	<p style="text-align: center;">Licensing Sub-Committee Wednesday 29th August 2018</p>
<p style="text-align: right;">Title</p>	<p>Review of Premises Licence – Crazy Corner Shop, 34 High Road, London, N2 9PJ</p>
<p style="text-align: right;">Report of</p>	<p>Trading Standards & Licensing Manager</p>
<p style="text-align: right;">Wards</p>	<p>East Finchley</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Report of the Licensing Officer Annex 1 – Review Application Annex 2 – Current Premises Licence Annex 3 – Trading Standards Representation Annex 4 – Extract from Guidance under section 182 Licensing Act 2003 Annex 5 – Matters for decision</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Daniel Pattenden 0208 359 2175 Daniel.pattenden@barnet.gov.uk</p>

Summary

This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003.

Recommendations

1. This report asks the Sub-Committee to consider the application to Review a premises licence under section 51 of the Licensing Act 2003 for Crazy Corner Shop, 34 High Road, London, N2 9PJ

1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received valid review application for an existing premises licence must hold a hearing to consider that application and any valid representations that may have been submitted.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Where an application is submitted under section 51 of the Licensing Act 2003, the authority must hold a hearing to consider it.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 The decision will have immediate effect

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Members are referred to the Council's Licensing Policy for consideration

- 5.1.2 Timely legal and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a "successful London borough" by ensuring that only legal, well regulated licensable activities occur within the borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 N/A

5.3 Legal and Constitutional References

- 5.3.1 The Licensing Act 2003 sets out how applications for premises licences should be dealt with where valid representations have been submitted.

- 5.3.2 Under the Constitution, Responsibility for Functions (Annex A), the Licensing Act 2003 and associated regulations, as delegated to it by the Licensing Committee, including the determination of review applications.

5.4 Risk Management

- 5.4.1 N/A

5.5 Equalities and Diversity

- 5.5.1 Licence applications are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the

5.6 Consultation and Engagement

- 5.6.1 The statutory consultation process that has been followed in accordance with the Licensing Act 2003

6. BACKGROUND PAPERS

- 6.1 The review application and report of the Licensing Officer are necessary appendices are attached to this report.

Officers Report

LICENSING ACT 2003
REPORT FOR PUBLIC HEARING

Review of the premises licence:

Crazy Corner Shop, 34 High Road, London, N2 9PJ

1. The Applicant

An application was submitted by Jack Dowler on behalf of the London Borough of Barnet Trading Standards Team.

2. The Application

This application has been made under Section 51 of the Licensing Act 2003 to review the Premises Licence held by Mr Hitesh Kalidas.

Licensing objectives to which the review application relates is:

- The protection of children from harm.

Mr Dowler has made the following statements within licensing application:

“The premises has been subject to three test purchases by the Police and Trading Standards and have failed every time. This seriously undermines the licensing objective of the protection of children from harm.”

A full copy of the Review application is attached to this report in **Annex 1**.

3. Premises Licence History

This premises licence was first applied for and subsequently granted in 2005. Since then there has been 1 application to vary the designated premises supervisor, 2 applications to transfer the premise licence holder and 1 full variation application to change premises licence. The last transfer on 2nd November 2017 placed Mr Hitesh Kalidas as the premises licence holder.

4. Current Premises Licence

The current licence allows the following licensable activities:

Sale or supply of Alcohol

Standard Days & Timings

Monday to Sunday 08:00hrs - 00:00hrs

The hours that the premises are open to the public

Standard Timings

Monday to Sunday 08:00hrs - 00:00hrs

The full licence with its conditions can be seen attached to this report in **Annex 2**.

5. Representations

Responsible Authorities

The Licensing Team have received a representation from PC Vicky Wilcock on behalf of the Metropolitan Police. The Police concerns relate to prevention of crime and disorder and protection of children from harm.

Other representations

The Licensing Team have received one representation from a member of public. The representation relates to the protection of children from harm.

