayathri RAMESHKUMAR  
Havelock News  
49 Havelock Street  
Swindon  
SN1 1SD

Date 24/01/17

Your ref

Our ref

Reply contact name is PC Michael DIFFIN MBE Police Licensing Officer

Dear Kayathri RAMESHKUMAR,

RE – Application for Premise Licence Review Havelock News 49 Havelock Street Swindon

Please find enclosed Wiltshire Police application and evidence to review the premises licence at Havelock News 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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Havelock News 49 Havelock Street	
<b>Post town</b> SWINDON	<b>Post code (if known)</b> SN1 1SD

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Kayathri RAMESHKUMAR 4 Forsey Close Swindon SN3 5DQ
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<b>Number of premises licence or club premises certificate (if known)</b> 881140231LAPRE
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**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

☒  
☐  
☐  
☐

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

This application to review the premises licence for Havelock News is based on evidence which shows a breach to the licensing objective of:

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

Crime & Disorder - Evidence from local business that the premise is failing to promote the Crime and Disorder Objective of the Licensing Act 2003.

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

Re: Licence Review – Havelock News 49 Havelock Street, Swindon.

Havelock News is a Licensed Premises and operates under a premises licence (881140231LAPRE) issued by Swindon Borough Council (SBC) on 10th April 2014. The premises licence holder is Kayathri RAMESHKUMAR. The licence was issued in accordance with the Licensing Act 2003 to allow the sale by retail of alcohol Monday to Wednesday 0800 - 2300hrs, Thursday to Saturday 0800 - 2000hrs and Sunday 1000 - 2200hrs. The premise opening hours are Monday to Saturday 0800 - 2300hrs and Sunday 1000 - 2230hrs.

The Designated Premises Supervisor(DPS) is Kayathri RAMESHKUMAR.

On the 31st January 2017 Police Licensing Officers attended Havelock News, 49 Havelock Street to conduct a licensing check at the location at the request of Swindon Borough Council Officers who stated that they had been receiving reports from local businesses of increased numbers of street drinkers in the area and the anti-social behaviour that they tend to attract. On entering the location there was a lone male working behind the till identified as Mohamed RASEEK, he stated that he was in the process of buying the business from the current owner who he stated was a Mr Sathananthan RAMESHKUMAR.

As a result of this check the following breaches of the conditions on the premise licence were discovered.

RASEEK stated that he had been working at the store for some time and that he had never received any training from anyone, when requested to produce staff training documents in relation to any training that he had received with regards to age verification policies or sales of alcohol to drunks was unable to produce any stating that he had never had any written down that he was aware of. He was also unable to produce a refusals book and was unaware if there was one in the premise.

Conditions 5, 6, and 8 on the premise licence state

A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.

All staff working at the premises shall be fully trained so that they are aware of the Challenge 25 scheme and all staff shall receive refresher training at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request

RASEEK was unable to produce an incident book and again stated he had never seen one.

Conditions 9 on the premise licence states

An incident book shall be kept on the premises and used to record any accidents or incidents of disorder in the premises as soon as reasonably practicable. The entries shall include the time, date and brief details of what has happened and the names of the persons involved where known.

Officers observed that a number of the screens showing the CCTV cameras were not working RASEEK stated that not all the cameras were working in the store and that he was unable to use the CCTV system to download anything.

Condition 7 on the premise licence states

CCTV equipment which is fit for purpose and which covers all trading areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. All CCTV recordings shall be retained for a minimum of 28 days and made available to a police constable or authorised officer on request. At any time when a licensable activity is being carried on, there must be a person on the premises who is able to both operate the CCTV system and to download the footage on request

Officers spoke with Sathananthan RAMESHKUMAR via the telephone and he stated that he had bought the store two years ago from Sakthivel RAMALINGAM and was fully responsible for the running of it, he also stated that he had still not transferred the premise licence into his name and confirmed that the previous owner had had no involvement in the store since he had purchased it. Officers advised him that as far as they were concerned there was no current active DPS at the location and that the sale of alcohol needed to be stopped until this was resolved and all the conditions on the premise licence were complied with. He stated that he would stop selling alcohol until there was a DPS in place and the licence was transferred.

