

Licensing Sub-Committee Agenda



To: Members and Reserve Members of the Licensing Committee

A meeting of the **Licensing Sub-Committee** which you are hereby summoned to attend, will be held on **Monday, 22 January 2018** at **10.30 am** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

JACQUELINE HARRIS-BAKER
Director of Law and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

James Haywood
020 8726 6000 x63319
james.haywood@croydon.gov.uk
www.croydon.gov.uk/meetings
Friday, 12 January 2018

Members of the public are welcome to attend this meeting.
If you require any assistance, please contact the person detailed above, on the righthand side.

N.B This meeting will be paperless. The agenda can be accessed online at www.croydon.gov.uk/meetings

AGENDA – PART A

1. Appointment of Chair

To appoint a Chair for the duration of the meeting.

2. Apologies for Absence

To receive any apologies for absence from any members of the Committee.

3. Disclosure of Interests

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Licensing Act 2003: Review of Premises Licence (Pages 5 - 82)

6. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

- 7. Licensing Act 2003: Application for Personal Licence (Pages 83 - 100)**

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Croydon Council

REPORT TO:	LICENSING SUB COMMITTEE 22 January 2018
SUBJECT:	LICENSING ACT 2003 - REVIEW OF PREMISES LICENCE
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Councillor Hamida Ali, Cabinet Member for Communities Safety & Justice
WARDS:	Broad Green
CORPORATE PRIORITY/POLICY CONTEXT: This report is specific to this application and has no implications on the Council's Corporate Policies.	
FINANCIAL SUMMARY: This application is being processed as part of normal duties carried out by the Department with no additional costs involved.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

For general release

1. RECOMMENDATIONS

1.1 The sub-committee is asked to consider the application for a review of the premises licence at 247 London Road, West Croydon, CR0 2RL and whether to take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence

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

2. EXECUTIVE SUMMARY

- 2.1 The purpose of this report is to advise the Sub-Committee that an application has been received for a review of a premises licence under the Licensing Act 2003 (“the Act”). This application is made by the Police, as a responsible authority under the Act and the Councils licensing sub-committee is required to hear the application.

3. DETAIL

- 3.1 A Protocol for Licensing Hearings and a Procedure for Licensing Sub-Committee Hearings has previously been agreed by the Licensing Committee (minute A/24/05 refers). The protocol has been subsequently amended by the licensing committee (minutes A/32/06, A/40/07 and A/07/12 refer).
- 3.2 The premises licence holder, the applicant and those who have made representations have been notified of the hearing in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and Licensing Act 2003 (Hearings) (Amendment) Regulations 2005 “the Regulations”. Information to accompany the notice of hearing was provided to the licence holder, the applicant and those who have made representations in accordance with “the Regulations”.
- 3.3 Appendix A to this report provides details of the review.

4. CONSULTATION

- 4.1 The review was advertised accordingly as per the relevant regulations.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

There are no direct financial implications associated with this report, subject to the risks at 5.2 & 5.3. This application is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

2 The effect of the decision

The decision of the Sub-Committee may be subject to appeal and/or Judicial Review.

3 Risks

An appeal against a decision of the Sub-Committee or a Judicial Review of the application process may present financial risks to the Council with regard to any award of costs against it.

4 Options

The options available are as detailed in the recommendations at paragraph 1 above.

5 Future savings/efficiencies

None identified.

(Approved by: Dianne Ellender, Head of Finance and Deputy S151 Officer – Chief Executive's Department)

6. COMMENTS OF THE COUNCIL SECRETARY AND SOLICITOR

6.1 The Solicitor to the Council comments that the Sub-committee must determine the review, taking into account relevant representations, the Licensing Act 2003, statutory guidance and the Council's own licensing policy.

6.2 The power to modify the licence conditions includes the alteration or omission of existing conditions or the addition of any new condition.

(Approved for and behalf of Jacqueline Harris-Baker, Director of Law & Monitoring Officer).

7. HUMAN RESOURCES IMPACT

7.1 The Human Resources impact of supporting the Licensing Hearings will be contained within the budgeted establishments of the Democratic and Legal Services and Licensing Teams.

7.2 (Approved by: Adrian Prescod, HR Business Partner, for and on behalf of Director of Human Resources, Chief Executive's Department)

8. CUSTOMER IMPACT

8.1 Apart from the powers available to the sub committee, there are no specific customer services issues relating to this matter.

9. EQUALITIES IMPACT ASSESSMENT (EIA)

9.1 The arrangements for the Licensing Hearings seek to ensure that all applicants, licence/certificate holders and other interested parties receive a fair hearing and that the process is accessible to all groups within the community.

10. ENVIRONMENTAL AND DESIGN IMPACT

10.1 The effective implementation of the Licensing Act 2003 will contribute to an improved environment for local residents and other stakeholders.

11. CRIME AND DISORDER REDUCTION IMPACT

11.1 One of the licensing objectives is the prevention of crime and disorder and the police, as a responsible authority, have the opportunity to make representations in this matter if they so wish.

12. HUMAN RIGHTS IMPACT

12.1 The Human Rights 1998 (HRA) requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those Rights. **Article 6 (A6)** of the European Convention on Human Rights (ECHR) is the right to a fair trial. The key elements of this include

- The right to a *fair* hearing;
- The right to a *public* hearing;
- The right to a hearing before an *independent and impartial tribunal*;
- The right to a hearing *within a reasonable time*.

12.2 When hearing an application, the proceedings of a non-judicial body such as the Licensing Sub Committee, as opposed to an actual Court, need not meet the full requirements of A6 where there is a right of appeal from the Licensing Sub Committee to a Court that does meet the full A6 standards and can consider all aspects of the case (even if that does not include a full re-hearing of the facts).

12.3 So, while it is good practice to make a hearing before the Licensing Sub Committee as A6 compliant as possible, it will not be a breach of the HRA if it is not. Further, the hearing of all applications is subject to the principles of Natural Justice and the requirement for decisions to be 'Wednesbury reasonable'.

13. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

13.1 Protocols agreed in relation to Licensing Hearings are within the Council's Constitution and will be accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.

CONTACT OFFICER: Michael Goddard, Licensing Manager, Place Department, ext. 61838.

APPENCIES: Application Forms, Licensing Hearings Protocol and Procedure.

APPENDIX A

1. The Application

- 1.1 This report concerns an application for a review of the premises licence held by Mr. Poobalasingam Rangit at 247 London Road, Croydon, CR0 2RL. The application is made by the Police as a responsible authority under the Licensing Act 2003.
- 1.2 This application is made under section 51 of the Licensing Act 2003 which states that, where a premises licence has effect, a responsible authority or 'other person' may apply to the licensing authority for a review of the licence.
- 1.3 The applicant has applied for a review of the premises licence on the licensing objective in the Licensing Act 2003 of the prevention of crime and disorder. A copy of the review application is attached at Appendix A1. This includes a statement from a Home Office Immigration Officer and further representations from the Police, in support of their application, in the form of a further officer statement. The Police have also provided a disc containing cctv images with their application that they wish to show at the review hearing.
- 1.5 A copy of the premises licence is attached at Appendix A2.

2. Promotion of Licensing Objectives

- 2.1 There are four licensing objectives that underpin the Licensing Act 2003 and section 4 of the Act states that a licensing authority must carry out its functions with a view to promoting those licensing objectives, which are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance and
 - The protection of children from harm.

3. Relevant representations

- 3.1 Representations have been made on the application by Croydon Trading Standards, a responsible authority under the Licensing Act 2003. A copy is attached at Appendix A3.
- 3.2 The premises licence holder has been provided with copies of the review application, the disc and the representations.

4. Policy Considerations

- 4.1 Under the terms of the Act, the Council has published a Statement of Licensing Policy. This is available on the Council website at

www.croydon.gov.uk . Hard copies are also available from the Council's Place Department and copies of the policy will also be available at the licensing subcommittee hearing. The following paragraphs from the Statement are considered particularly relevant with regard to this application.

