

**MEETING**

**LICENSING SUB-COMMITTEE**

**DATE AND TIME**

**FRIDAY 1ST MARCH, 2019**

**AT 10.30 AM**

**VENUE**

**COMMITTEE ROOM 1, HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF LICENSING SUB-COMMITTEE (Quorum 3)**

**Councillors**

Alison Cornelius  
Claire Farrier  
Barry Rawlings

*\* The licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the full Licensing Committee. In the event of this substitution taking place, all parties will be informed of the change of Membership at the beginning of the hearing.*

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Services contact: Governance Service 0202 8359 6452  
pakeezah.rahman@barnet.gov.uk

Media Relations contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

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<https://barnet.moderngov.co.uk/uucoverpage.aspx>

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	APPOINTMENT OF CHAIRMAN	
2.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS (IF ANY)	
3.	LICENSING SUB-COMMITTEE HEARING PROCEDURE	5 - 8
4.	REPORT OF TRADING STANDARDS & LICENSING MANAGER	9 - 78
5.	MOTION TO EXCLUDE THE PRESS AND PUBLIC	
6.	DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION	
7.	RE-ADMISSION OF THE PRESS AND PUBLIC: ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE	
8.	ANY OTHER ITEM(S) THE CHAIRMAN DECIDES ARE URGENT	

### FACILITIES FOR PEOPLE WITH DISABILITIES

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### FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

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# LONDON BOROUGH OF BARNET

## LICENSING SUB COMMITTEE

### HEARINGS PROCEDURE

AGENDA ITEM 3

#### *General points*

The following procedure is based on Regulations made by the Secretary of State under the Licensing Act 2003 (“the Hearings Regulations”) which may be viewed or downloaded from the website of the Department for Culture, Media and Sport by following links from [www.culture.gov.uk](http://www.culture.gov.uk)

The procedure is intended as a general framework to ensure natural justice and a fair hearing. The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed.

The procedure allows each party a maximum period of 5 minutes in which to present their case (Regulations 16 & 24). At the end of the time allowed, the Chairman will terminate the presentation and the hearing will proceed in the form of a discussion led by the authority to explore points of dispute. The discussion will not be timed.

The procedure is subject to periodic review and amendment to reflect best practice and relevant legislative changes. An updated version of this procedure is published as soon as possible following any such amendments.

#### **Governance Officer**

- To seek nominations for Chairman
- Elect Chairman
- Hand over to the Chairman

#### **Chairman**

- Introduces him/herself and Members of the Committee, and outlines their roles.
- Introduces Licensing, Legal and Governance Officer.
- Explains that Legal and Governance Officers will be present during the Committee’s deliberations to advise only, and that the Licensing Officer will be excluded from deliberations.
- Asks parties present to introduce themselves.
- Outlines procedure to be followed.
- Asks all parties to confirm their understanding of the procedure.
- Clarifies any aspect(s) of the procedure where any parties are uncertain or asks Legal or Governance Officer as appropriate to clarify.

#### **Governance Officer**

- Informs Committee of absent parties.
- Details persons whom a party is seeking permission to represent them at hearing.
- Panel confer regarding permission.
- Chairman announces decision regarding permission.

### **Licensing Officer presents the report to the Committee**

- Is a statement of the facts including details of the application and operating schedule, relevant policy details, detail representations made, a chronology of events and highlights the points on which the Authority requires clarification.

### **Applicant**

- Presents opening submissions and clarifies points raised by Authority in notice of hearing. Time allowed 5 mins.

### **Other parties**

- Presents opening submissions either in person or by spokes person Time allowed 5 mins per interested party.

### **Note regarding use of video evidence**

Video evidence must be in DVD format and will form part of the relevant party's five minutes opening submission. Any party wishing to use video evidence must submit a copy to the Authority along with sufficient, identical extra copies to serve on all the opposing parties – i.e. if the applicant is submitting it, there must be enough copies for all parties making representations and if a party making representations is submitting it there must be a copy for the applicant. The recording must be edited down to the highlights, containing only relevant matter which relates to the written representation previously submitted. In addition, a description of how, when and where the video was recorded and what it contains must be submitted. These must be supplied to the Authority at least five working days before the hearing.

### **Members question Licensing Officer on Policy**

### **Discussion**

#### **Chairman leads a discussion concentrating on points of dispute:**

Chairman asks Applicant what he disputes in other parties' submissions, and asks other parties to comment.

Chairman proceeds through all objectors dealing with all matters of contention.

When Chairman feels all matters have been thoroughly discussed and all parties have been given a fair and equal opportunity to comment and make representations, she/he closes discussion.

### **Determination**

There are two procedures depending on whether or not determination is to be made at the end of the Hearing or within five working days of the Hearing. This later announcement of determination is permitted in terms of the Legislation for certain types of applications.

#### **Chairman informs all present that the Committee will deliberate, that Legal and Governance Officer will remain to advise but will not be part of decision-making process, and that all others must leave (under Regulation 14).**

- Parties, apart from Legal and Governance Officer, leave the room.
- The Committee deliberates, with advice as required from Legal and Governance Officer, and reaches a conclusion. The Legal officer may assist, as required, in formulating the wording of the determination.
- Parties return.
- Chairman reads out determination, and advises it will be sent in <sup>6</sup>

writing to all parties.

- Opportunity for determination to be clarified by any interested party who is unclear.
- Chairman gives advice about appealing against the determination.
- Chairman thanks all for attending and closes the meeting.

### **...Within five working days of the hearing**

- Chairman explains requirement to determine the Hearing within five working days, and advises that the Committee will proceed to deliberate and announce the determination within that time.
- During deliberations, Legal and Governance Officers remain to advise on law and procedure as required. The Legal Officer may assist, as required, in formulating the wording of the determination. The Licensing Officer plays no part in the determination and withdraws for this part of the proceedings.
- Chairman advises all parties that they will receive written notification of the determination within five working days of the Hearing date, together with general information on how to appeal against the determination.
- Chairman thanks all parties for attending and invites the applicant, objector(s), other party(ies) and the Licensing Officer to leave.

### **Information on Appealing against the decision**

You may at any time before the expiration of a period of 21 days from notification appeal to Willesden Magistrates' Court, 448 High Road London England NW10 2DZ (Telephone 020 8955 0555, DX 110850 Willesden 2) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

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AGENDA ITEM 4



## Licensing Sub-Committee

Friday, 1<sup>st</sup> March 2019

<b>Title</b>	<b>Review of Premises Licence – Watling Wines, 90 Watling Avenue, Edgware, HA8 0LU</b>
<b>Report of</b>	Trading Standards & Licensing Manager
<b>Wards</b>	Burnt Oak
<b>Status</b>	Public
<b>Enclosures</b>	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
<b>Officer Contact Details</b>	Peter Agbley 0208 359 7443 Licensingadmin@barnet.gov.uk

### 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 Watling Wines, 90 Watling Avenue, Edgware, HA8 0LU

#### 1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received a 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 under section 52 will not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

## **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 a review of a premises licence should be dealt with, where a valid application for review has been submitted and valid representations have been submitted.

- 5.3.2 Under the Council's Constitution, Article 7, the licensing sub-committee has responsibility delegated to it (from the Licensing Committee) for licensing hearings concerning all licensing matters.

### **5.4 Risk Management**

- 5.4.1 There is a right of appeal of the decision of the Licensing Sub-Committee to the Magistrates Court on grounds set out in the Licensing Act 2003.

## **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.

## **5.6 Consultation and Engagement**

5.6.1 The statutory consultation process 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 and are attached to this report.

# Officers Report

## LICENSING ACT 2003

### REPORT FOR PUBLIC HEARING

#### Review of the premises licence:

**Watling Wines, 90 Watling Avenue, Edgware, HA8 0LU**

#### 1. The Applicant

An application was submitted by PC Kirsty Beresford on behalf of the Metropolitan Police.

#### 2. The Application

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

Licensing objectives to which the review application relates is:

- The prevention of crime and disorder,
- Public safety.
- The Prevention of public nuisance

PC Kirsty Beresford has made the following statements within Metropolitan police's application:

*“Over a period of approximately 2 years, the management of Watling Wines have shown themselves to be one of the main contributors of anti-social behaviour in the Burnt Oak area. The poor practices and running of the store are having a significant negative impact on the local community”*

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 granted in 2005. Since then there has been 1 application to vary the designated premises supervisor and 1 application to transfer the premises licence. The transfer granted on 20<sup>th</sup> June 2017 placed Mr Vignaratah Sasikumar as the premises licence holder.

#### 4. Current Premises Licence

The current licence allows the following licensable activities:

##### **Sale by retail of alcohol off the premises only**

##### Standard Days and Timings:

Sunday to Thursday	08:00hrs - 00:00hrs
Friday to Saturday	10:00hrs - 01:00hrs

The current premises licence showing the above stated hours and all of the conditions attached to the premises licence can be found in full attached to this report as **Annex 2**

## 5. Representations

### Responsible Authorities

The Licensing Team have received a representation from PC Daphne Smith Dedicated Ward Officer (D.W.O.) for Burnt Oak, on behalf of the Metropolitan Police. The Ward Officer was in support of the review and raised concerns relating to prevention of Crime and Disorder and Public Safety.

### Other representations

The Licensing Team have received valid representation from a ward Councillor and from a local business situated near the premises.