On the 2nd February 2017 Wiltshire Police received notification that an application had been made to transfer the premise licence to Kayathri RAMESHKUMAR she was also designated as the DPS. Kayathri RAMESHKUMAR is the wife of Sathananthan RAMESHKUMAR.

On 4th February 2017 at 1455hrs a further licensing check was conducted at the location on entering there was a lone female working in the location who was identified as Kalitha RASEEK, at this time the premise was selling alcohol, she stated that she had been told by her father Mohamed RASEEK that he had received a phone call from Kayathri RAMESHKUMAR telling them to start selling alcohol again. She was unable to locate the refusals book and was unsure what one was, when asked if she had received any training on her responsibilities around the sale of alcohol from Kayathri RAMESHKUMAR she stated that she had not.

Conditions 5, 6, and 8 on the premise licence state

A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for

inspection by a police constable or authorised officer on request.

All staff working at the premises shall be fully trained so that they are aware of the Challenge 25 scheme and all staff shall receive refresher training at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request

At 1520hrs Kayathri RAMESHKUMAR and Sathananthan RAMESHKUMAR attended the location. It was explained to them that they had a responsibility to ensure that all the conditions on the premise licence were complied with and that there were still breaches on the conditions on the licence that had not been resolved, they were unable to produce any evidence of their compliance with conditions 5, 6, 8 and 9 on the premise licence and when questioned on condition 7 about the fact the CCTV was still not working stated that it still needed to be fixed.

Conditions 5, 6,7,8,9 on the premise licence state

A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.

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CCTV equipment which is fit for purpose and which covers all trading areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. All CCTV recordings shall be retained for a minimum of 28 days and made available to a police constable or authorised officer on request. At any time when a licensable activity is being carried on, there must be a person on the premises who is able to both operate the CCTV system and to download the footage on request.

All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

An incident book shall be kept on the premises and used to record any accidents or incidents of disorder in the premises as soon as reasonably practicable. The entries shall include the time, date and brief details of what has happened and the names of the persons involved where known.

On the 8th April 2017 at 1512hrs Police log Pol - 20170408 – 0205 was created after a call from a local business advised Police that the premise was selling alcohol

to drunks and street drinkers causing ASB in area and had been seen selling alcohol to a 17 year old female.

On 12th April 2017 at 1400hrs a Licensing check was conducted at the location on entering there was one lone female member of staff present identified as Radhika PANDAVA she stated that she had been working at store for one week she had received some training from Sathananthan RAMESHKUMAR on how to use the till and was told not to sell to under 18's. She was unable to explain the Challenge 25 policy, she was unable to say what type of identification she would accept and had no understanding of her responsibilities of not selling alcohol to drunks and could not explain how she could identify if someone was drunk.

She was unable to say who the DPS was and stated that she believed it was Sathananthan RAMESHKUMAR as he had trained her on how to work in the store. She stated that she had been working there for 3 days before being given any training.

She was unable to produce any training records at the location and did not know if any existed as she had not signed nor seen any.

PANDAVA was asked if she could produce the refusals book and after searching for a time in the area under the till produced a refusals book with the last refusal having been recorded on the 03/03/2017. She was unable to say when she would fill the refusals book in and had clearly no understanding of its use.

Conditions 5, 6, and 8 on the premise licence state

A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.

All staff working at the premises shall be fully trained so that they are aware of the Challenge 25 scheme and all staff shall receive refresher training at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request

PANDAVA was asked if she was able to work the CCTV to which she stated she had no idea how to work it and was unsure if it was recording.