4.1 Nothing in the 'Statement of Policy' will:

- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have each application considered on its individual merits, or,
- override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act

4.4 In considering all licence applications, the Council will take into account the character of the surrounding area, the impact of the licence on that area and the nature and character of the operation.

4.7 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.

4.8 However, the Council acknowledges that it can only impose conditions where relevant representations have been received to an application and that such conditions must be considered necessary for the promotion of the licensing objectives raised by the representations.

4.9 When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

4.10 The Council will not take 'need' into account when considering an application, as this concerns 'commercial demand' and is a matter for the planning process and the market.

5.2.1 Croydon Council is committed to reducing crime and disorder within the Borough and creating an environment where people feel safe.

5.2.2 In addition to the requirements under the 2003 Act for the Council to promote the licensing objective of preventing crime and disorder, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

5.2.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

- 5.2.4 The Council considers that the promotion of the Licensing Objective to prevent crime and disorder also places a responsibility on licence holders to work in partnership to achieve this Objective.
- 5.2.5 The Council will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 5.29 Where relevant representations have been made, the Council will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises, and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder contained in the Statutory Guidance to the Act and the following examples of conditions specifically with regard to 'significant events':
1. The licensee shall undertake a risk assessment of any significant promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.
 2. Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this* to the Metropolitan Police and the Licensing Authority, within 14 days of the conclusion of the event.

*submission of electronic documents by e-mail is preferred.

- 5.3.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.
- 5.3.2 The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 5.3.3 Each of these types of premises present a mixture of different risks, with many common to most premises and others unique to specific operations. These will range from fire safety, including fire precautionary and means of escape arrangements in all types of premises, to the use of scenery and pyrotechnics in theatres and special lighting effects in night clubs.

- 5.3.4 It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 5.3.7 Additionally, when preparing their Operating Schedules, applicants are recommended to seek advice from the Council's Health and Safety Officers and the London Fire and Emergency Planning Authority.
- 5.3.8 The Council will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Safety' and 'Cinemas and Fire Safety' contained in the Statutory Guidance to the Act.
- 5.4.1 The Council recognises the need to protect the amenities of people living, visiting and working in the vicinity of the licensed premises, while balancing the rights of businesses to develop.
- 5.4.2 Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of public nuisances which may impact adversely on local communities.
- 5.4.3 These concerns mainly relate to noise and disturbance, light pollution, noxious smells, litter and anti-social behaviour and due regard will be taken on the impact these may have.
- 5.4.4 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and examining any steps that might reduce the risk of nuisance.
- 5.4.5 The Council recognises that longer licensing hours for the sale of alcohol will avoid concentrations of people leaving premises at the same time, necessary to reduce the friction at late night fast food outlets, taxi ranks/minicab offices and other sources of transport that can lead to disorder and disturbance.
- 5.4.6 The Council will not set fixed trading hours within designated areas ("zoning") as it recognises this could lead to significant movements of people across boundaries at particular times seeking premises opening later and would lead to the peaks of disorder and disturbance the Council is trying to avoid. Additionally, this would seemingly treat residents in one area less favourably than those in another.
- 5.4.7 However, although the Council will treat each case on its individual merits, generally it will not grant opening hours beyond 23.30 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas,

consideration will be given to imposing stricter conditions in respect of noise control.

- 5.4.8 There will be a presumption that the Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for trading.
- 5.4.9 However, the Council may consider there are very good reasons for restricting hours for licensable activities, for example where representations are made by the police and/or local residents as interested parties in respect of shops in residential areas or shops which are known to be the focus of disorder and nuisance because young people gather there. Although the Council will treat each case on its individual merits, generally in such cases the Council will not grant permission for licensable activities beyond 2330 hours on Sunday to Thursdays and midnight on Friday and Saturday.
- 5.4.10 The Council will expect applicants to demonstrate in their Operating Schedule that they have identified satisfactory measures and will implement and maintain these so as to prevent public nuisance, having due regard to the style, characteristics and activities of their particular premises and events.
- 5.4.13 Additionally, when preparing their Operating Schedules applicants are recommended to seek advice from Council Pollution Enforcement Officers.
- 5.4.14 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Nuisance'.
- 5.5.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, to buy food and/or for entertainment.
- 5.5.2 Although the 2003 Act details certain age and/or time limitations on the admission of accompanied or unaccompanied children to certain types of licensed premises, the Council recognises that additional limitations may have to be considered where it appears necessary to protect them from physical, moral or psychological harm.
- 5.5.3 The Council will consider the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.
- 5.5.7 The Council will not impose conditions on licences or certificates requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. However, where applicants volunteer prohibitions and limitations in their operating schedules and no relevant representations have been made to

the Council, these will become conditions attached to the licence/certificate conditions and will be enforceable as such.

The Home Office has produced Statutory Guidance under Section 182 of the Licensing Act 2003. The following chapter & paragraphs from that guidance are reproduced below to assist:

11. Reviews

The review process

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.

11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.

11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising

environmental health functions for the area in which the premises are situated to make the application for review.

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption) See chapter 15 in relation to the licensing of live and recorded music.
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of

designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing

authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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

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

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

prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

- 4.2 All relevant parties have been made aware of the date, time and location of the Sub Committee meeting.
- 4.3 An ordinance survey extract map of the area with the application premises shown at the centre is attached at Appendix A4.

REVIEW OF PREMISES LICENCE FOR 247 LONDON ROAD

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1. NEW PREMISES LICENCE FOR 247 London Road
05/03050/LIPREM dated 10th October 2017
2. OLD PREMISES LICENCE FOR 247 London Road
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3. SIGNED FORM 691
4. COVERING STATEMENT FROM PC GARROD
5. REDACTED STATEMENT FROM PC ROSE
6. REDACTED STATEMENT FROM PC BEAN dated 13th
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7. LETTER DATED 15TH NOVEMBER 2017 FROM PC
GARROD
8. LETTER FROM DPS DATED 23RD OCTOBER 2017
9. REDACTED STATEMENT FROM PC BEAN dated 20th
November 2017
10. REDACTED STATEMENT FROM PC GARROD dated
9th May 2017
11. LETTER DATED 17th OCTOBER FROM PC GARROD
12. REDACTED STATEMENT FROM HANNAH KELLY
IMMIGRATION OFFICER

A1

Premises Licence

Premises licence number

05/03050/LIPREM

Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code

Yaripaady Kas 'N' Carry
247 London Road
Croydon
Surrey
CR0 2RL

Telephone number 0208 665 7449

Licensable activities authorised by the licence

The sale by retail of alcohol.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

Monday to Sunday 08:00 until 01:00 hours on the days following.

The opening hours of the premises

Monday to Sunday 08:00 until 01:00 hours on the days following.

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

Off

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

Mr Poobalasingam Rangit
Yaripaady Kas 'N Carry
247 London Road
Croydon
Surrey
CR0 2RL

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

Mr Poobalasingam Rangit
~~247 London Road~~
Croydon
~~CR0 2RL~~

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

Personal Licence No: 05/03243/LIPERS
Licensing authority: London Borough of Croydon

Date Licence Issued: 24 November 2005

This licence effective: 10 October 2017

Annex (1) Mandatory conditions

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing *Conditions*) Order 2010 and Order 2014;

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in the above paragraph

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula:

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

Where:

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence,
 - or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence.

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

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

Annex (2) Conditions consistent with the Operating Schedule

The premises licence holder will ensure:

1. Alcohol is not sold or supplied except during permitted hours. In this condition, permitted hours means:

Mondays to Sundays 08:00 to 01:00 hours on the days following.

2. Alcohol is not sold in an open container or consumed in the licensed premises. No open vessels containing alcohol are allowed off the premises.

3. All training (including training in the Licensing Act 2003) is delivered by a qualified trainer or licensing consultant. It will be fully documented and signed by the employee and the person delivering the training. Records are kept at the premises and made available upon request to either Police Officers or Council authorised officers. Refresher training is provided every 6 months.