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

## 6. Guidance

A Section from the Guidance issued under Section 182 Licensing Act 2003 (April 2018) 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 matter for decision sheet is attached at **Annex 5**

Annex 1 – Review Application

Annex 2 – Current Premises Licence

Annex 3 – Representations

Annex 4 – Guidance issued under Section 182 Licensing Act 2003 (April 2018)

Annex 5 – Matters for Decision

# Application

LAPRE 6/19/60023

PROTECTIVE MARKING



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

Form 691

## 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 BERESFORD 1330NW**

apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

### Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Watling Wines, 90 watling avenue,edgware,HA8 0LU

Post town:

BARNET

Post code:  
(if known)

HA8 0LU

Name of premises licence holder or club holding club premises certificate (if known):

Mr Vignaratah Sasikumar

Number of premises licence or club premises certificate (if known):

LAPRE1/07/20985

### Part 2 – Applicant details

I am:

Please tick Yes

- |   |   |                                     |
|---|---|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority<br>(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/>            |
| 2 | a responsible authority (please complete (C) below)   | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below)  | <input type="checkbox"/>            |



**PROTECTIVE MARKING**

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

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:						First Names:			
I am 18 years old or over		<input type="checkbox"/>							
Current postal address if different from premises address:									
Post town:				Post code:					
Daytime Tel. No.:				Email: (optional)					

**(B) DETAILS OF OTHER APPLICANT** (fill in as applicable)

Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT** (fill in as applicable)

Name and Address:	
PC BERESFORD - Barnet Police station – Licensing Team	
Telephone Number (if any):	0208 7334195
Email address: (optional)	barnet.licensing@met.police.uk

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

		Please tick one or more boxes
<b>1</b>	The prevention of crime and disorder	<input checked="" type="checkbox"/>
<b>2</b>	Public safety	<input checked="" type="checkbox"/>
<b>3</b>	The prevention of public nuisance	<input checked="" type="checkbox"/>
<b>4</b>	The protection of children from harm	<input type="checkbox"/>

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

The premises licence holder for Watling Wines, 90 Watling avenue, Edgware, HA8 0LU is failing to promote the licensing objectives, in particular:

- Prevention of crime and disorder.
- Prevention of public nuisance.
- Public safety

Over a period of approximately 2 years, The management of Watling wines have shown themselves to be one of the main contributors of Anti-Social Behaviour in the Burnt Oak area. The poor practices and running of the store are having a significant negative impact on the local community.

Watling wines have a very long history of coming to police notice (As detailed below). Whilst being found to be engaging in criminality, they also frequently call upon police resources as the victims of Anti-Social Behaviour and crime. However, on these occasions, management have failed to assist in the investigations by not providing vital CCTV evidence which could have brought offenders to justice.

PROTECTIVE MARKING

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

(Please tick yes)

Day	Month	Year
-----	-------	------

If yes, please state the date of that application:

0									
---	--	--	--	--	--	--	--	--	--

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

**PROTECTIVE MARKING**

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 4)

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

<b>Signature:</b>		<b>Date:</b>	06/01/2019
<b>Capacity:</b>	Licensing Officer - Metropolitan Police		

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

<b>Post town:</b>		<b>Post code:</b>	
<b>Telephone Number (if any):</b>			
02087334195			
<b>If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):</b>			

**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.

Retention Period: 7 years  
MP 321/12

## PROTECTIVE MARKING

On one particular occasion, a staff member was the victim of a GBH assault, the management did not provide CCTV evidence that may have led to the apprehension of the suspect. To assist them in supporting the licensing objectives, the venue have extensive CCTV conditions on their license, it should be fully functional at all times. Not only are these conditions being breached time and again, they are also falling short of promoting the licensing objective, to prevent crime and disorder and public safety.

Police have CCTV of Watling wines selling alcohol on the pavement (without a street trading license) to a known street drinker and Anti-Social Behaviour perpetrator who is subject to a court imposed Criminal Behaviour Order with conditions not to enter Watling Wines. The purpose of this condition is to prevent a vulnerable member of the community with serious addiction issues from being able to access alcohol easily. Watling Wines was identified as the main place this person would attend to buy alcohol with no difficulty. The management were clearly aware of the conditions on the order and thought that selling alcohol on the street instead of inside the shop was a clever way to circumnavigate the law. Instead it shows a complete disregard for the intentions of the courts and police. There were no other off-licences named in the court document.

The Police Licensing team attended Watling wines to conduct a licensing visit, and whilst checking the premises police found Romanian cigarettes and wine behind the counter. The manager was asked what they were, he admitted to police that they were illegal (non duty paid/smuggled goods). He stated that he gets them from two Romanian males that come every fortnight to the shop on a Sunday/Saturday between 0800 and 0900 in a white van with Romanian number plates on it. The manager didn't have any contact details for these Romanian males they just turn up. He claimed that they go to all of the shops on Watling Avenue. The manager hands over about £3000 to the two Romanian males every fortnight.

1206 items were seized by police, this investigation was then handed over to HMRC.

Subsequent compliance checks on nearby off-license premises confirmed that the stock held was legitimate.

Watling wines has had ample opportunity to show that they can work in a safe and legal way but have consistently failed to promote the licensing objectives. This leaves the police with no choice but to apply for a review of this premises licence. This is not the behaviour we expect from premises licence holders on the Borough of Barnet and therefore respectfully request that the licence be revoked

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

## PROTECTIVE MARKING

History -

23RD October 2018 –

Police were conducting a foot patrol when they met with a member of Barnet Council who was overseeing the installation of gates on a public staircase on WATLING AVENUE, HA8 to prevent drink related ASB. He informed the officers that a female who has a criminal behaviour order was down the bottom of the stairs with other street drinkers and alcohol that had been brought from Watling wines.

This female was then arrested by Police for breaches on her CBO.

The premises has contributed to causing a public nuisance by serving a known street drinker who they are aware has a criminal behaviour order not to enter their premises.

31st August 2018 -

GBH reported to the police that happened at Watling wines

The suspect has entered the venue at approximately 17:15HRS, he has picked up a few items and gone to the counter, he has stated that he doesn't have enough money to pay today and asked if he could use credit. The shop assistant has then said that he has to pay with money and that he would not accept credit. Suspect has then said "fuck off you paki, give me credit, I come in here all the time".

The suspect has become aggressive and walked outside with a small glass bottle and a can, and has thrown the glass bottle at the window pane, causing it to splinter and crack. The suspect has then walked back into the shop, picked up a number of bottles and cans and begun to throwing them at them, a glass bottle has been thrown and hit the shop assistant's head, causing no visible injuries. A can has been thrown at owner's head which has caused swelling and a cut.

As suspect has thrown these items he has been saying "I'm going to kill you", before Suspect has left the store he has said to the owner "if you come outside I will kill you" The male has then ran off towards BURNT OAK TUBE STATION. Police have conducted an area search of the vicinity which was No trace.

CCTV lost as the system was discovered to be faulty.

23rd AUGUST 2018

ABH and shoplift reported to the police that happened at Watling wines

Report from by the shop assistant in Watling wines who was working alone at the location when the suspect entered the shop at approximately 1140hrs.

Suspect asked for a bottle of vodka, which shop assistant refused as suspect was clearly drunk.

There followed a verbal exchange with repeated refusal with suspect becoming increasingly agitated.

Suspect eventually became enraged to the extent that he began to lift up the till, causing the shop assistant to hold onto the other end.

The suspect then pushed the till with such force that it flew off the back of the counter, striking Suresh in the stomach, causing a scratch.

The till and its contents then fell onto the floor, with various parts of the till coming away from the main unit.

The shop assistant shouted repeatedly at suspect to leave, which he refused, the shop assistant then phoned police.

The suspect then selected TWO cans of DEBOWE beer and a bottle of CHERRY B cherry wine (both products well known for their high ABV and low price)

He loitered at the till for a minute, fiddling with some change in his hand.

The shop assistant told the suspect that he was not going to serve him, at which point the suspect concealed the alcohol in his coat pockets and left the store. This has been captured on the shop assistant's mobile phone, a copy of which has been requested to be sent to the police officer who took the report.

At some stage, Suspect has also said to the shop assistant words to the effect of "If you come outside I'll get my dog to bite you" which the shop assistant has fully believed.

Upon police arrival, suspect had left the location however he later returned and was arrested for Common Assault and Theft Shoplifting.

He was not arrested for Criminal Damage as the shop assistant had managed to put all the till parts back together prior to police arrival, and there was no damage to the till. It was in fine working order.

The arrest and the injury to the shop assistant stomach was captured on Body worn video. The shop assistant stated that he would not be seeking medical attention for the minor injury.

Attempts were made to view the shop CCTV at the time of reporting however the shop assistant couldn't use the system. The shop assistant stated that the owner was due back from holiday on MONDAY 27TH AUGUST 2018 and that he would be able to download it then. According to the shop assistant the footage will show both the assault and theft (as opposed to his mobile phone footage which will only show the theft).

## PROTECTIVE MARKING

A statement was taken from the shop assistant only, as there were no other witnesses present.

Around 2 weeks later police attended the store to collect the CCTV, however, they have stated that the cameras aren't working, and therefore there is no CCTV available.

The shop assistant has said to police that the suspect is a frequent customer, street drinker and known by sight to him and also knows him well enough to know him by his nickname.

(THIS CASE WAS CLOSED DUE TO LACK OF EVIDENCE BECAUSE THERE WAS NO CCTV – THIS IS A SERIOUS CONCERN NOT ONLY FOR THE PUBLIC SAFETY BUT ALSO FOR STAFF WHO ARE BEING PUT AT RISK)

**\*\*BREACH OF LICENSE CONDITIONS: CCTV NOT WORKING**

Failing to promote the licensing objective 'Prevention of crime and disorder'

22nd August 2018 –

The shop assistant states that a male entered the shop early in the morning and took a photo of them before running out of the shop shouting racist abuse.

The shop assistant describes the suspect as a white male.

The shop assistant declined an appointment for officers to attend to get more information stating they will call back if the male comes back to the shop.

Police called the informant on the phone trying to find out more details of the incident and a time that it took place and if CCTV is available. They no longer support police involvement and did not wish to talk about it. Stating that everything is ok and they no longer want police involved & told police that there is no working CCTV at location.

**\*\*BREACH OF LICENSE CONDITIONS: CCTV NOT WORKING**

Failing to promote the licensing objective 'Prevention of crime and disorder'

27th April 2018

CBO granted by the court - given to a female street drinker not to enter Watling wines.

Watling wines is the only premises named on this person's criminal behaviour order.

7TH April 2018

A dispersal Zone has been authorised by an Inspector - WEDNESDAY 11th APRIL 2018 from 0900hrs - 2100hrs to disperse anyone found to be involved in the below anti-social behaviour

Due to an increase in ASB issues related calls to Burnt Oak including Watling Avenue. Street Drinkers, Begging, Drugs and Prostitution are all an issue. This area suffers with poor community confidence and generates Barnet's highest numbers of repeat ASB callers.

16th March 2018 – TEST PURCHASE PASS

SX police Licensing Team and Barnet Police cadets visited the venue to identify if the venue would sell alcohol to persons under 18 and they did the correct thing by not selling alcohol to the police cadets.