Condition 7 on the premise licence states

CCTV equipment which is fit for purpose and which covers all trading areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. All CCTV recordings shall be retained for a minimum of 28 days and made available to a police constable or authorised officer on request. At any time when a licensable activity is being carried on, there must be a person on the premises who is able to both operate the CCTV system and to download the footage on request.

As a result of complaints received in the area statements have been recorded from

Vince AYRIS the owner of Ayris Ltd 46 Havelock Street, outlines issues in the local area as a result of alcohol related Anti-social behaviour and the link of the supplying of this alcohol to Havelock News and the impact that this is having on the local area and his business.(Annex 2)

Jane JENNINGS the owner of JJ's Hair Group 41 Havelock Street outlines issues in the local area as a result of alcohol related Anti-social behaviour and the link of the supplying of this alcohol to Havelock News and the impact that this is having on the local area and her business.( Annex 3)

The above evidence shows a clear failure of the premise licence holder to ensure that the conditions on the licence are implemented and a clear failure to uphold and promote the Licensing objectives as such Wiltshire Police are asking for the premise licence to be revoked as there is a clear failure to uphold the licensing objectives of Crime and Disorder and the Protection of Children from Harm.

**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



Date

24/4/17

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. PC 1630 DIFFIN Witness Statement
2. Vince AYRIS Witness Statement
3. Jane JENNINGS Witness Statement



IN THE MATTER OF AN APPLICATION BY THE CHIEF CONSTABLE OF  
WILTSHIRE POLICE FOR A LICENSING REVIEW OF HAVELOCK NEWS 49  
HAVELOCK STREET, SWINDON.

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**STATEMENT OF Police Constable MICHAEL DIFFIN MBE**

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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.
2. 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.
3. On the 31st January 2017 I attended Havelock News, 49 Havelock Street to conduct a licensing check at the location at the request of Swindon Borough Council Officers who stated that they had been receiving reports from local businesses of increased numbers of street drinkers in the area and the anti-social behaviour that they tend to attract. On entering the location there was a lone male working behind the till identified as Mohamed RASEEK, he stated that he was in the process of buying the business from the current owner who he stated was a Mr Sathananthan RAMESHKUMAR.
4. As a result of this check the following breaches of the conditions on the premise licence were discovered.

RASEEK stated that he had been working at the store for some time and that he had never received any training from anyone. When he was requested to

produce staff training documents in relation to any training that he had received around age verification policies or sales of alcohol to drunks was unable to produce any. RASEEK stated that he was not aware of any training that had been written down. He was also unable to produce a refusals book and was unaware if there was one in the premises.

Conditions 5, 6, and 8 on the premise licence state

A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.

All staff working at the premises shall be fully trained so that they are aware of the Challenge 25 scheme and all staff shall receive refresher training at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

RASEEK was unable to produce an incident book and again stated he had never seen one.

Conditions 9 on the premise licence states

An incident book shall be kept on the premises and used to record any accidents or incidents of disorder in the premises as soon as reasonably practicable. The entries shall include the time, date and brief details of what has happened and the names of the persons involved where known.

I observed that a number of the screens showing the CCTV cameras were not working RASEEK stated that not all the cameras were working in the store and that he was unable to use the CCTV system to download anything.

Condition 7 on the premise licence states

CCTV equipment which is fit for purpose and which covers all trading areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. All CCTV recordings shall be

retained for a minimum of 28 days and made available to a police constable or authorised officer on request. At any time when a licensable activity is being carried on, there must be a person on the premises who is able to both operate the CCTV system and to download the footage on request