The representation letters can be seen attached to this report in **Annex 3**.

6. Guidance

A Section from the Guidance issued under Section 182 Licensing Act 2003 (June 2013) regarding Reviews Is attached to this report in **Annex 4**.

7. Determination

The sub-committee shall determine the application in accordance with Section 52 of the Licensing Act 2003.

S 52 (3);

“The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

4. The steps are-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;

- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- 6. Where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Full Copies of the Councils Statement of Licensing Policy and the Statutory Guidance to the Act will be available at the Licensing Sub Committee hearing or in advance if required.

A matters for decision sheet is attached at **Annex 5**

Daniel Pattenden
Licensing Officer
Thursday, 09 August 2018

Annex 1 – Review Application
Annex 2 – Current Premises Licence
Annex 3 - Representation
Annex 4 – Guidance issued under Section 182 Licensing Act 2003 (April 2018)
Annex 5 – Matters for Decision

Review Application

LAPREG / 18 / 58839

[Insert name and address of relevant licensing authority and its reference number (optional)]

**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 Jack Dowler

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Crazy Corner Shop 34 High Road	
Post town London	Post code (if known) N2 9PJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Hitesh Kalidas
--

Number of premises licence or club premises certificate (if known) LAPRE1/05/04398
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Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

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 ✓ yes

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)

Please state the ground(s) for review (please read guidance note 2)

Trading Standards are satisfied that allowing these premises to continue being used in accordance with the current permissions of their premises licence could have further negative impact on the licensing objectives of the Prevention of Crime and Disorder, Public Safety and The Protection of Children from Harm.

The venue have been subject to three test purchases by the Police and Trading Standards (02.10.15, 05.09.17 & 22.03.18) and have failed every time. The Premises Licence holder Mr Kalidas was the individual that sold on the last two occasions (September 2017 & March 2018). Despite Mr Kalidas attending an interview under the Police and Criminal Evidence Act on the 27th October 2017, it seems as if no progress has been made and that Mr Kalidas has no regard for the crime he is committing. The first failed test purchase clearly did not deter the premises from selling to underage individuals and this seriously undermines the licensing objective of The Protection of Children from Harm.

We are respectfully requesting that the committee consider revoking the licence.

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Jack Dowler Trading Standards Enforcement Officer Community Protection (Regulation) Barnet House 1255 High Road London N20 0EJ
Telephone number (if any) 020 8359 7575
E-mail address (optional) Jack.dowler@barnet.gov.uk

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

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |
- Please tick one or more boxes ✓

Please provide as much information as possible to support the application (please read guidance note 3)

On the 2nd October 2015, alcohol was sold to Police cadets under the age of 18 by an individual named Dharmesh Patel and he was cautioned and fined by PC Lawrence Mason.

On the 5th September 2017, Mr Hitesh Kalidas sold a packet of cigarettes to a Police cadet under the age of 18. When he attended an interview with Trading Standards on the 27th October 2017, Mr Kalidas claimed that the reason he sold the cigarettes was due to him being under stress as he had personal issues happening at the time. Mr Kalidas claimed that he had asked for ID but did not concentrate on the response as he was so stressed. At the time of the interview, I judged the likelihood of re-offending at medium, due to the fact that there had been an offence at the premises within the last 2 years at the time and when I questioned Mr Kalidas on how the Challenge 21 policy should work his answer was not correct, as well as the fact that there may be issues when Mr Kalidas is not in the correct state of mind.

On the 22nd March 2018 at 20:14, two Police cadets under the age of 18 entered the premises and bought a can of Perla beer priced at £1.20 along with some biscuits. I cautioned Mr Kalidas and he responded that 'the girls look old enough.' I asked if there was anything else he wanted to say, Mr Kalidas replied 'No.'

The following documents will be attached to this application as supporting documents:

- Statement of PC Mason – Oct 2015 failed test purchase
- 16th October PACE interview letter
- Statement of Kevin Martin – September 2017 failed test purchase – to follow
- Statement of Jack Dowler – March 2018 failed test purchase

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

<div></div>

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

J.D.