4. Installation and maintenance of a closed circuit television system (CCTV) at the premises, compliant with Home Office requirements. The system covers all internal and external areas (including areas where alcohol is displayed/sold) with a camera covering the entrance door to enable head and shoulder images to identification standard, of every person entering the premises. Date and time stamped recorded images retained for a minimum of 31 days. A member of staff who is able to operate the CCTV and download images is on duty at

the premises during the hours of licensable activity. A staff member is also working at the premises at all times that the premises is open and can download CCTV images upon request. Recordings are made available upon request to Police or Council authorised officer in a useable format.

5. An incident log/s are maintained and kept at the premises. The logs records the date, time, nature of incident, description of persons involved, details of any emergency service personnel in attendance, crimes reported, complaints received, incidents of disorder, seizure of weapons or drugs, faults with the CCTV system, alcohol refusals and visits from relevant authorities or emergency services. The logs are available to Police or Council authorised officer upon request.
6. Staff are able to communicate sufficiently with customers to enable them to promote the four licensing objectives and make an effective challenge where necessary.
7. Spirits are displayed behind the counter and not available as a 'self-service'.
8. An age verification policy is in operation at the premises and all staff are trained by Croydon Council Trading Standards in age restricted products. Training records are kept at the premises for inspection by Police or Council authorised officer.
9. A challenge 25 policy is in operation at the premises with signage displayed in prominent locations in the premises including point of sale and the area where alcohol is displayed, as a minimum. All staff are trained in the Challenge 25 policy.
10. Checks on staff by working with People Force International or similar agency and the Home Office website to verify identity, visas and right to work documentation. Records are kept and copies of any such documentation at the premises and made available to Police, Immigration or Council authorised officers on request. No new staff to work at the premises including any trial period, unless they provide satisfactory proof of identification and right to work documentation. All staff documents are retained for 12 months after termination (end) of employment at the premises and made available to Police, Immigration or Council authorised officers on request.
11. Each alcohol sale shall only be made by a personal licence holder.

Annex (3) Conditions attached after a hearing by the licensing authority

Not applicable.

Annex (4) Plans

Attached

Premises Licence Summary

Premises licence number

05/03050/LIPREM

Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code

Yarlpaady Kas 'N' Carry
247 London Road
Croydon
Surrey
CR0 2RL

Telephone number	0208 665 7449
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Licensable activities authorised by the licence

The sale by retail of alcohol.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol –
Mondays to Sundays 08:00 until 01:00 hours on the days following.

The opening hours of the premises

Monday to Sunday 08:00 until 01:00 hours on the days following.

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

Off

Name, (registered) address of holder of premises licence

Mr Poobalasingam Rangit
Yarlpaady Kas 'N Carry
247 London Road
Croydon
Surrey
CR0 2RL

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

Mr Poobalasingam Rangit

State whether access to the premises by children is restricted or prohibited

No

PREMISES LICENCE

Premises licence number

05/03050/LIPREM

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code

Phoomi Supermarket
247 London Road
Croydon
Surrey
CR0 2RL

Telephone number

0208 665 7449

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol –
Mondays to Sundays 0600 hours until 0100 hours on the days following.

The opening hours of the premises

Subject to any other statutory or planning restrictions, the premises may open at all times for non licensable activities. The hours of opening for licensable activities shall be restricted to those shown above.

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

Off

Part 2

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

Mr Poobalasingam Rangit
Yarlpaady Kas 'N Carry
247 London Road
Croydon
Surrey
CR0 2RL

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

N/A

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

Mr Poobalasingam Rangit
~~XXXXXXXXXXXX~~
Croydon
~~XXXXXX~~

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

Personal Licence No.: 05/03243/LIPERS Licensing authority: London Borough of Croydon

Date Licence Issued: 24 November 2005

Date this licence effective: 9th September 2009



**Safety and Licensing Manager
Community Services Department**

Annex 1 - Mandatory conditions

This licence is granted subject to the terms of the Licensing Act 2003.

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.

Annex 2 - Conditions consistent with the Operating Schedule

3. Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

Mondays to Sundays 0600 hours to 0100 hours on the days following.

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

Annex 3 - Conditions attached after a hearing by the licensing authority

The premises licence holder shall:

1. Install and maintain a closed circuit television system to cover the entrance and internal public areas, to the satisfaction of the Metropolitan Police crime prevention officer, with recorded images kept by the DPS for not less than 28 days. Images shall be provided to police and council officers, in useable form, on request.
2. Operate a Challenge 21 Policy with appropriate signage displayed at the premises.
3. Provide appropriate staff training in relation to the Licensing Act 2003 with records kept at the premises.
4. Ensure a refusal register is in use at the premises to record age related and other refused sales.

The premises are closed for the sale of alcohol until conditions 1 to 4 in this Annex are complied with by the Premises Licence Holder to the satisfaction of the multi-agency enforcement team*.

*These conditions were imposed by the Licensing Sub Committee at their meeting on 24 January 2008.

Annex 4 – Plans

Attached

Decision under Delegated Authority

Subject: Decision on Application made under Licensing Act 2003

Lead Officer: Director of Community Services Department

1 RECOMMENDATION

That the application to transfer premises licence from Mr Poobalasingam Rangit of ~~72 Abchurch Lane, Croydon, CR0 3HY~~ be granted.

2 BACKGROUND

2.1 On 09 September 2009, Mr Poobalasingam Rangit applied to transfer premises licence at Yarlpady Kas 'N' Carry, 247 London Road, Croydon, Surrey, CR0 2RL

2.2 Type of application: Application to transfer premises licence where no relevant representations have been received.

2.3 I confirm that the application is correct in all respects, the correct fee paid and no relevant representations have been made.

The Manager of the Safety & Licensing Team within the Commercial Section of the Community Services Department has been accorded delegated authority from the Council's Licensing Committee to grant applications for which no relevant representations have been received.

3 MANAGER'S DECISION

3.1 The above licence for Mr Poobalasingam Rangit of 77 Wentworth Road, Croydon, CR0 3HY be granted.

Signature:



Date: 9th September 2009

Kevin Plummer
Manager Safety/Licensing
Team

Report Author:



Licensing Support Officer

A1

PREMISES LICENCE SUMMARY

Premises licence number

05/03050/LIPREM

Premises details

Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code

Phoomi Supermarket
247 London Road
Croydon
Surrey
CR0 2RL

Telephone number

0208 665 7449

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol –
Mondays to Sundays 0600 hours until 0100 hours on the days following.

The opening hours of the premises

Subject to any other statutory or planning restrictions, the premises may open at all times for non licensable activities. The hours of opening for licensable activities shall be restricted to those shown above.

A1

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

Off

Name, (registered) address of holder of premises licence

Mr Poobalasingam Rangit
Yaripaady Kas 'N Carry
247 London Road
Croydon
Surrey
CR0 2RL

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

N/A

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

Mr Poobalasingam Rangit

State whether access to the premises by children is restricted or prohibited

No

A1



**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 **ZOE GARROD PC801ZD**

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:

PHOOMI SUPERMARKET, 247 LONDON ROAD, CROYDON CR0 2RL

Post town:

CROYDON

**Post code:
(if known)**

CR0 2RL

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

MR POOBALASINGAM RANGIT

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

05/03050/LIPREM

Part 2 – Applicant details

I am:

Please tick Yes

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

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

Mr Mrs Miss Ms Any other title (e.g. Rev.)

Surname: _____ First Names: _____

I am 18 years old or over

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: METROPOLITAN POLICE, CROYDON POLICE STATION

Telephone Number (if any): 0206 649 0043

Email address: (optional) zoe.p.garrod@met.police.uk

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

Please tick one or more boxes

1 The prevention of crime and disorder	<input checked="" type="checkbox"/>
2 Public safety	<input type="checkbox"/>
3 The prevention of public nuisance	<input type="checkbox"/>
4 The protection of children from harm	<input type="checkbox"/>

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

PLEASE SEE ATTACHED STATEMENT BY PC GARROD

A1

PROTECTIVE MARKING

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

PLEASE SEE ATTACHED STATEMENT BY PC GARROD

A1

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:

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

Please tick Yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 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.