01st March 2018 –

The owner called police to report theft of three cans of beer.

When police called back the owner then stated that he didn't have CCTV.

**\*\*BREACH OF LICENSE CONDITIONS: CCTV NOT WORKING**

Failing to promote the licensing objective 'Prevention of crime and disorder'

26th February 2018

The owner called police and stated that a drunk customer was trying to fight with him. When police arrived they spoke with both parties and there was no offences disclosed.

07th Feb 2018

A restraining order was issued By Harrow Crown Court

Defendant: (THIS HAS BEEN REMOVED FOR DATA PROTECTION) Street drinker known to police

Applicant: Employees of Watling Wines, 90 Watling Avenue, HA8 0LU

The court has ordered to protect the staff at Watling Wines, 90 Watling Avenue, HA8 0LU

From and after the time when the respondent is made aware of the terms of this order, whether by personal service or telephone or otherwise the respondent whether by himself or acting jointly with any other person is forbidden to:

From conduct which amounts to harassment or will cause fear of violence

Staff feel so at risk of the clientele attending this venue that they have had to seek a court order preventing such behaviour

Failing to promote the licensing objective 'Prevention of crime and disorder'

## PROTECTIVE MARKING

09TH February 2018

Re-inspected for non-duty paid goods. Nothing found.

The owner and one other shop assistant on site. Failed to produce full copy of licence. Advised to contact the council for a new copy ASAP.

Breach of licensing act: Failure to produce a copy of the premises licence

28TH JAN 2018 – 2402395/18

Theft reported to the police from Watling Wines

The owner stated that the suspect is a black male who has committed shoplifting at the location before. Usually it's a bottle of beer or can of lager so the owner did not bother to report it in the past.

On the 28th of January 2018 between 1906 hours and 2058 hours the same male suspect has committed 4 separate acts of theft (all alcohol) only on the third occasion have police been notified. The total amount of alcohol is £14.00.

The owner informed police there would be CCTV footage of suspect taking the alcohol.

Later when police attended to collect the CCTV footage they were told that they did not actually have any.

**\*\*BREACH OF LICENSE CONDITIONS: CCTV NOT WORKING**

Failing to promote the licensing objective 'Prevention of crime and disorder'

08th JANUARY 2018

on Monday 8th January 2018 SUSPECT has entered the venue at 1938hrs and stood behind a customer at the counter close by to shop assistant. After a few moments SUSPECT has then leant in front of the customer who has moved out of the way, he has then produced a Stanley knife blade from his jacket sleeve and waved it towards the shop assistant and made threatening comments of violence towards him.

The shop assistant has stood back away from the counter and told SUSPECT to leave, he has recognised SUSPECT from a previous incident whereby SUSPECT has previously smashed the venues window.

The SUSPECT has exited the venue and walked up and down before leaving the scene prior to Police arrival.

The owner has arrived on scene and explained to Officers that he is unable to view CCTV due to a technical problem and said CCTV would be available on the 09/01/18.

Officers attended again and spoke with the owner still wasn't able to download the CCTV police then have had to send the IT department out to the shop to retrieve the CCTV.

29TH DECEMBER 2017

Criminal damage reported by Watling wines to their shop window where the suspect was arrested by police who attended the scene.

The Suspect gave an account he said that he had initially gone out to have a talk with his key worker and psychiatrist but that he had been unable to talk with them and instead only saw the group coach. He said that he needed help with his problems but that no-one was helping him or would take him seriously. He left the meeting feeling angry at not getting any help and went straight to a crack house in Burnt Oak where he smoked some crack (quantity unknown) and drank about 6 ciders during the course of the day. He had a falling out with occupants of the crack house over whether someone had taken his medication that he left there.

Suspect was on his way to his cousin's house when he decided to stop off at WATLING WINE to get a couple of bottle of Budweiser like he usually does. He knew he didn't have enough money to buy any beer but claimed that he was on good terms with the owner "(named the owners name)\*" suspect said that it was "(named the owners nickname)\*" shop and that often when the owner was in would let suspect have a few bottles and suspect would pay him back the next day. Suspect said that it was not the owner who was in the shop that night it was his Uncle who is the shop assistant with whom he did not get along. Suspect said that usually he would not go in if the shop assistant was there but due to his level of intoxication he went in anyway.

Suspect asked the shop assistant if he could take a couple of beers and pay the owner back another day. Shop assistant refused. Suspect asked if could take the beers round to his cousin's and come back shortly with some money from his cousin who only lived around the corner. The shop assistant still refused. This made suspect angry and he decided to take the beers anyway but still had in his mind that he would return at a later date to pay the owner for it.

Suspect was still angry when he got out of the shop. He picked up the sign board, which he described as "HEAVY", and threw it in the general direction of the shop causing the window to smash. Suspect said that he hadn't meant to break the window but agreed that he did throw the heavy sign in the direction of the shop and that it was a consequence which was reasonable to foresee. Suspect was very apologetic throughout the interview and said that he was embarrassed by his actions. He offered to pay for the damage. The suspect was then charged with criminal damage

## PROTECTIVE MARKING

Willing to sell alcohol to vulnerable people

**\*\*BREACH OF LICENSE CONDITIONS: CCTV NOT WORKING**

Failing to promote the licensing objective 'Prevention of crime and disorder'

16th DECEMBER 2017

The Police Licensing team attended Watling wines to conduct a licensing visit, and whilst checking the premises police found Romanian cigarettes and wine behind the counter. The owner was asked what they were, he admitted to police that they were illegal (non-duty paid/smuggled goods). He stated that he gets them from two Romanian males that come every fortnight to the shop on a Sunday/Saturday between 0800 and 0900 in a white van with Romanian number plates on it. The manager didn't have any contact details for these Romanian males, they just turn up. He claimed that they go to all of the shops on Watling Avenue. The owner hands over about £3000 to the two Romanian males every fortnight.

1206 items were seized by police, this investigation was then handed over to HMRC.

Subsequent compliance checks on nearby off-license premises confirmed that the stock held was legitimate.

Two police statements for this incident and a HMRC statement have been obtained and submitted. On 16/08/2018 Mr. Sasikumar was issued with a penalty for the amount of £1,419.82 by HMRC.

Breach of the licensing act: storing non-duty paid goods on the premises.

Failing to promote the licensing objective 'Prevention of crime and disorder'

24th November 2017

A dispersal Zone has been authorised by an Inspector (SATURDAY 09th DECEMBER till SUNDAY 10th DECEMBER 1400hrs - 0200hrs) to disperse anyone found to be involved in the below anti-social behaviour

Due to an increase in ASB issues related calls to Burnt Oak, in addition to violence with injury incidents, Street Drinkers, Begging, Drugs, and Prostitution issues. This area suffers with poor community confidence and generates Barnet's highest repeat ASB callers.

**THIS IS A PROBLEM AREA DUE TO THE FACT THAT WATLING WINES SELL ALCOHOL CHEAP HIGH ABV ALCOHOL TO THE STREET DRINKERS.**

5th NOVEMBER 2017

A Dispersal Zone has been authorised in BURNT OAK Ward on SUNDAY 5th NOVEMBER 2017 during the hours of 1400-0200hrs.

This dispersal zone is in relation to fireworks, street drinking, drugs, prostitution, begging and local anti-social behaviour issues.

15TH AUG 2017 - ASBO

The informant has stated that he has been on Burnt Oak Broadway and seen a lady by the name of S.

He knows S as he has previously seen her around the Burnt Oak area. He is also aware that S has a Criminal Behaviour Order.

He has stated that on the 15/08/17 at around 0220hrs S approached him and offered him for sex in exchange for £25.00 pounds.

When the informant stated no, S lowered the price to £10.00, then £5.00 and then £1.00. He stated that she is persistent and raises her voice and makes a scene when her advances are turned down.

He has previously seen her around and she is very loud and blatantly asks people for money.

He has also stated S is walking up and down Burnt Oak Broadway almost every night.

S is well known to police. She is a local street drinker and has a sever drug addiction which is funded by theft from premises in this area and prostitution. Her lifestyle puts her at risk, therefore she is a vulnerable person.

CBO conditions

Must not consume alcohol in any public place other than licensed premises

Must not enter WATLING WINES 90 WATLING AVENUE,EDGWARE,HA8

Must not be found drunk in public in London Borough of Barnet

Not to engage in any behaviour likely to cause harassment, alarm or distress or conduct capable of causing nuisance or annoyance that is having a detrimental and persistent impact upon a community or individual nor are you to solicit any other person to behave in this manner

Must not enter GREGGS bakery 3 WATLING AVENUE EDGWARE HA8

Must not enter WENZELS BAKERY 85-87 WATLING AVENUE EDGWARE HA8

Must not loiter in a public place for the purpose of soliciting

Must not touch or enter any unattended vehicle without the express permission of the owner

## PROTECTIVE MARKING

20TH JUN 2017

On Tuesday 20/06/2017 Neighbourhood officers attended HENDON mags to obtain a Criminal Behaviour Order for A. A is now subject to a CBO for the next two years and must comply with the following conditions as detailed below

The defendant must not:

1. Consume alcohol in any public place other than licensed premises.
2. Enter Watling Wines, 90 WATLING AVENUE, EDGWARE, HA8.
3. Be found drunk in a Public place in the London Borough of Barnet.
4. Not to engage in any behaviour likely to cause harassment, alarm or distress, or conduct capable of causing nuisance or annoyance that is having a detrimental and persistent impact upon a community or individual. Nor are you to incite, encourage or solicit any other person to behave in this manner.
5. Must not enter GREGG's Bakery 3 WATLING AVENUE, EDGWARE, HA8
6. Must not enter WENZEL's Bakery 85-87 WATLING AVENUE, EDGWARE, HA8
7. Loitering in a Public Place for the purpose of soliciting.
8. Touch or enter any unattended vehicle without the express permission of the owner.

The defendant must:

1. Attend a monthly Drugs & Alcohol Service with Westminster Drug Project, within a month of being issued the criminal behaviour order.

11TH APRIL 2017

Licensing inspection at this premises due to concerns that they were the shop of choice for local street drinkers who frequently cause ASB in the area.

The shops shelves were barely stocked, mostly consisting of alcohol, soft drinks and sweets. While the inspection was conducted we closed the shop.