5. I spoke to Sathananthan RAMESHKUMAR via the telephone and he stated that he had bought the store two years ago from Sakthivel RAMALINGAM and was fully responsible for the running of it, he also stated that he had still not transferred the premise licence into his name and confirmed that the previous owner had had no involvement in the store since he had purchased it. I advised him that as far as I was concerned there was no current active DPS at the location and that the sale of alcohol needed to be stopped until this was resolved and all the conditions on the premise licence were complied with. He stated that he would stop selling alcohol until there was a DPS in place and the licence was transferred.
6. On the 2<sup>nd</sup> February 2017 Wiltshire Police received notification that an application had been made to transfer the premise licence to Kayathri RAMESHKUMAR she was also designated as the DPS. Kayathri RAMESHKUMAR is the wife of Sathananthan RAMESHKUMAR.
7. On 4<sup>th</sup> February 2017 at 1455hrs a further licensing check was conducted at the location on entering there was a lone female working in the location who was identified as Kalitha RASEEK, at this time the premises was selling alcohol, she stated that she had been told by her father Mohamed RASEEK that he had received a phone call from Kayathri RAMESHKUMAR telling them to start selling alcohol again. She was unable to locate the refusals book and was unsure what one was, when asked if she had received any training on her responsibilities around the sale of alcohol from Kayathri RAMESHKUMAR she stated that she had not.

Conditions 5, 6, and 8 on the premise licence state

A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.

All staff working at the premises shall be fully trained so that they are aware of the Challenge 25 scheme and all staff shall receive refresher training at 3 monthly intervals. This training shall be logged and these training records

shall be made available for inspection by a police constable or authorised officer on request.

All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request

8. At 1520hrs Kayathri RAMESHKUMAR and Sathananthan RAMESHKUMAR attended the location. It was explained to them that they had a responsibility to ensure that all the conditions on the premise licence were complied with and that there were still breaches on the conditions on the licence that had not been resolved, they were unable to produce any evidence of their compliance with conditions 5, 6, 8 and 9 on the premise licence and when questioned on condition 7 about the fact the CCTV was still not working stated that it still needed to be fixed.

Conditions 5, 6,7,8,9 on the premise licence state

A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.

All staff working at the premises shall be fully trained so that they are aware of the Challenge 25 scheme and all staff shall receive refresher training at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

CCTV equipment which is fit for purpose and which covers all trading areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. All CCTV recordings shall be retained for a minimum of 28 days and made available to a police constable or authorised officer on request. At any time when a licensable activity is being carried on, there must be a person on the premises who is able to both operate the CCTV system and to download the footage on request.

All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

An incident book shall be kept on the premises and used to record any accidents or incidents of disorder in the premises as soon as reasonably practicable. The entries shall include the time, date and brief details of what has happened and the names of the persons involved where known.

9. On the 8<sup>th</sup> April 2017 at 1512hrs Police log Pol - 20170408 – 0205 was created after a call from a local business advised Police that the premises was selling alcohol to drunks and street drinkers causing ASB in area. The caller also advised that the premises had been seen selling alcohol to a 17 year old female.
10. On 12<sup>th</sup> April 2017 at 1400hrs a Licensing check was conducted at the location. Upon entering there was one lone female member of staff present identified as Radhika PANDAVA. PANDAVA stated that she had been working at store for one week and she had received some training from Sathananthan RAMESHKUMAR on how to use the till and was told not to sell to under 18's. She was unable to explain the Challenge 25 policy, she was unable to say what type of identification she would accept and had no understanding of her responsibilities of not selling alcohol to drunks and could not explain how she could identify if someone was drunk. She was unable to say who the DPS was and stated that she believed it was Sathananthan RAMESHKUMAR as he had trained her on how to work in the store. She stated that she had been working there for 3 days before being given any training.  
She was unable to produce any training records at the location and did not know if any existed as she had not signed nor seen any.  
PANDAVA was asked if she could produce the refusals book and after searching for a time in the area under the till produced a refusals book with the last refusal having been recorded in the first week in March 2017. She was unable to say when she would fill the refusals book in and had clearly no understanding of its use.

Conditions 5, 6, and 8 on the premise licence state

A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for inspection by a police constable or authorised officer on request.

All staff working at the premises shall be fully trained so that they are aware of the Challenge 25 scheme and all staff shall receive refresher training at 3 monthly intervals. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request.