Signature: Z Garrae PC80120 Date: 23/11/2017

Capacity: APPLICANT

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

CROYDON POLICE STATION, 71 PARK LANE

Post town: CROYDON

Post code: CR9 1BP

Telephone Number (if any):

0208 647 0043

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

ZD-LICENSING@MET.POLICE.UK

Notes for Guidance

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

WITNESS STATEMENT

A1

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

Statement of **PC801zd Garrod** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 200403**

This statement (consisting of: ... **5** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **23rd November 2017**

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

I am a Police Constable I joined the Metropolitan Police Service in February 1999. I am currently attached to Croydon Borough Licensing Team in my role as a Licensing Officer a role I have held since April 2015.

This statement relates to a premise licence held by Yarlpaady Kas 'N Carry, 247 London Road, Croydon, CR0 2RL. My primary concerns regarding this premises relate to unlicensed sales of alcohol after their permitted hours, the continued breach of their premises licence conditions and repeatedly employing people who are not authorised to work in the UK.

On 18th April 2017 officers from the police licensing team and immigration attended 247 London Road there were four males working at the premises, one of whom was not permitted to work it the UK. Immigration issued a civil penalty to the manager.

On 29th April 2017 at 0518 hours police were called to 247 London Road to deal with a GBH involving two drunk males. One male punches another male in the face causing his teeth to cut through his lip. The premises were unable to download the CCTV for officers attending, which breaches condition one of their premises licence, which states CCTV shall be provided to police and council officers, in a useable form, on request. The premises had a licence allowing the premises to remain open 24 hours a day, however alcohol was only authorised for sales between the hours of 0600 to 0100 hours Mondays to Sundays. I was therefore concerned that the two drunken males who had smashed a bottle during the incident had in fact been purchasing alcohol outside of those permitted hours. I therefore requested hours from our police response team to attend after 0100 hours.

On Sunday 7th May 2017 hours at approximately 0234 hours PC553zd Bean attended the venue and witnessed a male walking out of 247 London Road holding a black bag. The officer asked the male what he had just purchased from the premises the male showed the officer inside of the bag which contained two bottles of alcohol. There were several other males inside the premises waiting to be served. All alcohol was clearly displayed for sale. These included the fridges containing beer, shelves stocked with wine and a full range of spirits behind the counter. The officer obtained the details of the male selling the alcohol and informed him that his is only authorised to sell alcohol until 0100 hours and

Signature: Signature witnessed by:

Continuation of Statement of **PC801zd Garrod** **AI**

had therefore committed an offence under the licensing act 2003. The premises was also advised that all alcohol must be covered after 0100 hours so that it is not exposed for sale.

On Monday 8th May I attended the premises and spoke to Mr ~~Robertson~~ ~~Manjiv~~ who I recognised from the officer BWV as the male who had sold the alcohol outside of the permitted hours. I requested that he attend Croydon Police Station the following day where he was interviewed under police caution and admitted the offence and received a police caution for the unauthorised sale of alcohol contrary to section 137 The Licensing Act 2003.

I requested CCTV for Sunday 7th May between 0200-0230 hours. The CCTV clearly shows a continual stream of customers purchasing alcohol showing a clear breach of their licence. In order to ensure compliance of the licensable hours on the licence, I requested CCTV for 15th and 16th May 0200-0230 hours. CCTV provided to police was not of 247 London Road but was CCTV of another premises which was shut between the hours that CCTV was requested. I spoke to Mr Rangjit regarding this and was informed he had downloaded CCTV from a different premises.

On 17th May 2017 at 0930 hours during a joint licensing visit with Immigration and HMRC. I attended 247 London Road and spoke to the manager Mr ~~Robertson~~ ~~Manjiv~~. During my visit I found that the premises had no staff training records and were not using a refusals register. Both were conditions on their licence at the time of my visit.

On 26th May at about 0250 hours officers witnessed a male coming out of the premises with a black bag, he confirmed he had purchased the alcohol from 247 London Road. Whilst dealing with this a member of the public told police alcohol is sold all night at the premises. DPS has a meeting with police to outline his proposal to adhere to the licensing objectives.

On 6th September as a result of information received by a member of public regarding the continuation of unlicensed sales of alcohol after 0100 hours. Police attend the premises in order to request CCTV. Whilst at the premises police discovered the member of staff on duty is not authorised to work in the UK. As the male was a victim of crime whilst working at the premises on 30th March it is clear he had been working at the premises for several months. Information passed to Immigration Enforcement Officers who are currently dealing with this matter.

CCTV received from the venue for 1st to 5th September 0100-0300 hours shows sales of alcohol continuing after 0100 hours, staff at the premises are using various means to conceal the sales. Money is taken from customers and alcohol placed in black bags before being given to the them either inside the premises or directly outside where there is no CCTV coverage

The Metropolitan Police tried to resolve this matter by working with the DPS offering advice as well as taking criminal proceedings against staff who have committed offences. As part of working with the premises they decided to remove the DPS Mr Ranjit as he did not work at the premises daily and it was clear he was not able to manage the day to day running of the premises.

The premise submitted a minor variation reducing the hours and adding more conditions to ensure the premises would be operating in accordance with the Licensing Objectives.

Signature: Signature witnessed by:

2003(1)

Conditions added to the premises licence on 10th October 2017.

1. Alcohol is not sold or supplied except during permitted hours. In this condition, permitted hours means:

Mondays to Sundays 08:00 to 01:00 hours on the days following.
2. Alcohol is not sold in an open container or consumed in the licensed premises. No open vessels containing alcohol are allowed off the premises.
3. All training (including training in the Licensing Act 2003) is delivered by a qualified trainer or licensing consultant. It will be fully documented and signed by the employee and the person delivering the training. Records are kept at the premises and made available upon request to either Police Officers or Council authorised officers. Refresher training is provided every 6 months.
4. Installation and maintenance of a closed circuit television system (CCTV) at the premises, compliant with Home Office requirements. The system covers all internal and external areas (including areas where alcohol is displayed/sold) with a camera covering the entrance door to enable head and shoulder images to identification standard, of every person entering the premises. Date and time stamped recorded images retained for a minimum of 31 days. A member of staff who is able to operate the CCTV and download images is on duty at the premises during the hours of licensable activity. A staff member is also working at the premises at all times that the premises is open and can download CCTV images upon request. Recordings are made available upon request to Police or Council authorised officer in a useable format.
5. An incident log/s are maintained and kept at the premises. The logs records the date, time, nature of incident, description of persons involved, details of any emergency service personnel in attendance, crimes reported, complaints received, incidents of disorder, seizure of weapons or drugs, faults with the CCTV system, alcohol refusals and visits from relevant authorities or emergency services. The logs are available to Police or Council authorised officer upon request.
6. Staff are able to communicate sufficiently with customers to enable them to promote the four licensing objectives and make an effective challenge where necessary.
7. Spirits are displayed behind the counter and not available as a 'self-service'.
8. An age verification policy is in operation at the premises and all staff are trained by Croydon Council Trading Standards in age restricted products. Training records are kept at the premises for inspection by Police or Council authorised officer.

Signature: Signature witnessed by:

Continuation of Statement of **PC801zd Garrod**

A1

9. A challenge 25 policy is in operation at the premises with signage displayed in prominent locations in the premises including point of sale and the area where alcohol is displayed, as a minimum. All staff are trained in the Challenge 25 policy.

10. Checks on staff by working with People Force International or similar agency and the Home Office website to verify identity, visas and right to work documentation. Records are kept and copies of any such documentation at the premises and made available to Police, Immigration or Council authorised officers on request. No new staff to work at the premises including any trial period, unless they provide satisfactory proof of identification and right to work documentation. All staff documents are retained for 12 months after termination (end) of employment at the premises and made available to Police, Immigration or Council authorised officers on request.

11. Each alcohol sale shall only be made by a personal licence holder.

On 17th October 2017 following an assault outside the premises I requested CCTV for 10th October 2017 2020-2050 hours in order that police could indentify the suspects. The premises were unable to provide the CCTV as it was only stored for 10 days and not 31 days as stated in their premises licence conditions. I received a letter from the premises dated 23rd October 2017 which stated they had now resolved the issue.