He said he has been working there while his friend was on holiday. Immigration checks were completed and it was found that he had been naturalised in November 2011.

We are concerned about the possibility that the alcohol being sold (mainly the wines and spirits) may be stolen property as they appeared genuine but were priced fairly low.

There was a couple of bottle of TESCO finest Rioja (priced £8.99) Tesco sell it for around £10 per bottle and we would assume is exclusive to them.

It is not known how this shop is generating enough income to keep going as the stock selection and quantities are so limited yet that have a steady stream customers wanting to go in to the shop.

On this occasion we have not been able to detect any offences in relation to the licensing act other than them not having a full copy of the licence to produce. The summary was on display.

Breach of the Licensing act: No full copy of the licensed available to produce.

23RD FEB 2017

Theft reported to the police that happened at Watling wines

At approximately 1530HRS police were stopped by the owner of Watling wines whilst on patrol along WATLING AVENUE. He claimed that a female had entered the shop at approximately 1430HRS and had taken one bottle of wine without paying for it. He then stated she returned a while later at roughly 1500HRS and had taken another two, again not paying for them. He estimated that the three bottles amounted to £15.00. He said they did have the incident captured on their CCTV cameras. In order to work these he had to call His boss. Officers looked at the CCTV footage and recognised that the suspect was Z who also matches the description the owner had given earlier. She is well known in the area and often hangs around near the shop with a group of street drinkers. The owner stated clearly, however, that he did not wish to proceed with the matter. Officers mentioned that if this was a regular problem, the only way to make any kind of attempt at stopping it in the long term would be to prosecute, but he again said he did not want anything to happen to the female. He has signed a statement to this effect in the officer's pocket book.

Failing to promote the objective 'prevention of crime and disorder' by failing to report the crime and support police action.

22ND FEB 2017

Alcohol stolen from shop by three local street drinkers. The owner decided that he didn't wish to prosecute and said that they didn't have the CCTV

Failing to promote the objective 'prevention of crime and disorder' by failing to report the crime and support police action.

\*\*BREACH OF LICENSE CONDITIONS: CCTV NOT WORKING.

Please also see Police and HMRC statements (to remain restricted due to sensitive information)

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [ ] [ ] [ ] [ ]

Statement of: PC Declan O'SULLIVAN 589SX

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

This statement (consisting of 5 page(s) 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 in it anything which I know to be false. or do not believe to be true.

Witness Signature: PC Declan O'Sullivan 589SX Date: 30/12/2018

I am currently one of the Dedicated Ward Officers (D.W.O.) for Burnt Oak, I have been a police officer for over TEN (10) years and I have been in my current post since June 2017. I provide this statement to assist in the license review of WATLING WINE, 90 WATLING AVENUE HA8, from my own experience I believe that this business is a blight to the local community by fuelling the ward's extensive problem of drink related Anti-Social Behaviour and Criminality. As well as statistical data I will use anecdotal evidence of my own experiences to demonstrate my case.

Burnt Oak Ward has proportionately the highest rate of emergency calls to the police of any other ward in Barnet considering it is the smallest ward in the Borough. During the first THREE (3) months of this year (2018) Burnt Oak accounted for 12% of the total calls to police in the borough of Barnet for alcohol related incidents. The majority of these calls were focused on Watling Avenue and the surrounding streets where the street drinkers congregate around WATLING WINE.

From the very start of taking up my role at D.W.O. for Burnt Oak I immediately recognised that the street drinkers gravitated around WATLING WINE situated on 90 WATLING AVENUE HA8. They would congregate by and on the stairwell next to WATLING WINES which is a public thoroughway to MARKET LANE HA8, not that I have ever seen any member of the public use the stairs as the street drinkers had quite latterly made it a no go zone either by their intimidating behaviour that would be best described as Dipsomania, the historical term describing alcoholism and the variety of alcohol related problems that such street drinking alcoholics brought, would be now described as Anti-Social Behaviour (A.S.B.), or that they used the stairwell as a public toilet where they would urinate & defecate at all times of the day & night.

The street drinkers were quite open in regards to how they would go to and throw from the stairwell purchasing single cans and small bottles of spirits whilst intoxicated from WATLING AVENUE, HA8. I found that the daily scene would be that which resembled one of William Hogarth's 1751 illustrations "Gin Lane" and "Beer Street" I was genuinely shocked at their behaviour which unfortunately was cultivate by the "perfect storm" of conditions; the stairwells provided a sheltered area from the elements in which they were able to congregate in comfort out of sight from the main road and within a very close proximity to a supply of cheap strong alcohol, namely WATLING WINE.

Witness Signature: PC Declan O'Sullivan 589SX

Signature Witnessed by Signature:.....

Continuation of Statement of: PC Declan O'SULLIVAN 589SX

I had often seen street drinkers passed out on the stairwell at random times in the day even as early at 10:30 am where again I was reminded of the illustration "Gin Lane" where on the slogan of Hogarth's Gin Shop states "Drunk for a penny, Dead drunk for two-pence clean straw for nothing" This to me is what best describes the business practice of WATLING WINE.

Not only is WATLING WINE the main supply of cheap strong alcohol to the street drinkers on Watling Avenue, a market which they have cornered by selling single cans of strong alcohol to the street drinkers, they also encourage and facilitate their customer base to remain in close proximity to their business. Upon conducting Licensing visits with my colleagues from the Barnet Police Licensing Team in 2017, I was astounded to see that the store would allow the street drinkers to stow their personal items in the store. This included an out of date meat joint which was in their customer fridge on the sales floor and other items of groceries and belongings which was kept at the rear of the store.

The patronage by WATLING WINE of the street drinkers has had a massive knock on effect to the local community and businesses. Next door to WATLING WINE, EURO HAIR STYLING SALOON at 88 WATLING AVENUE HA8 the owner has had to install a barrier which he has to assemble every time he opens his Salon and then dismantle at the end of the day (see figures 1 and 2). This is so he can set a defined boundary between his business and WATLING WINE as before the street drinkers would gather outside WATLING WINE then spill over on to his property. They would sit on his doorstep and be abusive towards the owner and his customers refusing to move. Because of this the owner of the Salon has told me he has seen a massive decline of his business over the years due to the street drinkers that frequent WATLING WINE and now he is in the position where he has to consider relocating to another area as his customers are refuse to return due to the street drinkers.

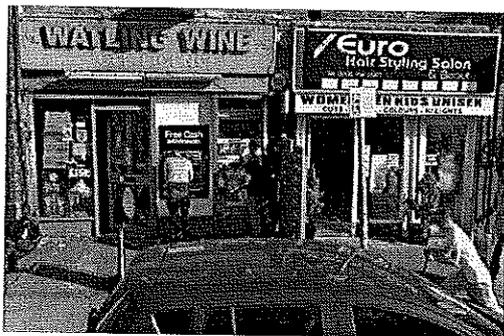


Figure 1

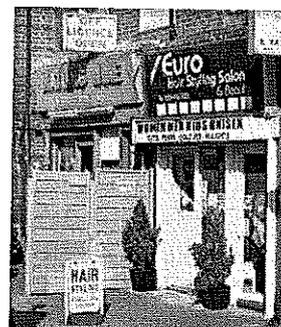


Figure 2

Not only do WATLING WINES facilitate the street drinkers in their A.S.B. but they also support their criminal ventures, as in December 2017 we, Burnt Oak S.N.T., undertook a bottle marking operation at the then TESCO Store on BURNT OAK BROADWAY after a member of the management had followed TWO (2) shoplifters who just had stolen several bottles of spirits from the Tesco Store and walked straight to WATLING WINES where they handed them to the staff behind the counter of WATLING WINE. The member of TESCO staff then demanded the return of the alcohol and wasn't till she threatened to call the police that the staff member then produced the bottles of stolen alcohol from the rear of the counter, still with the large Tesco security tags attached to the neck of the bottles.

PC Declan O'Sullivan 589SX

Witness Signature: .....

Signature Witnessed by Signature: .....

Continuation of Statement of: PC Declan O'SULLIVAN 589SX

As in recently this month, December 2018, the street drinkers have damaged another neighbouring local business, THE SALVAGE STORE on 94 WATLING AVENUE HA8 had its

security shutter damaged (see figure 3) and the owner had a glass bottle thrown at him by a group of street drinkers and his staff were physical assaulted all because the business owner showed concern for a male in their group that was so intoxicated that that he had passed out on the street and the business owner had called for an ambulance (see figure 4).



Figure 3



Figure 4

In order to address the year on year increase of A.S.B. on the ward, especially on WATLING AVENUE, Burnt Oak S.N.T. with the assistance of Barnet Police A.S.B. team and other partner agencies such as Barnet Council undertook Operation Tungsten with the aim of reducing A.S.B. on the Ward. As part of the operation members of the street drinkers were issued with Criminal Behaviour Orders (C.B.O.) by the courts with conditions attached to address their offending and behaviour. One female street drinker in particular had been given a C.B.O. with a condition "Not to enter Watling Wine." On 29/08/2018 this female street drinker is seen to approach a female then assault her and another male who was trying to intervene (see figures 5, 6 & 7).



Figure 5



Figure 6



Figure 7

After the female victim fled the scene the violent female street drinker with, the C.B.O. condition "Not to enter Watling Wine", has then gone to the front of the WATLING WINE and

Witness Signature: *PC Declan O'Sullivan 589SX*

Signature Witnessed by Signature: .....

Continuation of Statement of: PC Declan O'SULLIVAN 589SX has then proceeded to purchase alcohol from outside the store from a staff member (see figure 8, 9 & 10).



Figure 8

Figure 9

Figure 10

This account was confirmed with the female street drinker who stated in her interviews for breaching her C.B.O. that she had purchased TWO (2) cans of beer KARPACHIE and PELAR both strong Polish larger brands, the reason she didn't go inside the store was out of convenience and that she knew she had a court condition not to enter the store (see figure 8, 9 & 10).

This incident shows that staff are willing to illegally trade on the street in order to facilitate the sale of alcohol to the known troublesome street drinkers in the area by serving the female street drinker on the street. So on TUESDAY the 23<sup>rd</sup> of OCTOBER 2018 at 11:50 hours I attended WATLING WINE and served a Criminal Protection Notice (C.P.N.) against the store to Mr Sasikumar VIGNRATAH, who identified himself as the manager of WATLING WINE. The C.P.N. consisted of THREE (3) conditions;

1. Not to sell individual cans, bottles or cartons of alcohol to any person.
2. Not to sell alcohol to street drinkers.
3. Not to sell alcohol to individuals who are intoxicated.