All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training. This training shall be logged and these training records shall be made available for inspection by a police constable or authorised officer on request

11. PANDAVA was asked if she was able to work the CCTV to which she stated she had no idea how to work it and was unsure if it was recording.

Condition 7 on the premise licence states

CCTV equipment which is fit for purpose and which covers all trading areas and entrance areas shall be provided and maintained in working condition when the premises are open for business. All CCTV recordings shall be retained for a minimum of 28 days and made available to a police constable or authorised officer on request. At any time when a licensable activity is being carried on, there must be a person on the premises who is able to both operate the CCTV system and to download the footage on request

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.....24/4/17.....



IN THE MATTER OF AN APPLICATION BY THE CHIEF CONSTABLE OF WILTSHIRE POLICE FOR A LICENCE REVIEW OF HAVELOCK NEWS, 49 HAVELOCK STREET, SWINDON SN1 1SD.

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**STATEMENT OF VINCE AYRIS**

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I, VINCE AYRIS OF VINCE AYRIS LIMITED, 46, HAVELOCK STREET, SWINDON, SN1 1SD STATE AS FOLLOWS:-

1. I am the owner of Vince Ayris Limited, a Cobblers shop whose premises are situated at number 46, Havelock Street, Swindon. I have been in business at these premises since 1998.
2. Save where the contrary appears, the statements in this witness statement are made from my own knowledge.
3. For approximately the past 12/18 months we have been plagued almost daily by a large group of mainly males and a few females who congregate outside of the shops in Havelock Street drinking alcohol. They also smoke 'weed' in full view of persons walking by.
4. This group also shout and swear loudly in the street, both amongst themselves and towards passers-by.



5. Some of this group ride around on their bikes and are constantly preventing customers from entering shops in the street.
6. Several of the group, especially the males are always approaching shoppers asking for change. When the persons refuse they become extremely abusive towards them.
7. I have heard numerous shoppers offer them a sandwich instead of monies but they normally say they want the cash for vodka.
8. Approximately 4 weeks ago Brunel News which is situated at number 2D, Havelock Square was closed down. This shop had a licence to sell alcohol but the owner was very strict and refused to sell the local drunks alcohol.
9. Since the premises closed down the situation in Havelock Street has become far worse because the owner of Havelock News is supporting the drunks by selling bottles of vodka and single cans of strong alcohol to them.
10. The drunks are constantly going in and out of the shop buying 1 can of strong Polish beer at a time. Once they have finished that drink they go back in again and buy another with monies that they have obtained by begging.
11. This group normally arrive in the street around 8/9am and are still there when I leave my premises at 5.30pm.
12. The owner of Havelock News is always selling alcohol to the males even if they are drunk.
13. Over the past few months namely 2.22pm on the 15<sup>th</sup> March 2017 and 2.24pm on the 5<sup>th</sup> April 2017 there were 2 quite serious fights between this group.
14. During the afternoon of Saturday 15<sup>th</sup> April 2017 I was looking out the front window of my shop when I saw a youth outside with a small bottle of vodka and a plastic bottle of coke. I then saw him almost empty the bottle of coke and fill it up with the vodka.



15. He then continued drinking and approximately 90 minutes later I again saw him with a small bottle of vodka and a plastic bottle of coke. He then again almost emptied the bottle of coke and filled it up with vodka.
16. Lots of the group do this all the time so that when the Police attend they say they are only drinking coke.
17. On at least 3 occasions I have spoken with the owner of Havelock Stores and asked him to stop selling alcohol in single cans to the drunks. He always says that he will but never does. He is just paying lip service to me.
18. Other shopkeepers in Havelock Street are constantly complaining to me regarding the group in the street and the anti-social behaviour issues they cause.
19. Over the past few months numerous customers have approached me and told me that they are very scared of this group and don't like coming into the town centre as they feel so intimidated by them.
20. I believe this group definitely effect not only my trade but that of other shops in the area.
21. All of this has caused my customers, my staff and me a great deal of alarm, distress and harassment. I also fear for our safety. This behaviour needs to be stopped as soon as possible in order to prevent any further damage, worry, trauma or anguish.
22. I believe that the facts stated in this witness statement are true.