Date

4/7/2018

Capacity

Trading Standards Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Jack Dowler
Trading Standards Enforcement Officer
Barnet House – 2nd Floor
1255 High Road

Post town
London

Post Code
N20 0EJ

Telephone number (if any) 020 8359 7575

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Jack.Dowler@barnet.gov.uk

Notes for Guidance

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

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Lawrence Mason 375SX** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer p235885**

This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

Date: 25.07.2015.....

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This statement refers to an operation of test purchasing, an op sera initiative the main aim was to attend business premises selling alcohol and fireworks and use Police Cadets under the age of 18 to test purchase at the business premises.

The Cadets were under 18 years old and physically appeared under 18 years old.

On Friday 2nd OCTOBER 2015 between the hours of 1400 and 2300 hours, I was on duty in plain clothes attached to a Test Purchase Operation as a cadet leader in the capacity of a police officer. I was in company with PCSO Llewellyn 7330SX who was also in full uniform.

Four (4) cadets was used for this particular shop are described as;

Cadet 1 - Female, IC1, approximately 5 feet 9 inches tall, slim build, brown long straight hair, black jeans, black top, black jacket, timberland shoes

Cadet 2 - Female, IC1, approximately 5 feet 10 inches tall, black hair tied in ponytail, green coat, white shirt, light blue jeans, white converse and a black bag

Cadet 3 - Male, IC2, approximately 5 feet 10 inches tall, black hat, denim jacket, white adidas tshirt, blue jeans and black and white nike shoes

Cadet 4 - Male, IC1, approximately 6 feet 3 inches tall, slim, black baggy top, black skinny jeans, black trainers, brown hair and black beard

Cadet 1 had an apparent age of 18;

Cadet 1's real age was 16

Cadet 2 had an apparent age of 18

Cadet 2's real age was 16

Signature: Signature witnessed by:

Continuation of Statement of **PC Lawrence Mason 375SX**.....

Cadet 3 had an apparent age of 17

Cadet 3's real age was 17

Cadet 4 had an apparent age of 18

Cadet 4's real age was 16

At approximately 2052 hours; Cadets 1 and 2 and 3 and 4 attended Blue 1, 34, HIGH ROAD, LONDON N2 9PJ
I entered the shop after the cadets at 2053 hours.

The cadets went into the shop and bought a bottle of SMIRNOFF ICE and BLUE WKD also pops priced at £1.29 each cadet 2 paid with a £10 note. I have seen the cadets walk up to the till area and the clerk has said "Do you need a bag?" and Cadet 3 has said "Yes please" and given the cadet 1 the bottles in a white bag the have also purchase crisps Doritos and sweets, the clerk has then sold these items without asking for any ID.

I have then entered the till area immediately after the cadets have left the store; I have produced my warrant card and explained the following, "I'm a police officer conducting a test purchase operation with police cadets under the age of 18; I have just observed you sell alcohol to children under 18 years old."

The male replied angrily, "I have never sold to children, come back tomorrow".

At 1843 hours I have pointed out the offence, "You have sold alcohol to children contrary to act Section 146 Licence act 2003", the male said "No I didn't you can come back tomorrow or arrest me"

I asked the male staffing the till area whether he had any identification he refused to give me any identification and showed me a letter above his head.

I would describe the shop as a small shop with the till area left hand side of the shop, the shop had various items with the alcohol fridge on the right hand side of the shop.

The till area was staffed by a lone male, described as approximately 40 years of age and of IC4 appearance, 5 foot 8 inches he had short black hair, medium build with black jumper he also had acne scars.

He showed me the letter and I now know the male staffing the till area as Mr Dharmesh PATEL, DOB 09/06/1976 of 176B, KENTON ROAD, HARROW, MIDDLESEX, HA3 8BL.

Mr PATEL stated he is not the boss.