Figure 11

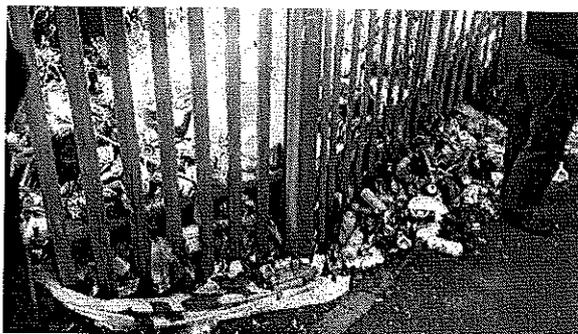


Figure 12



Figure 13

Witness Signature: *PC Declan O'Sullivan 589SX*

Signature Witnessed by Signature: .....

### WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: PC Declan O'SULLIVAN 589SX

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

This statement (consisting of 1 page(s) 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 in it anything which I know to be false, or do not believe to be true.

Witness Signature: PC Declan O'Sullivan 589SX Date: 25/01/2019

Further to my previous statement dated 30/12/2018 I want to clarify a point regarding the female who was issued with a Criminal Behaviour Order (C.B.O.). The female is [REDACTED], she was issued with the C.B.O. on FRIDAY the 27th of APRIL 2018 by WILLESDEN MAGISTRATES' COURT. As well as having a condition not to enter Watling Wine she was given a map of where she was not allowed to loiter this included outside the businesses & shops on WATLING AVENUE.

The following week whilst I would be out on patrol I went into the local business in which I knew had been affected or witnessed [REDACTED] anti-social behaviour like the WILLIAM HILL Bookmakers & WENZLE'S Bakery I informed them that [REDACTED] was not allowed to loiter, or consume alcohol in WATLING AVENUE and if they see her breach her conditions to let me know.

As one of [REDACTED] conditions was specifically directed at WATLING WINE I do distinctively remember going to WATLING WINE, and speaking with a member of staff telling him that [REDACTED], otherwise known as the "ginger one", was not allowed in WATLING WINE as she had a court condition not to. The member of staff assured me that he would tell the other members of staff, I cannot remember who the male member of staff was but I do not believe it was Mr Sasikumar VIGNRATAH the manager and I cannot remember the exact date and time but it was during the day. PC Declan O'Sullivan 589SX

Witness Signature: PC Declan O'Sullivan 589SX

Signature Witnessed by Signature: .....



**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: PS Jane Tuffin PS68SX

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: Police Sergeant

This statement (consisting of 2 page(s) 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 in it anything which I know to be false, or do not believe to be true.

Witness Signature: *Jane Tuffin* Date: 06.04.2018

I am a Police Licensing Sergeant for Barnet Borough. This statement refers to a licensing visit to Watling Wines, 90 Watling Avenue, HA8 7JG.

On Friday 15<sup>th</sup> December 2017 at 1905 hours I was in full uniform in company with Pc Kirby Beresford 330SX and Pc Vicky Wilcock 349SX and Pc Paj Mootyen 262SX when we entered the store known as Watling Wines. There were two males working within the store, I now know these males to be Vignartah SASIVUMAR 21/06/1974 – he identified himself as the owner of the premises. Vumarasamy SUTHESKUMAR 17.09.1962, who was introduced as a shop assistant.

Whilst conducting an inspection of the premises I initially noticed packets of cigarettes in cartons behind the counter. These cigarettes appeared to be non-revenue paid. The type print was in foreign writing and they also stated 'non-revenue paid' on them. I also noticed that Mr SASIVUMAR was not ringing all the sales through the till, as he served customers. Suspecting that Mr SASIVUMAR was evading duty I cautioned him at 19:05 and then began asking questions of Mr SASIVUMAR. Pc Beresford recorded the questions and answers verbatim in her EAB. Here is a record of that exchange:

I said

"What are these fags?"

A " They're illegal"

Q "Where did you get them?"

A "Romanian man comes to the shop in a lorry on Saturday or Sunday"

Q "How much do you pay?"

Witness Signature: *Jane Tuffin*

Signature Witnessed by Signature: .....

Continuation of Statement of:

A "£48 for 10 packets, I sell them for £6 a packet

Q "What is the man's name that sells them"

A "I don't know, he comes in a van"

Q " How long have you been buying these"

A " Two months"

Q "How do you contact them?"

A "I don't, they come in"

Q "What time do they come in?"

A "About 0800 – 0900, he comes in a white van?"

Q "Do you buy anything else from them?"

A " Yes I buy alcohol from them"

Q "How many people sell it to you?"

A " Two males in a Romanian van"

Q "How much do you sell a day?"

A " About 50 packets of fags"

Q "How much do you pay the two Romanian males?"

A "About £2000 every fortnight"

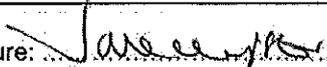
Q" I don't believe you are ringing everything through your till"

A " No we don't put everything through"

Pc Beresford then offered her notes to Mr SASIVUMAR which he read and signed.

We then continued with a full inspection on all alcohol and tobacco within the store, identifying numerous further items or tobacco and alcohol that appeared to be non-revenue paid. These items were seized and recorded in book 101 as my exhibit. JMT/1 – JMT/15. I further exhibit Book 101 and exhibit JMT/16. Following seizure, these items were removed from the store and secured at Colindale Police Station under book 66/5736.

Watling Wines is located in Burnt Oak, an area that suffers with anti-social behaviour and disorder owing to intoxication. This, and the presence of street drinkers has a negative effect on the quality of life of the residential and business community. The practice of street drinking is enabled when licensed premises buy products at below market value, enabling them to sell alcohol and cigarettes cheaply to be consumed in the locality. The evasion of duty therefore has a negative impact on the community. It is in the public interest to

Witness Signature:  .....

Signature Witnessed by Signature: .....

Page 2 of 3

Continuation of Statement of: PC Declan O'SULLIVAN 589SX

As well as contributing to Criminality and A.S.B, WATLING WINE is also having a negative impact on environmental issues such as littering with is having an enormous impact on the

Burnt Oak community. From what I have witnessed the vast majority of littering (not including commercial fly tipping) in Burnt Oak is the discarding of alcohol containers from groups of street drinkers that frequent WATLING WINE. These piles of litter (shown in figure 11, 12 & 13) are situated at one of the popular spots that the street drinkers favour to loiter around behind WATLING WINES on MARKET LANE HA8 by the stairwell.

It is due to business practice of WATLING WINE that is putting profits ahead of the wellbeing of the community in which they are situated that I fully endorse that the business' license to sell alcohol be removed from them.

As it is clearly shown WATLING WINE is not upholding their responsibility in the prevention of crime and disorder nor is it preventing public nuisance that the street drinkers cause which is having an adverse impact public safety but is in fact having a propagating effect on the these negative aspects which an ethical business would prevent to best serve their community. The fact that I had to issue the business a C.P.N. with conditions not to serve alcohol to intoxicated street drinkers is evident of their untrustworthiness as License Holders.

PC *[Signature]* 589SX

Witness Signature: *PC [Signature] 589SX* .....

Signature Witnessed by Signature: .....



Continuation of Statement of:

stem the supply of cheap alcohol to our most vulnerable members of the community to prevent dependency and to prevent crime and disorder.

Witness Signature: *[Handwritten Signature]*

Signature Witnessed by Signature: .....



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 Vicky Wilcock URN: 01 SC 18
Age if under 18 Over 18 Occupation: Police Officer 231347

This statement (consisting of: 2 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: [Handwritten Signature] Date: 9th April 2018

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

I am the above named officer attached to the Licensing Team at Barnet Police Station. I am making this statement in relation a Watling Wines, 90 Watling Avenue HA8 0LU.

On Friday 15th December 2017 I was on duty in full uniform with PC Beresford 330sx, PC Mootyen 262sx and PS Tuffin 68sx in an unmarked police vehicle carrying out licensing inspections across Barnet Borough.

At 1902 hours we attended Watling Wines, 90 Watling Avenue, HA8. The premises has been subject to previous visits by us as a result of frequent intel reports of the premises selling illegal tobacco presumed to be smuggled in to the UK without the required duty being paid.

When we entered the venue we found Mr Vignaratah SASIKUMAR (dob: 21/06/1974) and Vumarasamy SUTHESAKUMAR (dob: 17/09/1962) working in the venue. SASIKUMAR being the premises licence holder. We informed Mr SASIKUMAR that we were there to check the stock for and the premises licence. Sgt Tuffin checked behind the counter and found boxes containing numerous packets of cigarettes of different makes. The packets were not the plain packets that are now required by law. Mr Sasikumar was asked what they were, to which he replied they were illegal.

He was cautioned at 1905 hours and then asked questions relating to them by PS Tuffin. These questions and the answers were written in an evidence and actions book by PC Beresford. During the questions Mr Sasikumar was admitted that the cigarettes had been bought from a Romanian man who comes to his shop with a lorry, he could not give the man's name, but stated that he had been buying from him for 2 months on a Saturday/Sunday. When asked if he buys anything else from this man, he said he buys alcohol from them. When asked about the frequency and how much he buys, Mr Sasikumar stated that he gives them about £2000 each fortnight and admitted he does not put all transactions through the till.