.....  
Vince Ayris

Dated this 20<sup>th</sup> day of April 2017

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IN THE MATTER OF AN APPLICATION BY THE CHIEF CONSTABLE OF WILTSHIRE  
POLICE FOR A LICENCE REVIEW OF HAVELOCK NEWS, 49 HAVELOCK STREET,  
SWINDON SN1 1SD.

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STATEMENT OF JANE JENNINGS

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I, JANE JENNINGS OF JJ's HAIR GROUP, 41, HAVELOCK STREET, SWINDON, SN1 1SD  
STATE AS FOLLOWS:-

1. I am the owner of JJ's Hair Group whose salon is situated at number 41, Havelock Street, Swindon. I have been in business at these premises since October 2005.
2. Save where the contrary appears, the statements in this witness statement are made from my own knowledge.
3. For approximately the past 2 years we have been plagued almost daily by a large group of mainly males who congregate outside of the shops in Havelock Street drinking alcohol. They also smoke 'weed' and other drugs including Class A drugs such as heroin in full view of persons walking by. They are always jacking up in the nearby garages and back alleys.





4. This group are constantly shouting and swearing loudly in the street, both amongst themselves and towards passers-by.
5. Several of the group, especially the males are always approaching shoppers asking for change. They even bang on our window asking for money.
6. The drunks are constantly going in and out of Havelock News buying 1 can of strong beer at a time. Once they have finished that drink they go back in again and buy another with monies that they have obtained by begging.
7. This group can be in the street at any-time of the day. They are even in the street late in the evening when we close on a Thursday at 8pm. My staff are very terrified and intimidated of this group and I have instructed them to lock the door in the late evenings when they are around. They are still there when we leave my premises at 8pm.
8. The main cause of the problem in this street is the proprietor of Havelock Stores. He is always selling alcohol to the males even if they are drunk.
9. Other shopkeepers in Havelock Street are constantly complaining to me regarding the group in the street and the anti-social behaviour issues they cause.
10. Since this group have been congregating in Havelock Street numerous customers have approached me and my staff and told me that they are very scared of this group and don't like coming into Havelock Street as they feel so intimidated by them.
11. I believe this group definitely affect not only my trade but that of other shops in the area.



12. All of this has caused my customers, my staff and me a great deal of alarm, distress and harassment. I also fear for our safety. This behaviour needs to be stopped as soon as possible in order to prevent any further damage, worry, trauma or anguish.

13. I believe that the facts stated in this witness statement are true.

  
Jane Jennings

Dated this 28<sup>th</sup> day of April 2017



## Premises Licence

### Schedule 12 - Part A

(THIS PART OF THE LICENCE MUST BE KEPT AT THE PREMISES AT ALL TIMES AND PRODUCED  
UPON REQUEST OF AN AUTHORISED OFFICER)

<b>Premises Licence Number</b>	881170119LAPDPS
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#### Part 1 – Premises Details

<b>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</b>
Havelock News 49 Havelock Street Swindon SN1 1SD
<b>Telephone number</b> 01793 8

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
Sale by Retail of Alcohol

<b>Times the licence authorises the carrying out of licensable activities</b>
<b>Sale by Retail of Alcohol</b> Sunday 10:00 - 22:30 Thursday to Saturday 08:00 - 20:00 Monday to Wednesday 08:00 - 23:00

**The opening hours of the premises**

Monday 08:00 - 23:00

Tuesday 08:00 - 23:00

Wednesday 08:00 - 23:00

Thursday 08:00 - 23:00

Friday 08:00 - 23:00

Saturday 08:00 - 23:00

Sunday 10:00 - 22:30

**Where non-standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.**

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

Alcohol is for consumption off the premises only

## Part 2

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

Mrs Kayathri Rameshkumar  
4 Forsey Close  
Swindon  
SN3 5DQ

Email - kayathrik@yahoo.com

**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**

Mrs Kayathri Rameshkumar

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

Personal Licence No: LN/000006735

Licensing Authority: Royal Borough Of Greenwich

**This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.**

**Dated this 3<sup>rd</sup> February 2017**

Kathryn Ashton  
**Licensing Manager**

## Mandatory Conditions

1. No supply of alcohol may be made under the premises licence

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

(a) a holographic mark, or

(b) an ultraviolet feature.