The following conversation took place between Mr YUKSEL and me;

Q: "Did you sell alcohol to four children?"

A: "No".

Signature: Signature witnessed by:

Continuation of Statement of **PC Lawrence Mason 375SX**.....

Q: "Do you know it's against the law to sell alcohol to children under 18?"

A: "Yes".

Q: "Did you check for I.D on this occasion?"

A: "No sir".

Q: "Do you ask for I.D for the purchase of alcohol?"

A: "Yeah everybody"

I told Mr PATEL he will be reported for selling alcohol to a less than 18. I advised this male of the ways to pay this fine or appeal and that the licensing team would be made aware of this sale.

Offence time was 2054

Issue time 2103

Cautioned at 2101 reply to caution "OK"

I then left the shop at approximately 2108 hours

PND issued contrary to act Section 146 Licensing act 2003

PND number 0018036293200418

Signature: Signature witnessed by:

Witness contact detailsHome address: **Barnet Police Station, 26-32 High Street, Barnet**.....Postcode: **EN5 5RU**

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / **Female**-(delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability August 2015**Witness care**

- a) Is the witness willing and likely to attend court? **No**. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No**. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- | | | | | | |
|----|---|-----|--------------------------|----|---|
| a) | The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| b) | I have been given the Victim Personal Statement leaflet | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| c) | I have been given the leaflet 'Giving a witness statement to police — what happens next?' | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| d) | I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> N/A <input type="checkbox"/> |
| e) | I consent to my medical record in relation to this matter being disclosed to the defence: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> N/A <input type="checkbox"/> |
| f) | I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| g) | The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services: | | | | <input type="checkbox"/> |

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 375SX p235885 Lawrence Mason** Station: **Barnet PS**Time and place statement taken: **Barnet PS at 17:28**

Community Protection (Regulation)
The London Borough of Barnet
Trading Standards
Barnet House
1255 High Road
London N20 0EJ

Mr Hitesh Kalidas
16 The Woodlands
High Road
London
N12 0DU

contact: Trading Standards
tel: 020 8359 7575
e-mail: jack.dowler@barnet.gov.uk
fax:
date: 16th October 2017
our reference: TSSR/17/01074
your reference:

Dear Mr Kalidas

Recorded Delivery

Children and Young Persons Act 1933

I am writing to you following the offence that you committed on the 5th September 2017 at Crazy Corner Shop, 34 High Road, N2 9PJ. The offence committed was under Section 7 of the Children and Young Persons Act 1933.

Following this offence, you are requested to attend a formal interview at Building 2, North London Business Park, Oakleigh Road South, N11 1NP on Friday 27th October at 13:00hrs. The interview will be recorded and conducted under caution in compliance with the Police and Criminal Evidence Act 1984. You may wish to obtain legal advice. Please confirm that you will attend or contact me if you wish to arrange an alternative date.

At the conclusion of my enquiries a report will be submitted for consideration.

Yours Sincerely

Jack Dowler
Trading Standards Enforcement Officer

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

Statement of witness

*(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT of: Jack Dowler

Age of Witness:
(if over 18 enter "over 18") Over 18

Occupation of Witness: Trading Standards Enforcement Officer

This statement (consisting of 4 pages signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

Dated the: 4/4/18

(Signed)

My name is Jack Dowler and I am an employee of the London Borough of Barnet within the Trading Standards team. On the 22nd March I was involved in a test purchasing operation with the Met Police. Police cadets were entering shops attempting to buy knives or alcohol. At 20:14, two Police cadets entered Crazy Corner Shop, 34 High Road, London, N2 9PJ. They bought a can of Perla beer priced at £1.20 along with some biscuits. Shortly after the sale was confirmed, I entered the premises and I cautioned Mr Kalidas, the licence holder and the individual that sold the can of beer. I also explained to the offender to Mr Kalidas. Under caution, Mr Kalidas advised me that 'the girls look old enough.' I asked if there was anything else he wanted to say, Mr Kalidas replied, 'No.' Mr Kalidas signed my note book and I exhibit these notes as JD/1. I left the premises at at 20:28.