Signature: [Handwritten Signature] Signature witnessed by:

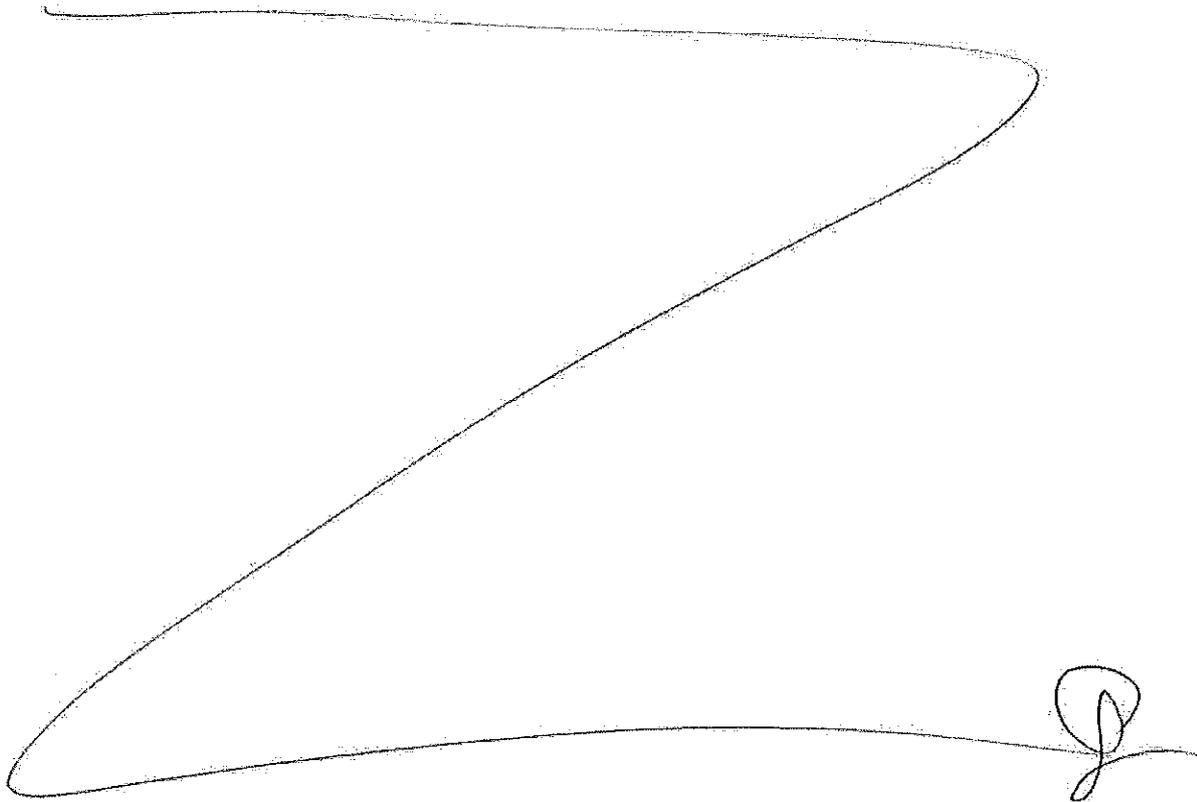
Continuation of Statement of **Vicky Johnson** .....

We informed Mr Sasikumar that we would be seizing the non-duty paid goods and reporting our findings to HMRC.

The following was counted up when booked in to Colindale Police Station;

- 10 x Bottles (75cl) Cothari Thite Wine
- 13 x Bottles (75cl) Busuioaca De Bohotin Rose Wine
- 799 x 10 pk Rothmans Cigarettes
- 236 x 20 pk Kent Cigarettes
- 84 x 20 pk Marlborough Cigarettes
- 35 x 50g Golden Virginia Tobacco
- 11 x 50g Amber Leaf Tobacco
- 4 x 50g Drum Tobacco
- 11 x 20pk Pall Mall Cigarettes
- 3 x 10pk Dunhill Cigarettes

HMRC have been informed of the items that have been seized from the premises.



Signature:



Signature witnessed by: .....

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: ~~Matthew Jones~~

~~Matthew Jones~~

Age if under 18: Over 18 (If over 18 insert 'over 18')  
Customs

Occupation: Higher Officer, HM Revenue & Customs

This statement (consisting of 6 page(s) 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 in it anything which I know to be false or do not believe to be true.

Signature: \_\_\_\_\_

Date:

**I work in ISBC Operations, Jubilee House, Stratford. As part of my duties I conduct visits to Off Licences, Cash and Carries and Tobacco and Alcohol Wholesalers. As part of these duties I will seize Excise Goods (that is goods that are liable to a duty of Excise) where the goods are found to be not duty paid. I will also issue Civil Assessments to recover lost duty, and issue Excise Wrongdoing Penalties when evasion has taken place.**

**I provide the following information under schedule 15 of the Enterprise Act**

**I acquired the information during my visit under the Customs and Excise Management Act 1979.**

- 1. At approximately 10:10 hours on the 30/04/2018, I was on duty with other HMRC Officers and attended the premises of Colindale Police Station, NW9 5TN. Also in attendance was Officers Strauss and Parr. The reason for the visit was to collect tobacco products previously seized by the Police on 15/12/2017 under Section 19 of the Police and Criminal Evidence Act 1984.**
- 2. The tobacco products in question had been seized from the premises of Watling Wines, 90 Watling Avenue, Edgware,**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: **[REDACTED]**

**[REDACTED]**

**Middlesex, HA8 0LU. The goods were seized as liable to forfeiture as they were foreign tobacco products. Both cigarettes and hand rolling tobacco were foreign so therefore did not possess the correct UK fiscal markings indicating that excise duty had been paid on them.**

**3. All of the tobacco I refer to in my statement is foreign in origin. The goods were counted by myself and Officers Parr and Strauss before being sealed in HMRC seizure bags. The amounts seized being 22,640 various foreign branded cigarettes, 2.5 kilo's of foreign hand rolling tobacco and 17.25 litres mixed wine which the owner admitted to buying off record when the Police spoke to the director. The goods were seized under CEMA (Customs and Excise Management Act 1979) Section 139.**

**4. At approximately 11:44 hours on 02/05/2018 I attended the premises of Watling Wines to provide the owner, Mr. Vignaratah Sasikumar, with the seizure paperwork. Mr. Sasikumar was not initially at the premises but arrived shortly after at approximately 11:53am once his colleague, Mr. Ambihaipahan Tharmalingham, had contacted him. Mr. Sasikumar produced his driving licence to confirm his identity. Also in attendance was Officer Soni. We identified ourselves to Mr. Sasikumar using our HMRC passes and explained that the seizure paperwork that was being issued to him**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: ~~Matthew Wilson~~

04/05/2018

**related to goods initially removed by the Police on 15/12/2017. I now produce the notice of seizure that I issued to Mr. Sasikumar as exhibit MA01.**

**5. Mr. Sasikumar was also provided with a warning letter which was dated 01/05/2018. I advised Mr. Sasikumar that due to scheduling conflicts, I was unable to attend his premises on 01/05/2018 to deliver the Notice of Seizure and the warning letter. However I assured Mr. Sasikumar that if he chose to appeal HMRC's seizure then he would be granted 1 calendar month from 02/05/2018 which was the first day he had been advised of HMRC's involvement. I now produce the warning letter that I issued to Mr. Sasikumar as MA02. Having been advised that Watling Wines would have 1 calendar month to appeal the seizure, Mr. Sasikumar confirmed that he had no intention of doing so as he was fully aware that he should not have been selling foreign tobacco products from his premises.**

**6. Mr. Sasiskumar told me that he was no longer purchasing foreign tobacco products or alcohol that no UK excise duty had been paid on from people that approached his business in white vans. Mr. Sasikumar reported that the seized tobacco products had been purchased from several Romanian men that operated in the area. He paid in cash for the tobacco products and did not receive any**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: ██████████

██████████

**paperwork. Mr. Sasikumar stated that he bought goods from these men on 2-3 occasions but had not since Colindale Police seized goods on 15/12/2017. Mr. Sasikumar was unable to quantify how much tobacco and alcohol he had purchased off record but stated that the Romanian men offered him a variety of beers, wine and tobacco.**

- 7. I issued Mr. Sasikumar with all of the relevant seizure paperwork which he signed. He was informed that an assessment would be raised to collect the duty owing on the foreign tobacco as well as a penalty for committing an excise wrongdoing which he understood. Mr. Sasikumar was issued with factsheets CC/FS1d, CC/FS9, CC/FS12 and CC/FS16.**
- 8. On 25/06/2018 I issued Mr. Sasikumar, who is sole proprietor, with a pre assessment letter advising him that the duty owing on the goods was £6,926.00. Mr. Sasikumar was given until 09/07/2018 to provide any further information if he felt the assessment amount was incorrect.**
- 9. Mr. Sasikumar did not provide any further information within the timeframe given. As a result, a formal excise assessment for £6,926.00 was issued to him on 09/07/2018. Mr. Sasikumar was given 1 calendar month from this date to appeal the assessment amount if he so chose to.**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: ██████████

- 10. On 16/08/2018 I issued Mr. Sasikumar with a penalty for the amount of £1,419.82 this is calculated on the co-operation given by the trader into assisting HMRC with their enquires into how this evasion of excise duty had taken place . As Mr. Sasikumar had assisted HMRC he was given a discounted penalty.**
- 11. Mr. Sasikumar did not appeal the assessment or penalty amounts within the timeframes provided to him. I completed my enquiry officially on 17/09/2018.**
- 12. The seizure was not appealed within the time limit and as such the goods were condemned. The total amount of UK excise duty evaded from the seizure has been extracted from a departmental database. The total amount of wine products seized amounted to £49.00 the total litreage seized amounts to 17.25 litres. The amount of foreign cigarettes seized was 22,640 the excise duty is £6,325.00. The amount of foreign hand rolling tobacco seized was 2.5 kilograms and the excise duty is £552.00.**
- 13. To cut down on unlawful selling of alcohol HMRC have bought in a scheme that requires all businesses who are wholesaling alcohol to become registered AWRS (Alcohol Wholesaler Registration Scheme) if the business is successful it will be issued with a unique reference number which will be visible on the invoice, so the retailer will know that the wholesaler is approved**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: [REDACTED]

**by HMRC. It also requires retail buyers to make sure that they are purchasing alcohol from a registered and approved supplier.**

**14. HMRC may seize stock supplied from an unapproved UK wholesaler.**

**15. From the 1<sup>st</sup> April 2017 trade buyers who buy their alcohol from UK wholesalers for re-sale need to make sure that these wholesalers are approved by HMRC for AWRS.**

**16. HMRC provides an online look up service that allows trade buyers to look up the details of the alcohol suppliers to ensure that they are approved for AWRS.**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

(signature of witness)

Signature: \_\_\_\_\_

(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**



# HM Revenue & Customs

Mr Mast Vignaratah Sasikumar  
T/A Watling Wines  
90 Watling Avenue  
Edgware  
Middlesex  
HA8 0LU

## ISBC Individual and Small Business Compliance

Jubilee House  
Farthingale Walk  
4<sup>th</sup> Floor  
Stratford  
E15 1AT

Phone 03000 [REDACTED]

Fax 03000 521705

Email [REDACTED]

Date Tuesday 1<sup>st</sup> May 2018  
Our ref ISBC/T&SC/S0017/MA  
Your ref

## NOTICE OF SEIZURE

Dear Mr Sasikumar

**Re:** This is in relation to excise goods seized from Watling Wines

### The amounts seized:

Mixed cigarettes: **22,640 various brands**

Alcohol: **17.25 litres of mixed brand wine**

Hand Rolling Tobacco: **2.5 kilogrammes**

On 06/04/2018 I was contacted by Colindale Police Station with regards to tobacco products and alcohol that had been found at Watling Wines 90 Watling Avenue, Edgware, Middlesex, HA8 0LU on the 15<sup>th</sup> December 2017. On the 30/04/2018 all the excise products that were located at the premises were signed over into HMRC's control and duly seized by HMRC.