On 13th November 2017 at 0101 hours officers in an unmarked vehicle witnessed the premises selling alcohol, knowing the premises is due to close daily at 0100 hours. Officers entered the premises to speak with the male who had just sold alcohol to a member of the public. On speaking to the male it became apparent it was the same male who had been working in the premises on 18th April when Immigration and officers from the Police Licensing Team had attended and confirmed he was not authorised to work in the UK. Statement from officer attending has been sent to Immigration Enforcement Officers who are already dealing with premises.

The officer attended watched the CCTV at the time of attended and confirmed that the male not permitted to work in the UK had been behind the counter serving customers for the previous 15 minutes. These sales of alcohol breach the new conditions namely that all alcohol sales must be made by a personal licence holder and details of all employees are to be obtained to ensure they are authorised to work in the UK.

As a result of the incident on 13th November I request CCTV for the previous weekend 3rd -5th November 2017 0100-0300 hours. Having watched the CCTV provided on both 3rd and 5th November alcohol sales are continuing until 0200 when the premises is shut. I had been told by the Manager that the CCTV is one hour out however this is disproved by the attendance of police on 13th November who confirm that the CCTV is only 17 minutes out. At 0101 hours when the officer attended the CCTV was displaying 0044 hours. Therefore the premises have been continuing the sale of alcohol for a further 45 minutes past their closing hours.

Signature: Signature witnessed by:

Continuation of Statement of **PC801zd Garrod**

I feel that by lying about the time on the CCTV the premises are once again continuing to sell alcohol after their permitted hours and are using any means to conceal these sales.

Police have worked extensively with the premises and their licensing consultant yet there has been no improvement. I have therefore concluded that the premise licence should be reviewed based on the Prevention of Crime licensing objective.

The Metroplitan Police feels that there are no other suitable conditions that could be added to the licence to meet the Licensing Objectives and the premises have shown that even if conditions are applied they do not adhere to them. We therefore feel that there is no further option but to request that this premises licence is revoked.

Signature: Signature witnessed by:

A1

Witness contact details

Home address:
 Postcode:
 Home telephone number Work telephone number
 Mobile/pager number Email address:
 Preferred means of contact:
 Male-/ Female (delete as applicable) Date and place of birth:
 Former name: Ethnicity Code (16+1): Religion/belief:
 Dates of witness non-availability

Witness care

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

Witness Consent (for witness completion)

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

Signature of witness: Print name:
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): **PC801zd 200403 Garrod** Station: **Croydon**

Time and place statement taken:

A1

WITNESS STATEMENT

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

URN

Statement of: PC Tony Rose




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

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.

Witness Signature:  Date: 23/11/2017

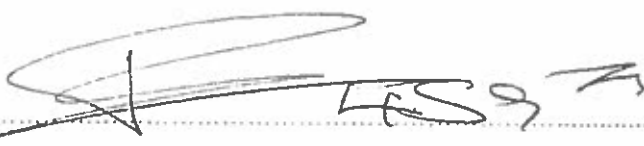
I am a police officer working out of Croydon Police Station I have served 20 years and for approximately 5 years I have been working as a licensing Officer.

On 18th April 2017 I was on duty not in uniform. We had been contacted by Immigration officers who had requested that we accompany them to carry out visits to several licensed premises where it was believed that staff working at these locations may be in breach of their visa conditions and or have entered the country illegally.

At approximately 10 30 AM myself with other officers attended Phoomi Supermarket at 247 London Road. On entering 4 males were present and working they were all spoken to by immigration officers. One of the males present who I now know to be was    When he was spoken to it was confirmed that he had no right to work whilst in the country, he was asked to leave the premises. It was also explained that he must not work whilst in this country.

Enforcement would be carried out by immigration officers.



Witness Signature: 

Signature Witnessed by Signature:

A1

WITNESS STATEMENT

AI

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

Statement of PC David BEAN 553ZD URN: [] [] [] []

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

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: [Signature] PC D. Bean 55320 Date: 13th November 2017

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

On Monday 13th November 2017 at about 0100 hours I was on duty in plain clothes in company with PC 477ZD Michael Windheuser. We were on patrol in an unmarked police car call-sign ZD17 in the West Croydon are and I stopped outside an off licence located at 247ZD London Road, Croydon. I am aware that the off licence has a licence to sell alcohol until 0100 hours daily. I was sat in the driver's seat of our police car and was only about 5 metres from the front of the shop. The front of the shop was completely open and lit on the inside. I had a clear and unobstructed view of the front and inside of the shop including the till area. I watched a man enter the shop and after looking around briefly he selected what looked like four cans of beer from the display before walking up to the counter where a member of staff in a black hat was serving. At that point PC 477ZD Windheuser turned his body worn camera on and I took hold of it to film what was happening. At 0101 hours I watched and filmed the man as he handed money over to the man in the black hat, placed the cans of beer in his rucksack and received change from the man in the black hat. The man then left the shop and I showed him my warrant card and stopped him. He produced some cans of Super Skol beer from this rucksack and told me that he had just bought them for £1.50 and that the man in the black hat who was still standing behind the counter had sold them to him. I thanked the man for his help and PC Windheuser and I entered the shop. The mane in the black was still behind the counter and I now know him to be [redacted]. He confirmed his identity via his immigration ID card which stated that he was prohibited from taking employment. [redacted] had called a colleague over and we were joined by the manager who I now know to be [redacted]. He came over and I told him why we were in the shop. He said that [redacted] wasn't working despite me having seen him being behind the counter selling a customer beer and being the only visible member of staff. [redacted] said that he had been downstairs because the CCTV system wasn't working. I asked to see the CCTV and [redacted] took me downstairs

Signature: [Signature] PC 55320 Signature witnessed by: [redacted]

Continuation of Statement of P. DAVID BEAN 55320

and showed me the footage. It clearly shows [redacted] behind the counter for at least 15 minutes before we entered the shop serving customers. The time on the CCTV cameras is wrong, I witnessed the alcohol sale take place at 0101 hours but the time on the CCTV was 0044 hours. Having watched the CCTV I asked [redacted] to burn off the footage from 2300 hours on Sunday 12/11/17 until the point we enter the shop from the two cameras covering the till at 247 London Road. PC Windheuer phone immigration in Manchester and they advised not to arrest [redacted] so soon after we left.

P. David Bean 55320 _____ DB
1 429 80 LONDON 17 20
429 80 LONDON 17 20

Signature: P. 55320 Signature witnessed by: _____

2003(1)



**METROPOLITAN
POLICE**

TOTAL POLICING

Territorial Policing

A1

Phoomi Supermarket
247 London Road
Croydon
Surrey
CR0 2RL

**ZD - Croydon Borough
ZD - Croydon Police Station**

Croydon Licensing Team
Croydon Police Station
71 Park Lane
Croydon CR9 1BP

Telephone: 0208 649 0167
Facsimile:
Email: Zoe.P.Garrod@met.police.uk
www.met.police.uk

Your ref:
Our ref:

15th November 2017

Dear [REDACTED]

Ref: Premises Licence - 05/03243/LIPERS

When police arrived at the premises the witnessed at sale of alcohol at 0101 hours, knowing the shop should close at 0100 hours officers spoke to [REDACTED]. He confirmed his identity via his immigration ID card which states he is prohibited from taking employment.

[REDACTED] was found working in the premises on 18/04/2017 during a visit by immigration officers.

Body worn Video and a statement from the officers attending will be provided to the Immigration Compliance and Enforcement Team.

As a result of this and the breach in your new licence issued 10th October 2017 which states all alcohol sales must be made by a personal licence holder. I am requesting the following CCTV:

Friday 10th November 0000-0130
Saturday 11th November 0000 – 0130
Sunday 12th November 0000-0130 hours

And CCTV for the previous weekend

Friday 3rd November 0000-0130
Saturday 4th November 0000-0130
Sunday 5th November 0000-0130

If you wish to discuss any of the above with me please contact me on 0208 649 0043.