Signature

Witnessed

Current Premises Licence

Licensing Act 2003 Part A Premises Licence Premises Licence Number : LAPRE1/05/04398	Licensing Authority: London Borough of Barnet, Community Protection (Regulation) Barnet House 1255 High Road Whetstone London N20 0EJ 16/05/2018
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey reference or description Crazy Corner , 34 High Road	
Post Town London	Post Code N2 9PJ
Telephone number None given	
Where the licence is time limited the dates This premises licence is not time limited.	
Licensable activities authorised by the licence Sale of alcohol	
The times the licence authorises the carrying out of licensable activities <u>Sale or supply of Alcohol</u> <u>Standard Days & Timings</u> Monday to Sunday 08:00hrs - 00:00hrs	
The hours that the premises are open to the public <u>Standard Timings</u> Monday to Sunday 08:00hrs - 00:00hrs	
Where the licence authorises supplies of alcohol whether these are on and/or off supplies Off the premises only	

Part 2

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

Mr Hitesh Kalidas
16 The Woodlands
High Road
London
N12 0DU
hitesh_kalidas@hotmail.com

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

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Nimesh Depala

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

Personal Licence number:
Personal Licence Issuing Authority:

Annex 1 – Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. 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 Act Duties 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 the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Annex 2 – Conditions consistent with the operating schedule

4. Alcohol shall not be sold or supplied except during permitted hours.

5. The above restrictions do not prohibit:

a. During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

b. The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

c. The sale of alcohol to a trader or club for the purposes of the trade or club;

d. The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

6. The premises will be operated in accordance with a written and publicly displayed Policy, which will identify the type of documentation acceptable as reliable evidence of age, when produced by any person appearing to those authorised to sell or supply alcohol to be under the age of 18, and who is attempting to purchase alcohol.

7. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

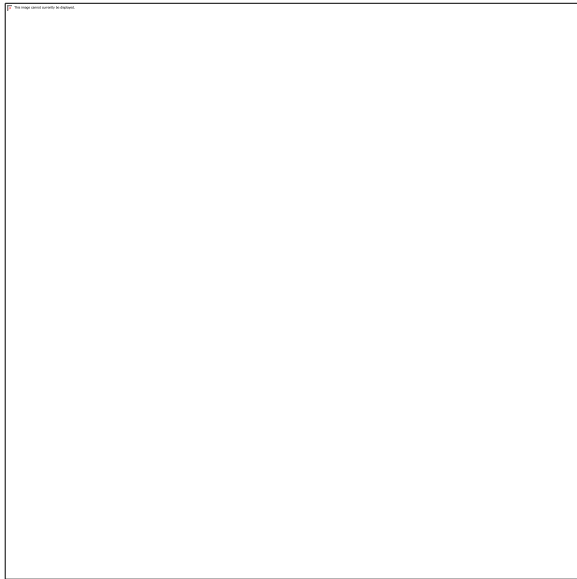
8. The CCTV cameras and recording equipment will be maintained in accordance with the manufacturer's instructions and will be fully operational when the premises are open to the public. The appropriate notices shall be displayed.

9. The fire safety equipment provided and the arrangements shown on the accompanying plan will be maintained in accordance with the manufacturer's instructions.

Annex 3 – Conditions attached after hearing by the licensing authority

Annex 4 – Plan

As submitted to the Council with the application for the grant of a premises licence under schedule 8 of the Licensing Act 2003. Reference LAPRE1/05/04398



Representations



London Borough Barnet
Licensing Team
Barnet House
1255 High Road
Whetstone
London
N20 0EJ

BARNET POLICE STATION

Please post to:
Licensing Office @SA
Colindale Police Station
GRAHAM PARK WAY
LONDON
NW9 5TW

Telephone: 020 8733 4195

Email: barnet.licensing@met.police.uk

Date: 25th July 2018

Ref: LAPRE6/18/58839
CC: London Borough of Barnet

Police Representation to Review of Premises Licence

Section	51						Licensing Act 2003
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Notice Received: 3rd July 2018
From: Jack Dowler
Premises: Crazy Corner Shop, 34 High Road, East Finchley, N2 9PJ

For the following reason(s) Police are in support of the review of the premises licence of Crazy Corner Shop 34 High Road N2.