4. (1) A "relevant person" shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the "permitted price".

(2) For the purposes of the condition set out in paragraph (1)

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$

where

(i)  $P$  is the permitted price,

(ii)  $D$  is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii)  $V$  is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence,



(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (a) Sub-paragraph (4)(b) below applies where the permitted price given by Paragraph (2)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Conditions consistent with the Operating Schedule**

5. No adult entertainment, services, activities, other entertainment, or matters ancillary to the use of the premises that may give rise to concern in respect of children shall be provided on the premises, regardless of whether children are on the premises or not.

6. An incident book shall be kept on the premises and used to record any accidents or incidents of disorder in the premises as soon as reasonably practicable. The entries shall include the time, date and brief details of what has happened and the names of the persons involved where known.

7. All staff shall receive suitable training on the prevention of the sale of alcohol to intoxicated customers prior to their first shift and at 3 monthly intervals. This training shall be logged and records shall be made available for inspection by an authorised officer upon request.

8. CCTV equipment which is fit for purpose and which covers all trading and entrance areas shall be provided and maintained in working condition when the premises is open for business. All CCTV recordings shall be retained for a minimum of 28 days and made available to an authorised officer upon request. At any time when a licensable activity is being carried out, there must be a person on the premises who is able to operate the CCTV system and download the footage upon request.

9. On all occasions when the shop is open to the public but the sale by retail of alcohol is not authorised by the licence, all alcohol shall be hidden from view of the public.

10. A "Challenge 25" scheme shall be implemented and all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The only acceptable forms of ID for proof of age shall be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark and if no ID is provided or that supplied is unacceptable the sale of alcohol will be refused and a record made of the refusal in a refusals book. The refusals book shall be kept on the premises and made available for inspection by an authorised officer upon request.

11. All staff working at the premises shall be fully trained so that they are aware of the Challenge 25 scheme and shall receive refresher training at 3 monthly intervals. This training shall be logged and these records shall be made available for inspection by an authorised officer on request.

**Conditions attached after a hearing by the Licensing Authority**

None

**Plans**

No changes to original plans

# Licensing Act 2003: Review of Premises Licence

An application has been made to the Licensing Authority for Swindon, by Wiltshire Police, for the review of the Premises Licence issued in respect of 'Havelock News', 49 Havelock Street, Swindon SN1 1SD.

The application states the grounds for review as follows:

1. Failure to comply with a number of conditions on the Premises Licence, namely; Challenge 25 Scheme, CCTV, staff training and appropriate refusals documentation. Such breaches are offences pursuant to Section 136 of the Licensing Act 2003.

**The application relates to the Licensing Objective in respect of the Prevention of Crime and Disorder.**

The application and supporting evidence can be viewed at the Offices of the Licensing Authority at Wat Tyler House, Beckhampton Street, Swindon SN1 2JH, [[licensing@swindon.gov.uk](mailto:licensing@swindon.gov.uk)] between 09.00hrs & 16.30hrs on weekdays.

Responsible Authorities, (e.g. Police and Fire Brigade), and/or other persons (e.g. people/businesses living or working within the vicinity), can make representations at any time between 26 April 2017 and 23 May 2017. All representations must be made in writing (including e-mail).

It is an offence for anyone to recklessly or knowingly make a false statement in connection with a licensing application. The maximum fine on conviction is £5000.



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