Regards

A1

PHOOMI SUPERMARKET
247 LONDON ROAD
SURREY CRO 2RL

23/10/17

PC Zoe Garrod
Croydon Police Licensing Team
Croydon Police Station
71 Park Lane
Croydon CR9 1BP

Dear Madam PC,

Further to my email before I confirm that the CCTV Engineer has attended our premises today and found that there was a problem with storage capacity.

They have now rectified the problem and we apologise we did not give you the record this time and we didn't expect this at all.

I hereby enclose some sample recordings for you and you will notice that there are new cameras installed and you will see the coverage as you were requesting before. I also enclose letters from CCTV company as evidence of new system and issues before.

We will do everything to ensure this problem will not happen again with CCTV.

Yours sincerely



A1

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 David BEAN 553ZD** URN:

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

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: *PC David Bean SS3^{2D}* Date: **20th November 2017**

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

On Sunday 7th May 2017 at shortly after 0230 hours I was on duty in full uniform driving a marked police van in the West Croydon area. My attention was drawn to a light night convenience store / off licence located at 247 London Road. I am aware that the venue has an alcohol licence that forbids the sale of alcohol after 0100 hours daily. I saw a man walking out of the shop carrying a black plastic bag of the kind that off licences usually place recently purchased alcohol in. It occurred to me that the shop may have breached their licence so I stopped and spoke to the man and asked him what he had just bought. He told me that he had just purchased two bottles of alcoholic drink from 247 London Road and he showed me the bottles but I cannot now remember exactly what he had bought. I then went into the shop and serving behind the counter was a man who I now know to be [REDACTED]. I spoke with [REDACTED] and he confirmed that he had just sold the drink to the male and that he knew he must stop selling alcohol at 0100 hours. I can confirm that on that occasion the shelves and units where alcohol was displayed not covered.

On Thursday 26th May 2017 in the early hours of the morning I again was on patrol in full uniform in the vicinity of 247 London Road and saw another male leaving the shop after 0100 hours with a can of beer that he had just bought. I stopped him and spoke with him, he told me that the man behind the

Signature: *PC David Bean SS3^{2D}* Signature witnessed by:

Continuation of Statement of PC David Bean 553ZD

counter inside the shop had just sold the beer to him. The man told me that the shop is known for selling alcohol well into the early hours of the morning and that he regularly buys beer there gone 0100 hours. I then went into the shop and spoke to the man behind the counter who I now know to me [redacted] He confirmed to me that he had just sold the alcohol to the male and that he knew he was meant to stop selling alcohol at 0100 hours.

On both occasions I reported my findings to the licensing unit at Croydon police station.

On both occasions I filmed my encounters on my Body Worn Video but did not save the footage.

PC David Bean SS3^{2P} *DB*

Signature: *PC David Bean SS320* Signature witnessed by:

2(N)3(1)

WITNESS STATEMENT

AI

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

Statement of PC801zd Garrod URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer 200403

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: Z Garrod PC801zo Date: 9th May 2017

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

On Monday 8th May at approximately 1330 hours I was on duty in plain clothes in the company of PC194zd Rhodes. I am attached to Croydon police station as a licensing officer. I attended Yarlpaady Supermarket, 247 London Road, Croydon, CR0 2RL. On entering the shop I went to speak with a male I now know to be [REDACTED]. I asked if he was the person in charge. I explained that I was a Licensing Officer from Croydon police Station and needed to discuss an incident that had happened on Saturday night. He stated that he wasn't the boss and he telephoned a male I now know to be [REDACTED]. [REDACTED] I explained to him that I needed to discuss an incident that had occurred on Saturday night, he stated that he would return to the shop to discuss this with me. Several minutes later [REDACTED] arrived at 247 London Road, I recognised him from BMV that had been sent to me by PC553zd David BEAN.

The footage was taken at 02:34 hours on Sunday 7th May and shows a male walking out of 247 London Road, with a black bag containing two bottles of alcohol. PC 553zd Bean asks the male if he has just purchased the alcohol from 247 London Road, which the male confirms. There are several other males inside the shop two are stood at the counter waiting to be served and a further two are stood pointing at the alcohol behind the counter. From the footage it is clear to see that all alcohol within the shop is clearly displayed for sale. There are fridges containing beer, shelves containing wine, and a full range of spirits behind the counter.

I explained to [REDACTED] that police had attended the shop on Sunday morning and had spoken to a male outside the shop who had just purchased alcohol at 0234 hours. I further explained that he is only licensed to sell alcohol until 0100. [REDACTED] said "It was just one person I know him that is why I sold it to him" I told [REDACTED] that I would like him to attend Croydon Police Station at 1300 hours on TUESDAY 9th MAY so that I could conduct a caution plus three interview. I explained that it would be a tape

Signature: Z Garrod PC801zo Signature witnessed by: [REDACTED]

Continuation of Statement of PC801zd Garrod

recorded interview under caution to discuss offences committed under the Licensing Act 2003. I also requested that he bring CCTV 0200-02300 Sunday 7th May so that I could view the sale and see if any further sales of alcohol had been made within that time. [redacted] said "The boss will sack me". I asked him for the full details of [redacted] who is the premises licence holder. [redacted] informed me that [redacted] is currently out of the country. ZGarrod PC801zd

0200-02300

Signature:

ZGarrod PC801zd

signature witnessed by:

2003(1)



**METROPOLITAN
POLICE**

TOTAL POLICING

Territorial Policing

AI

Phoomi Supermarket
247 London Road
Croydon
Surrey
CR0 2RL

**ZD - Croydon Borough
ZD - Croydon Police Station**

Croydon Licensing Team
Croydon Police Station
71 Park Lane
Croydon CR9 1BP

Telephone: 0208 649 0167
Facsimile:
Email: Zoe.P.Garrod@met.police.uk
www.met.police.uk

Your ref:
Our ref:

17th October 2017

Dear [REDACTED]

Ref: Premises Licence - 05/03243/LIPERS

Police are investigating an assault that occurred on Tuesday 10th October outside your premises.

Can you please provide me with CCTV footage showing all internal and external areas for the following date and time.

Tuesday 10th October 2017 – 2020 hours to 2050 hours

If you wish to discuss any of the above with me please contact me on 0208 649 0043.

Regards

Yours sincerely,

PC Zoe Garrod 801ZD
Croydon Borough Licensing Officer

WITNESS STATEMENT

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

URN [] [] [] [] [] [] [] [] [] []

Statement of: Hannah Mary Kelly

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

Occupation: Immigration Officer

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

Signature: *[Handwritten Signature]* TO 9066 Date 22/11/2017

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

I am an Immigration Officer who works on a team of Arrest Trained Immigration Officers from the SOUTH LONDON COMMAND OPERATIONS TEAM based at LUNAR HOUSE, CROYDON. We work in nine boroughs in the South London area. One of the boroughs we cover and I work in regularly is Croydon. We have had numerous dealings with: 247 London Road, Croydon CR0 2RL an establishment who continue to employ persons who have no right to work on a basis to remain in the UK. The following dealings with 247 London Road are listed below:

On 05th November 2015 South London ICE attended a police-led licensing visit to PHOOMI SUPERMARKET, 247 LONDON ROAD, CROYDON, CR0 2RL. The officer in charge of the visit was Immigration Officer Richard Fox Also in attendance was Police Constable Darren RHODES. Entry to the premises was gained at 12:45 hours by fully informed consent, obtained from Shop *[Redacted]*

The team's entry prompted an adverse reaction from an IC4 male standing behind the shop's till. The subject walked away from the till and acted in an agitated manner. His behaviour had led the attending officers to suspect that he was an immigration offender, he was screened regarding his status by Immigration officer Louis Bennett and later arrested under Paragraph 17(1) of Schedule 2 of the Immigration Act (as amended): *[Redacted]*

Team exited at 13:14 HRS and *[Redacted]* was transported to Lunar House custody. A notice of potential liability was served on the business.