The police have had concerns over this premises ability to fully promote the licencing objectives from around October 2015, primarily the protection of children from harm.

- **On 2nd October 2015** - The premises sold alcohol to two cadets aged 16 years old taking part in a test purchase operation. The seller was issued with a penalty notice fine.
- **On 9th July 2017** - A member of the public called police stating that their daughter and her friend who are both underage had bought Strongbow from this premises without being asked for ID.
- **7th August 2017** - A member of the public called police stating that their 16 year old daughter purchased alcohol from this shop.
- **5th September 2017** - The premises has sold alcohol to a cadet taking part in a test purchase operation.
- **22nd March 2018** - The premises sold alcohol to a cadet taking part in a test purchase operation.
- **27th April 2017** – A member of the public has reported to Crimestoppers that the premises is selling alcohol to children.

We are aware that the premises licence was transferred on **23rd October 2017** to Mr Kalidas, however this problem has persisted and the intelligence being reported to us from the public is reinforced by the failed test purchases that have taken place. We do not feel it would be in the public interest to add conditions or remove the DPS as children are being put at risk. They seem to have easy access to alcohol from this premises which could prove dangerous.

The Police respectfully request consideration of the licence to be revoked in order to fully promote the 4 licensing objectives.

Yours Sincerely,

Vicky Wilcock

Licensing Office
Barnet Borough
Metropolitan Police Service.

Pattenden, Daniel

From: LicensingAdmin
Sent: 01 August 2018 16:33
To: Pattenden, Daniel; Rudland, Michelle
Subject: FW: Review – Crazy Corner Shop, 34 High Road

Follow Up Flag: Follow up
Flag Status: Completed

Received and attached on to case LAPRE6/18/58839.

Antoinette Hammond

Specialist Technical Support Officer for **Re**

Address: 9th Floor, Barnet House, 1255 High Road, London N20 0EJ

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From: John Jo Hammill [
Sent: 31 July 2018 22:03
To: LicensingAdmin <LicensingAdmin@barnet.gov.uk>
Subject: Review – Crazy Corner Shop, 34 High Road

Dear LB Barnet

I write to support the review of the alcohol licence for the above premises, and its potential withdrawal. If a particular shop is serving children illegally, then it does not deserve a licence. There are plenty of shops selling alcohol on the High Road in East Finchley and following the law.

As a parent and local resident, it is important that we have trust in local retailers to follow the law and prevent our children from coming to harm. The Police have enough to do without having to deal with the consequences of illegally sold alcohol, especially given the location of this shop to the underground station and Cherry Tree Woods, which is frequented by many children.

Kind regards

John Hammill
Park Hall Road

Guidance issued by Home Office on Reviews

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Matters for Decision

MATTERS FOR DECISION

An application made under Section 51 of the Licensing Act 2003

Crazy Corner Shop, 34 High Road, London, N2 9PJ

Determination in accordance with Section 52(3) of the Licensing Act 2003.

S 52 (3);

“The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

4. The steps are-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

6. Where the authority takes a step mentioned in subsection (4) (a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify”.

Notification in accordance with Section 52 (10) of the Licensing Act 2003.

10. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to-

- (a) the holder of the licence,
- (b) the applicant,
- (c) any person who made relevant representations, and
- (d) the chief officer of police for the police area (or each police area) in which the premises are situated.

11. A determination under this section does not have effect-

- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.

Steps taken (if any)	Reason(s)