Regulation 88 of the Excise Goods (Holding, Movement and Duty Point) Regulations 2010, which allows for the forfeiture of excise goods on which duty has not been paid.

Regulation 5 of the Excise Goods (Holding, Movement and Duty Point) Regulations 2010 states that: "*there is an excise duty point at the time when excise goods are released for consumption in the United Kingdom*"

Regulation 6 (1) (b) states that "*Excise goods are released for consumption in the UK at the time when the goods- are held outside a duty suspension arrangement and UK excise duty on those goods has not been paid, relieved, remitted or deferred under a duty deferment arrangement*".

Information is available in large print, audio and Braille formats.  
Text Relay service prefix number – 18001



Assistant Director: Colin Barclay

These goods have been seized as liable to forfeiture because they are liable to duty and duty has not been paid on them, by virtue of Section 139 of the Customs and Excise Management Act 1979 (CEMA).

By virtue of paragraph 1(2) of Schedule 3 of the Customs and Excise Management Act 1979, you have One Month from the date of this letter to give notice if you wish to claim the goods as not liable to forfeiture (paragraph 3 of Schedule 3 of CEMA). This means your Notice of Claim must be received by HMRC by **Friday 1<sup>st</sup> June 2018**. Failure to give proper Notice of Claim within the relevant time will result in the goods being deemed condemned (paragraph 5 of Schedule 3 of CEMA).

There is more information in Notice 12A 'What you can do if things are seized by HM Revenue & Customs or the UK Border Agency', a copy of which is enclosed for your information.

Seizure of these goods is without prejudice to any further action that the Commissioners of HM Revenue & Customs may take in relation to this seizure which could include the assessment of excise duty and penalties. The fact sheets entitled "Penalties for VAT and Excise Wrongdoing" (FS12) and "Compliance checks - Human Rights Act" (FS9) are enclosed.

I have also enclosed photo copies of the page 4 ENF76 tally sheets which itemises the quantities of excise goods that have been seized. (Samples of the seized goods have been retained in HMRCs secure lock up and are not itemised on the tally sheets) Also enclosed is a ENF3174 warning of liability to prosecution.

If you have any questions regarding this matter please do not hesitate to contact me.

Yours Faithfully

**Mathew Allen**  
Higher Officer  
HM Revenue & Customs



Name Mr Mast Vignaratah Sasikumar T/A Watling Wines	HMRC [Address] Jubilee House 2 Farthingale Walk Stratford E15 1AW
Address 90 Watling Avenue Edgware Middlesex HA8 0LU	Tel 03000 [REDACTED]
	Fax 03000 521 705
Date 01/05/2018	www.hmrc.gov.uk
Our ref E5066005	
Your ref ISBC/T&SC/S0017/MA	

**WARNING OF LIABILITY TO PROSECUTION**

The goods listed on form ENF156 attached have been seized under section 139 of the Customs and Excise Management Act 1979. This is without prejudice to any other action that the Commissioners for Revenue and Customs may take against you in connection with this matter. This may include, but is not limited to, issuing you with an assessment for the tax and duty evaded and a wrongdoing penalty, or referral to the relevant Prosecution Service to consider instituting prosecution proceedings.

A person found guilty of fraudulent evasion of duty under section 170 of the Customs and Excise Management Act is liable to an unlimited fine and/or up to seven years' imprisonment.

**Details of HMRC officer**

Officer Name or Number (BLOCK LETTERS)

**Details of person receiving letter**

I acknowledge receipt of this letter  
Name

[REDACTED]	Mr V Sasikumar
Signature	Signature

**Data Protection Act 1998**

HM Revenue & Customs collects information in order to administer the taxes for which it is responsible (such as income tax, VAT, insurance premium tax, excise duties, air passenger duty, landfill tax, climate change levy), and for detecting and preventing crime.

Where the law permits we may also get information about you from third parties, or give information to them, for example in order to check its accuracy, prevent or detect crime or protect public funds in other ways. These third parties may include the police, other government departments and agencies.

Information is available in large print, audio tape and Braille formats.

Type Talk service prefix number – 18001

000 2 20000000

000 2 20000000



## Part 2

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

Mr Vignaratah Sasikumar  
41 Lynton Avenue  
Colindale  
NW9 6PD  
Office@compliancedirectltd.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**

Mr Vignaratah Sasikumar

**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: London Borough of Barnet

## 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. 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.
5. All cameras and recording equipment will be installed and maintained in accordance with the manufacturer's instructions and will be fully operational when the premises are open to the public.
6. The medium upon which images are recorded, will be clearly identifiable, stored securely, retained for a period of not less than 31 days, and be made available to Council and Police Officers on request.
7. The CCTV shall be a digital system with hard-drive. System will record for 31 days.
8. A DVD or CD Burner is included as part of the system to allow images to be burnt to disc if required.
9. These images will be made available to police on request.
10. There shall be at least two members of staff on the premises after 20:00 hrs until the close of business.
11. Customers shall be asked to leave the premises in a quiet and orderly fashion and the appropriate signs shall be displayed to this effect
12. A refusal register shall be kept on the premises and the appropriate entries shall be made. It will be made available to police and officers of the local authority on request
13. The Designated Premises Supervisor will instruct staff in their absence on how to use the register and to refuse sales to any person that appears to be under 18.

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

N/a

## **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 LAPRE1/07/20985

# Representations

## **Agbley, Peter**

---

**From:** Conway, Cllr Sara  
**Sent:** 21 January 2019 17:27  
**To:** Agbley, Peter  
**Cc:** OMacaulley, Cllr Charlie; Naqvi, Cllr Ammar; Vagarwal, Kiran; Trytsman, Jacques  
**Subject:** Licensing various

Hi Peter

Happy New Year, hope all good with you.

I'd like to strongly support the submission by the local police on Watling Wines licensing review recommending termination.

On the most recent licensing application on the same road I'm pleased that the sale of alcohol has been delayed from 5am but remain concerned about the impact of yet another shop there selling alcohol.

At the weekend residents on Barnfield Road told me that there has been a noticeable direction in ASB following the recent withdrawal of the licence from a shop nearby on Edgware Road.

I'd also like to request to speak at the meeting on 13 Feb which is looking at the review of licensing policy/CIZs.

With the opening of Youth Zone later this year I'm particularly keen to reduce the street drinking at night in the PSPO area.

Thanks and best wishes  
Sara

Cllr.S.Conway



## Agbley, Peter

---

**From:** LicensingAdmin  
**Sent:** 29 January 2019 11:19  
**To:** Agbley, Peter  
**Subject:** FW: Watling Wine License Review - 90 Watling Avenue, HA8  
**Attachments:** Impact MG11 - Aspens Florists 72 Watling Ave HA8.pdf

Hi Peter,

Please see email below in reference to case LAPRE6/19/60023

Regards

### Licensing Admin

Development and Regulatory Services  
London Borough of Barnet, Barnet House, 9<sup>th</sup> Floor  
1255 High Road, Whetstone, N20 0EJ  
Tel: 020 8359 7443  
Barnet online: [www.barnet.gov.uk](http://www.barnet.gov.uk)  
[www.capita.co.uk/property](http://www.capita.co.uk/property)  
[www.re-ltd.co.uk](http://www.re-ltd.co.uk)



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**From:** Declan.J.OSullivan@met.pnn.police.uk [mailto:Declan.J.OSullivan@met.pnn.police.uk]  
**Sent:** 28 January 2019 16:45  
**To:** LicensingAdmin <LicensingAdmin@barnet.gov.uk>  
**Subject:** Watling Wine License Review - 90 Watling Avenue, HA8

Hi Barnet Licensing,

I am one of the dedicated ward officers for Burnt Oak.

Please find enclosed a copy of an impact statement regarding Watling Wines License Review from one of the local businesses.

I have typed it up at the bottom of this email due to the low quality of the scan. I shall post you a copy also.

Kind regards

Dec

"I am the owner of [REDACTED] on [REDACTED] WATLING AVE HA8. I have been informed that WATLING WINE has their license to sell alcohol up for review. As I also have a license to sell alcohol I understand the responsibility a business has to its community. I believe WATLING WINE is not up-holding it's responsibilities to the community.

WATLING WINE sells single cans of alcohol to the street drinkers that are always hanging around. These street drinkers are a constant source of annoyance & problems to my business. On occasions I've had my property / stock thrown onto the street by these street drinkers. Also I've had my stock stolen from the display outside by the street drinkers. When I have confronted them they have run down the stairwells by WATLING WINE, I would never follow them down there because it was so dangerous before they closed the stairwells off. I have been threatened by one of the street drinkers who said she would "Shank" me.

I have seen certain street drinkers go to WATLING WINE and sell stolen TECO'S stock to the staff at WATLING WINE, this would include boxes of chocolates to bottles of Vodka still with the security tags on them that said TESCO.

From what I have seen WATLING WINE mainly sell alcohol to street drinkers that are already drunk. This is not right & they should know that they are not allowed to sell alcohol to the street drinkers when they are already intoxicated. The street drinkers seem to hang around WATLING WINE because they can buy single cans whilst drunk.

I don't want to see anybody lose their lively-hood but WATLING WINE must up-hold their responsibilities to the community or lose their license."