On 18th April 2017 Officers from South London ICE conducted another enforcement visit today to Phoomi Supermarket 247 London Road Croydon CR0 2PL following intelligence that the premises were employing persons who are illegally present and working illegally. The team arrived at 10:26 hours with entry under Section 179 of the Licensing Act 2003. *[Redacted]* was encountered working illegally at the premises. The subject was reporting to immigration due to an outstanding application with the Home Office but had No right to work in the UK. He was asked to leave the premises and told

Signature: *[Handwritten Signature]* Signature witnessed by:

Date: 22/11/2017

RESTRICTED (when complete)

MG11U
UKBA

WITNESS STATEMENT

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

URN

Statement of: Hannah Mary Kelly

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

Occupation: Immigration Officer

not to take up employment. He was encountered working at the premises again on 13th November 2017 serving alcohol by Croydon licensing team, immigration were not in attendance.

On 01st November 2017 Officers from South London ICE conducted another enforcement visit today to Phoomi Supermarket 247 London Road Croydon CR0 2PL following intelligence from MET Croydon licensing team that [REDACTED] Sri Lanka Male (illegally present in the UK) was encountered behind the counter of a shop at 247 London Road, Thornton Heath CR0 2RL where he stated that his brother in law works as a manager. The subject stated he was not working however he was behind the counter and was the only person in the shop. The police stated they have CCTV footage showing the subject serving beer to a customer, in light of this information, immigration officers attended the premises on 01/11/2017 to which [REDACTED] was not encountered.

The premises continues to employ illegal workers despite numerous visits from MET police and immigration.

H Kelly
IO9066

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Signature: [Handwritten Signature] Signature witnessed by:

Date: 22/11/17

2010/11(1)
UKBA

RESTRICTED (when complete)

RESTRICTED (when complete)

MG 11 (T)

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 PC801zd Garrod URN: [] [] [] []

Age if under 18 Over 18 (if over 13 insert 'over 13') Occupation Police Officer 200403

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: Z Garrod PC801zd Date 4 December 2017

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

I am a Police Constable I joined the Metropolitan Police Service in February 1999. I am currently attached to Croydon Borough Licensing Team in my role as a Licensing Officer a role I have held since April 2015.

This further statement relates to a premise licence held by Yarlpaady Kas 'N Carry, 247 London Road, Croydon, CR0 2RL.

On 28th November 2017 Mr [redacted] the manager of 247 London Road attended Croydon Police to be interviewed under caution for the offence of unauthorised sales of alcohol. During the interview I highlighted several incidents whereby police had witnessed Mr [redacted] selling alcohol outside of the permitted hours on the premises licence.

On 26th May 2017 officers attending the premises at about 0250 hours had witnessed a male leaving the premises having purchased alcohol from Mr [redacted]. Officers spoke to Mr [redacted] at the time and he confirmed he had sold the alcohol knowing he was not permitted to sell alcohol after 0100 hours.

On watching CCTV from 1st September 2017 Mr [redacted] is seen standing behind the counter whilst customers are directed off camera by other members of staff. They are then seen with a black bag and go over to the till where they pay Mr [redacted] for the concealed items in the bag. At 02:21 hours Mr [redacted] is seen to reach behind the sheet covering the alcohol, he takes a bottle of alcohol which he then serves to a customer. This is 1 hour and 21 minutes after the premises should cease selling alcohol.

On 2nd September 2017 CCTV again Mr [redacted] is seen behind the counter at 0138 hours members of staff are seen to give customers black bags, they then pay Mr [redacted].

On 13th November 2017 officers attended and dealt with a male who was not authorised to work in the UK. Whilst there the officer watched the CCTV to confirm the male had been serving alcohol prior to his attendance. The officer noted that at 0101 hours the CCTV showed 0044 hours. So all sales of alcohol made after 0043 hours were in fact unauthorised sales as no alcohol should have been sold after 0100 hours.

Z Garrod PC 801zd

Signature: Z Garrod PC801zd Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

Continuation of Statement of **PC801zd Garrød**

On watching CCTV from 3rd November 2017 it clearly shows sales of alcohol continuing until 0155 hours. On 5th November 2017 alcohol is still being sold by Mr ~~Mr [redacted]~~ at 0157 hours. Given that officers had confirmed the time on the CCTV is incorrect and at 0043 hours it is actually 0100 hours. The premises are making no attempt to adhere to their premise licence and when questioned about why the CCTV time is wrong Mr ~~Mr [redacted]~~ stated it was on British Summer Time so was therefore an hour out. This is clearly not true and is yet another attempt to conceal the sale of alcohol after 0100 hours.

During his interview Mr ~~Mr [redacted]~~ admitted that on all the above occasions he had knowingly sold alcohol outside of the premises licences permitted hours. He stated that he was sorry but the rent was now £9,000 and therefore the business needed extra money. Mr ~~Mr [redacted]~~ stated it was not something that the premises did all the time.

On Monday 4th December at 1155 hours Mr ~~Mr [redacted]~~ attended Windmill Road Custody Centre. In the presence of PC Tony Rose I issued Mr ~~Mr [redacted]~~ with a Police caution for the unauthorised sale of alcohol contrary to section 136 of The Licensing Act 2003. After receiving his Police Caution Mr ~~Mr [redacted]~~ stated to police that he only opened for an extra hour when he needed some extra money.

Mr ~~Mr [redacted]~~ has been informed that should the premises open after 0100 hours again police will take further action.

Z. Garrød PC801zd

Signature: *Z. Garrød PC801zd* Signature witnessed by:

2003(1)

Premises Licence

Premises licence number

05/03050/LIPREM

Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code

Yarlpady Kas 'N' Carry
247 London Road
Croydon
Surrey
CR0 2RL

Telephone number

0208 665 7449

Licensable activities authorised by the licence

The sale by retail of alcohol.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

Monday to Sunday 08:00 until 01:00 hours on the days following.

The opening hours of the premises

Monday to Sunday 08:00 until 01:00 hours on the days following.

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

Off

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

Mr Poobalasingam Rangit
Yarlpaady Kas 'N Carry
247 London Road
Croydon
Surrey
CR0 2RL

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

Mr Poobalasingam Rangit
~~247 London Road~~
Croydon
~~CR0 2RL~~

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

Personal Licence No: 05/03243/LIPERS
Licensing authority: London Borough of Croydon

Date Licence Issued: 24 November 2005

This licence effective: 10 October 2017

Annex (1) Mandatory conditions

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing *Conditions*) Order 2010 and Order 2014;

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in the above paragraph

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula:

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

Where:

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence,
- or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence.
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Annex (2) Conditions consistent with the Operating Schedule

The premises licence holder will ensure:

1. Alcohol is not sold or supplied except during permitted hours. In this condition, permitted hours means:

Mondays to Sundays 08:00 to 01:00 hours on the days following.
2. Alcohol is not sold in an open container or consumed in the licensed premises. No open vessels containing alcohol are allowed off the premises.
3. All training (including training in the Licensing Act 2003) is delivered by a qualified trainer or licensing consultant. It will be fully documented and signed by the employee and the person delivering the training. Records are kept at the premises and made available upon request to either Police Officers or Council authorised officers. Refresher training is provided every 6 months.
4. Installation and maintenance of a closed circuit television system (CCTV) at the premises, compliant with Home Office requirements. The system covers all internal and external areas (including areas where alcohol is displayed/sold) with a camera covering the entrance door to enable head and shoulder images to identification standard, of every person entering the premises. Date and time stamped recorded images retained for a minimum of 31 days. A member of staff who is able to operate the CCTV and download images is on duty at

the premises during the hours of licensable activity. A staff member is also working at the premises at all times that the premises is open and can download CCTV images upon request. Recordings are made available upon request to Police or Council authorised officer in a useable format.

5. An incident log/s are maintained and kept at the premises. The logs records the date, time, nature of incident, description of persons involved, details of any emergency service personnel in attendance, crimes reported, complaints received, incidents of disorder, seizure of weapons or drugs, faults with the CCTV system, alcohol refusals and visits from relevant authorities or emergency services. The logs are available to Police or Council authorised officer upon request.
6. Staff are able to communicate sufficiently with customers to enable them to promote the four licensing objectives and make an effective challenge where necessary.
7. Spirits are displayed behind the counter and not available as a 'self-service'.
8. An age verification policy is in operation at the premises and all staff are trained by Croydon Council Trading Standards in age restricted products. Training records are kept at the premises for inspection by Police or Council authorised officer.
9. A challenge 25 policy is in operation at the premises with signage displayed in prominent locations in the premises including point of sale and the area where alcohol is displayed, as a minimum. All staff are trained in the Challenge 25 policy.
10. Checks on staff by working with People Force International or similar agency and the Home Office website to verify identity, visas and right to work documentation. Records are kept and copies of any such documentation at the premises and made available to Police, Immigration or Council authorised officers on request. No new staff to work at the premises including any trial period, unless they provide satisfactory proof of identification and right to work documentation. All staff documents are retained for 12 months after termination (end) of employment at the premises and made available to Police, Immigration or Council authorised officers on request.
11. Each alcohol sale shall only be made by a personal licence holder.

Annex (3) Conditions attached after a hearing by the licensing authority

Not applicable.

Annex (4) Plans

Attached

Premises Licence Summary

Premises licence number

05/03050/LIPREM

Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code

Yarlpady Kas 'N' Carry
247 London Road
Croydon
Surrey
CR0 2RL

Telephone number

0208 665 7449

Licensable activities authorised by the licence

The sale by retail of alcohol.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol –

Mondays to Sundays 08:00 until 01:00 hours on the days following.

The opening hours of the premises

Monday to Sunday 08:00 until 01:00 hours on the days following.

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

Off

Name, (registered) address of holder of premises licence

Mr Poobalasingam Rangit
Yaripaady Kas 'N Carry
247 London Road
Croydon
Surrey
CR0 2RL

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

Mr Poobalasingam Rangit

State whether access to the premises by children is restricted or prohibited

No

Statement of Witness

(Criminal Procedure Rules, R27.2); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Trevor WILLIAMS

Age of witness: over 18

Occupation of witness: Senior Fair Trading Officer

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 in it anything which I know to be false or do not believe to be true.

Dated the 6th Day of December 2017

Signed ... 

Signature witnessed by

I am employed as a Senior Fair Trading Officer for the L.B. Croydon's Trading Standards Service. As part of my duties, I am officer who deals with referrals made to this Service as a Responsible Authority under the provision of The Licencing Act 2003. Croydon Trading Standards provide free training on age restricted matters. It is known as "Do You Pass" and is nationally recognised train course. On or around the 23rd of November 2017 I was informed of a review of the alcohol licence which relates to 247 London Road, West Croydon, CR0 2RL. This review has be instigated by the Croydon Borough Police Licensing Section. As a result I looked at the current Premises Licence dated the 10th October 2017. Condition 8 states "An age verification policy is in operation at the premises and all staff are trained

Dated the 6th Day of December 2017

Signed 

Signature witnessed by

"Continuation of Statement of Trevor WILLIAMS"

Statement of Witness

(Criminal Procedure Rules, R27.2); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

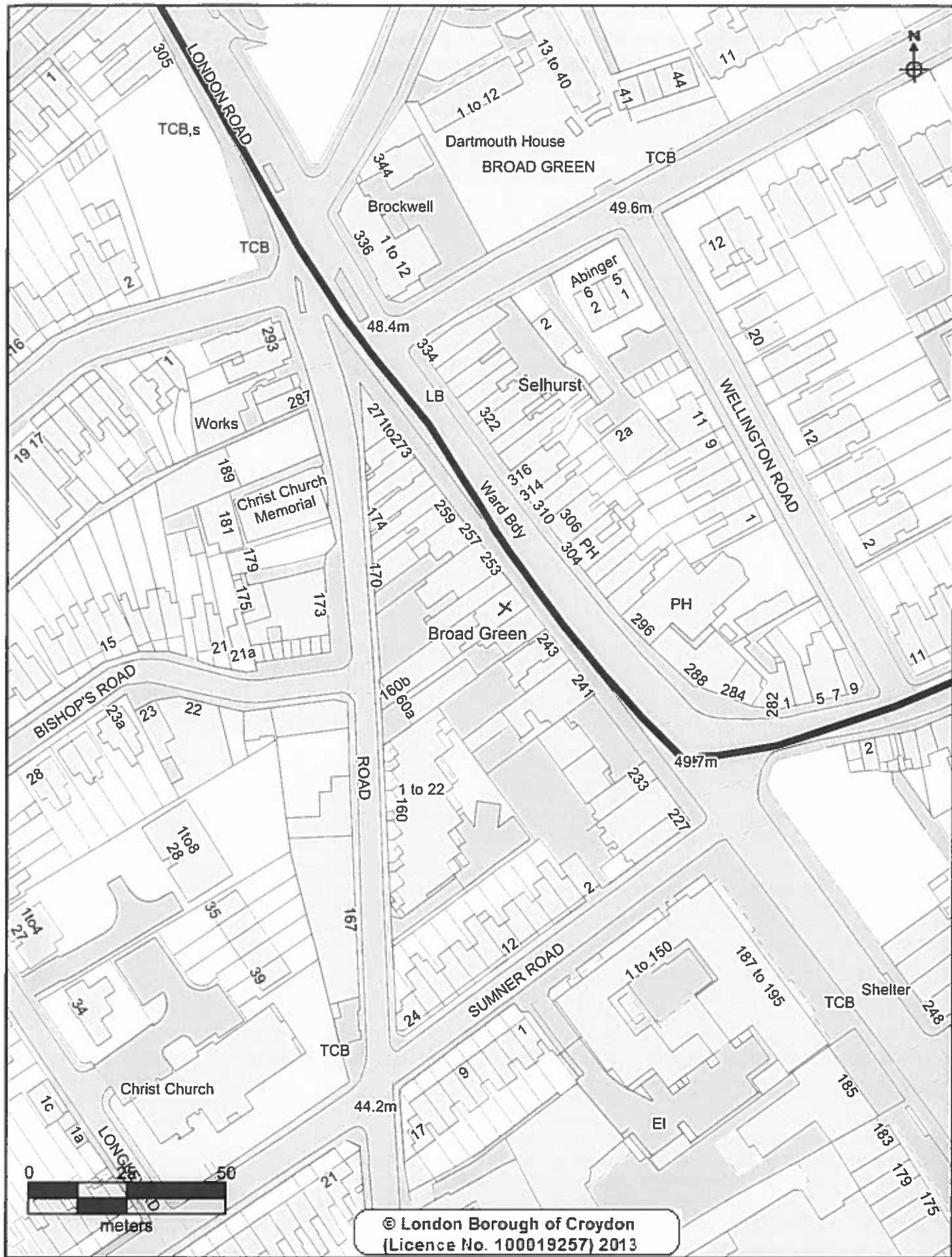
by Croydon Council Trading Standards in age restricted products. Training records are kept at the premises for inspection by Police or Council authorised officer"

I have reviewed the records held by this Service. I found two records relating to 247 London Road, the first dated 2014 related to Mr ~~Chalcey Zair Anvasakam~~ who attended the "Do You Pass" training and passed. The second referred to Mr ~~Rajakrishnan Manivasagam~~ attending the "Do You Pass" training on the 18th October 2017. There is no record of anyone else attending the training from Yarlpady Kas N Carry. On or about 9th June 2017 enforcement action regarding cosmetic products that were incorrectly label and or contained banned substances was taken by an officer of this service. The person who identified himself as being the owner was Mr ~~Poobalasingam RANGIT~~. A check of business rates confirmed that he was the rate payer. I have reviewed the current and the previous licences, Mr Poobalasingam RANGIT appears as the Premises Licence holder in both. I have made a further check on the "Do You Pass" records and I cannot find any indication that Poobalasingam RANGIT has ever attended "Do You Pass" training. The records to which I refer are recorded by officers who are under a duty to compile those records, I have no reason to believe they are inaccurate

Dated the 6th day of December 2017

Signed 

Signature witnessed by



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