Ms Jonne JONES

[REDACTED]  
[REDACTED] Watling Avenue  
HA8 [REDACTED]

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Twitter: @metpoliceuk

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [ ] [ ] [ ] [ ] [ ]

Statement of JOANNE JONES

Age if under 18 OVER 18 (if over 18 insert over 18) Occupation: Business Owner

This statement (consisting of page(s) 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 in it, anything which I know to be false, or do not believe to be true.

Signature: [Signature]

Date: 28/01/2019

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

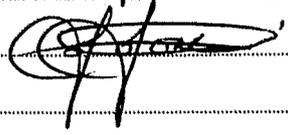
I am the owner of [redacted] on [redacted] WATLING AVE  
HAR. I have been informed that WATLING WINE has their license  
to sell alcohol up for review. As I also have a license  
to sell alcohol I understand the responsibility a business  
has to its community. I believe WATLING WINE is not  
up holding its responsibilities to the community. WATLING WINE  
sells single cans of alcohol to the  
street drinkers that are always hanging around. These  
street drinkers are a constant source of annoyance & problems  
to my business. On occasions I've had my property/stock  
thrown on the street by these street drinkers. Also  
I've had my stock stolen from the display outside by  
the street drinkers. When I have confronted them they have  
run down the stairwells by WATLING WINE. I would never  
follow them down there because it was so dangerous before  
they closed the stairwells. I have been threatened by  
one of the street drinkers who said she would "Shank" me.  
I have seen certain street drinkers go into WATLING WINE  
and sell stolen Tesco's stock to the staff at WATLING WINE.  
This would include boxes of chocolates to bottles of vodka  
still with the security tags on them that said Tesco.

Signature: [Signature]

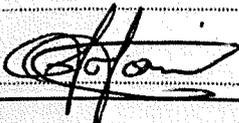
Signature witnessed by: \_\_\_\_\_

Continuation of Statement of JANNE JONES

From what I have seen WATLING WINE mainly sell alcohol to street drinkers that are already drunk. This is not right & they should know that they are not allowed to sell to the street drinkers when they are already intoxicated. The street drinkers seem to hang around WATLING WINE because they can buy single cuss whilst drunk. —→ I don't want to see anybody lose their lucky-hood but WATLING WINE must up-hold their responsibilities to the community or lose their license.



Signature



Signature witnessed by

## Agbley, Peter

---

**From:** LicensingAdmin  
**Sent:** 04 February 2019 10:07  
**To:** Agbley, Peter  
**Subject:** FW: Watling Wines  
**Attachments:** MG11-Watling Wines - 02.02.pdf

Hi Peter,

We've received a review for Watling wines. I have idox email to case LAPRE6/19/60023.

Regards

### Licensing Admin

Development and Regulatory Services  
London Borough of Barnet, Barnet House, 9<sup>th</sup> Floor  
1255 High Road, Whetstone, N20 0EJ  
Tel: 020 8359 7443  
Barnet online: [www.barnet.gov.uk](http://www.barnet.gov.uk)  
[www.capita.co.uk/property](http://www.capita.co.uk/property)  
[www.re-ltd.co.uk](http://www.re-ltd.co.uk)



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**From:** Kirby.Beresford2@met.pnn.police.uk [mailto:Kirby.Beresford2@met.pnn.police.uk]  
**Sent:** 03 February 2019 14:37  
**To:** LicensingAdmin <LicensingAdmin@barnet.gov.uk>  
**Cc:** NWMailbox.LicensingBarnet@met.police.uk; office@complianceirectltd.com  
**Subject:** Watling Wines

Hello Licensing admin,

Please find attached supporting documentation for the Watling wines review we respectfully requesting that this is to stay restricted as there are names mentioned within the statement,

please disseminate to the other responsible authorities as we do not have their emails. This has been sent to Mr Sivashanker who is representing Watling wines.

Kind regards,

*K. Beresford*

**Kirby Beresford- PC 1330NW**

**Licensing Team**

**Personal Radio: 464748**

**Tel: 0208 733 4195**

**E-mail: [Kirby.Beresford2@met.pnn.police.uk](mailto:Kirby.Beresford2@met.pnn.police.uk)**

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### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: PC Daphne SMITH 1822NW

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

This statement (consisting of 3 page(s) 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 in it anything which I know to be false, or do not believe to be true.

Witness Signature:  ..... Date: 02.02.19

I am currently one of the Dedicated Ward Officers (D.W.O.) for Burnt Oak, I have been a police officer for over five (5) years and I have been in my current post since May 2018. I am providing this statement to assist in the license review of WATLING WINE, 90 WATLING AVENUE HA8.

When I took up my role as D.W.O for Burnt Oak it became apparent that there were several street drinkers who always seemed to be loitering around WATLING WINES and by the entrance of the stairwell leading to MARKET LANE. This group would sometimes be quite large and intimidating to members of the public by their often very loud rowdy drunken behaviour including physical altercations on the street and generally causing drinking related Anti-Social Behaviour. When they would leave the area, they would leave behind their empty beer cans on the pavement, on the stairwell and at the bottom of the stairwell in MARKET LANE. This prevented member of the public from using the stairwell leading to MARKET LANE. They often use the stairwell as a public toilet where they would urinate & defecate at all times of the day & night. They also littered the local two local parks, WATLING and SILKSTREAM with empty beer cans.

The street drinkers would be seen going into WALTING WINES at all times of the day and leaving carrying one to two cans which they sometimes would put them in their jacket or trouser pockets if they did not have packets. As WALTING WINES sold single cans, this led to street drinkers from a neighbouring borough (Harrow) also joining the local Burnt Oak street drinkers.

Due to the complaints received regarding the high level of Anti-Social Behaviour by the street drinkers, the Metropolitan Police and the London Borough of Barnet have met in order to try to find solutions to tackle these problems which were escalating. In order to do so, this required all parties to walk around these areas in order that they could see the extent of the problem caused by the street drinkers

On 28<sup>th</sup> June 2018, Burnt Oak Safer Neighbourhood offices have met with London Borough of Barnet officers including Cllr Sara CONWAY and Cllr Amar NAQVI. I have gone into

Witness Signature:  .....

Signature Witnessed by Signature:.....

Continuation of Statement of: PC Daphne SMITH 1822NW

WATLING WINES with Kiran VAGARWAL (Strategic Lead Safer Communities) and we have noticed that there were several packs of alcohol which should have had four cans however these were now either a single can, two or three. Photographs of these have been taken (see figures 1 & 2) below.

Evidence of breaking of packs of beer cans

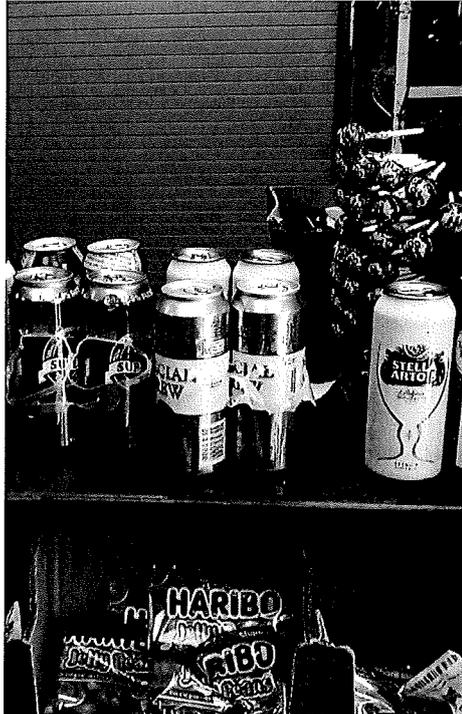


Figure 1



Figure 2

Ms VAGARWAL has asked staff why the cans of alcohol were no longer in packs of four which indicated that they are selling single cans. She has asked to speak to the manager/owner of the business and was informed by staff that he was not on site. Ms VAGARWAL has asked staff to call the manager in order that she could speak to him. Whilst standing next Ms VAGARWAL staff have called him and have handed the mobile phone to her. Ms VAGARWAL has asked him why his off licence was breaking up pack of beer and selling them as single cans. I have heard Ms VAGARWAL inform him that his business was contributing to the Anti-Social Behaviour in drunkenness, urination and litter due to single cans being sold to the local street drinkers. She has also informed him that he needs to speak to his staff and stop the sale of single cans and to consider the impact it was having on the community in Burnt Oak. Ms VAGARWAL has also informed him to take a walk down the stairwell and into MARKET LANE and SILKSTREAM Park in order to see for himself the amount of empty cans that were littering these areas including the stream which was causing the area to look run down (see figures 3 & 4).

Witness Signature: *[Handwritten Signature]* .....

Signature Witnessed by Signature:.....

Continuation of Statement of: PC Daphne SMITH 1822NW

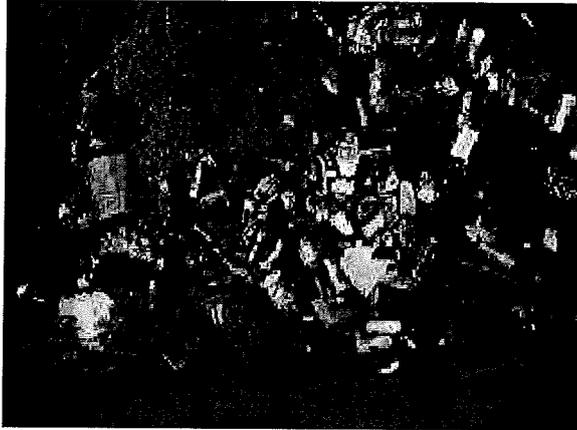


Figure 3



Figure 4

Ms VAGARWAL has asked him to think about the problems his business was causing for the residents of Burnt Oak.

*DS*

Witness Signature: *DS* .....

Signature Witnessed by Signature: .....



# 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 the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. 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. 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 13 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 written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 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](http://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 promote 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.
- 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);
  - 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.
- 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. 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. 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.

## 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, or the sale of firearms. 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 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 Class A drugs 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 knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
  - for unlawful gambling; and
  - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police 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**

- 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. 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;
- 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**

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether 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 outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

# Matters for Decision

# MATTERS FOR DECISION

## An application made under Section 51 of the Licensing Act 2003

Watling Wines, 90 Watling Avenue, Edgware, HA8 0LU

### 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.

<b>Steps taken (if any)</b>	<b>Reason(s)</b>