

096069
10/08/17

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

Appendix B

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 Jonathan James WEBB

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description City News 80 Belgrave Gate	
Post town Leicester	Post code (if known) LE1 3GQ

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

Number of premises licence or club premises certificate (if known) PREM0147

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC1790 Jonathan WEBB Force Licensing Department Leicestershire Police, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG
Telephone number (if any) 101 Ext 6683
E-mail address (optional) licensing@leicestershire.pnn.police.uk

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

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

This is a small newsagents and Off Licence situated on Belgrave Gate Leicester City within the Church Gate cumulative impact area.

The staff at the shop are selling high strength alcohol to a recognised group of people known as 'street drinkers' even after they have been advised that these people are using alcohol to cause anti-social behaviour in the City Centre.

CCTV was requested from the PLH on 30 June 2017 and at that time he stated he did not know how to make recordings. SINGH was advised that he needs to be fully conversant with his CCTV system to allow him to supply recordings of an evidential quality and was given a week to gain the knowledge.

On Tuesday 11th after numerous visits to obtain recordings SINGH was still unable to make recordings from the system hard drive.

SINGH and his wife are the only 2 members of staff and he states they are regularly abused and threatened by some customers in relation to their purchase of alcohol. He has failed to report these incidents and instead will sell the alcohol as this is the 'safest' option.

On each visit by PC Webb the only persons present have been Mr SINGH and/or his wife. Mr SINGH and the Designated Premises Supervisor (DPS) Mr Deepak TANNA were invited to a meeting with PC Webb. Mr TANNA did not attend and appears not to be fulfilling the role of a DPS.

Leicestershire Police believe that due to their actions and inactions staff are failing to promote 3 of the licensing objectives;
Prevent Crime and Disorder, Promote Public Safety and Prevent Public Nuisance.

Leicestershire Police therefore request, but whilst not wishing to hinder the committees decision making , that the following conditions be considered. These will assist the PLH and staff with clear guidelines and ensure the licensing objectives are promoted.

THE REMOVAL OF THE PRESENT DESIGNATED PREMISES SUPERVISOR MR DEEPAK TANNA.

THE LICENCE HOLDER WILL ENSURE NO BEERS, LAGERS, CIDERS OR PERRYS ARE SOLD WHERE THE ALCOHOL BY VOLUME (ABV) EXCEEDS 5.5%

THE LICENCE HOLDER WILL ENSURE THAT NO SINGLE CANS OF BEER, LAGER OR CIDER ARE SOLD AT THE PREMISES.

THE LICENCE HOLDER WILL KEEP ALL CCTV RECORDINGS FOR A MINIMUM OF 30 DAYS AND MAKE THEM AVAILABLE TO POLICE WITHIN 24 HOURS OF A REQUEST BEING MADE FOR THOSE IMAGES.

THE LICENCE HOLDER WILL ENSURE THAT ANY IMAGES SUPPLIED WILL HAVE BEEN DIRECTLY DOWNLOADED FROM THE SHOPS RECORDING EQUIPMENT.

THE LICENCE HOLDER WILL ENSURE THAT ANY REFUSAL TO SELL ALCOHOL IS RECORDED IN A REFUSAL BOOK WHICH WILL BE KEPT ON THE PREMISES AND MADE AVAILABLE TO THE RESPONSIBLE AUTHORITIES ON REQUEST.

THE LICENCE HOLDER WILL REPORT ALL INCIDENTS OF CRIME AND DISORDER THAT OCCUR IN THE SHOP TO THE POLICE.

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

Entry made on Innweb by PC1790 Jon Webb Licensing Officer, following a incident at 1243hrs 30th June 2017.

Saw 2 x males enter the shop who were clearly intoxicated. One male stood looking at the newspapers just inside the door and was swaying backwards and forwards and very unsteady on his feet. The other male approached the fridge in which the alcohol was located. The male then approached the counter where there was an IC4 male serving behind the counter. He was the only member of staff I could see in the shop.

The male purchased the can he took to the till and was then joined by the other male. He also appeared to purchase a can although from my position I could not see the transaction take place.

Whilst I had been watching from outside the shop I could see that the staff member was continuously monitoring the male stood near the newspapers and could clearly see how intoxicated he was. As both males started to leave I entered the shop and could see from the markings on the can that it was HCC Black which I confirmed was a cider by looking at the same product in the fridge. I also noticed that the can was 7.5%ABV.

I then spoke with the male who identified himself as Sukhwinder SINGH the PLH. He claimed that the first male was on drugs not drunk and that he had bought the alcohol for the second male. I explained that it was impossible for him to know whether it was drink or drugs and that the signs were that they were both intoxicated and therefore an offence under section 141(1). In any case it was not promoting the licensing objectives. We then viewed the shops cctv which clearly showed the second male presenting money for the can of alcohol which was taken by Mr SINGH and the change being handed back to him by Mr SINGH. I requested a copy of the cctv however Mr SINGH claimed he was unable to do this so I have told him he must learn by next week when I will return to obtain a copy.

Have also explained that a possible review of the licence will be considered.

CCTV recorded from monitor showing sale to males on 30th June 2017. Ex JJW1

Entry made on Innweb by PC1790 Jon Webb Licensing Officer following visit to the shop at 1140hrs on Tuesday 04th July 2017;

Attended the premises to speak with Mr Singh regarding cctv and the incident on Friday.

Mr Singh is still unable to download footage from the system and relies on copying it to his phone. I told him this was unacceptable and that he needed to learn how to download footage. I have told him that he must have the recording of Fridays incident by Thursday 6th July or I may have to seize the hard drive and the consequence of that is he would be in breach of his licence were he to sell alcohol or display alcohol for sale.

This is proportionate in that he has been warned twice now that it is his CCTV and therefore he must be fully conversant with it.

I also handed Mr Singh a written record of the incident which is scanned onto the system.

I have also indicated that I am deciding whether a review is required.

I am further concerned that the DPS Mr Tanna is no longer connected with the premises. I asked Mr Singh who the DPS was and had to repeat myself numerous times before explaining who the DPS was at which point he said Deepak TANNA. When I asked when he was last on the premises he was extremely vague but eventually stated Friday at either 2 or 3! I have asked for CCTV evidence of him being on the premises.

Entry made on Innweb by PC1790 Jon Webb regarding an incident at 1322hrs Tuesday 04th July 2017;

On walking out of the Police station I have noticed 2 x males walking towards the shop that I know as regular street drinkers. I noticed that both males had walked into the shop and then a few minutes later exited with a can of alcohol each. One had a can of White ACE cider 500ml 7.5% ABV and the other a can of HCC Black cider 500ml 7.5% ABV. I have then watched both males as they went and sat on the stairs of the nearby car park and sat drinking their cans.

I returned to City News and again spoke to Mr SINGH who was the only person working in the shop. I confronted him regarding the males who he again confirmed that he knew they were street drinkers but if he didn't sell them the alcohol they would just steal it.

I explained that this was not an excuse and that he must report issues to the police. He cannot break the law or fail to promote the licensing objectives. I have informed him that I need to speak with him and the DPS on Thursday at Mansfield House and will be seriously looking to review the licence.

Entry made on Innweb by PC1790 Jon Webb regarding an incident at 0820hrs Thursday 06th July 2017;

On walking out of Mansfield House to visit High St, I saw 2 males walking towards me who had the dishevelled appearance of street drinkers. I then noticed that one of the males was drinking from a can of super strength skol lager. The other male sat on the wall outside the police station whilst the male drinking from the can entered the shop. A few moments later this male exited with another can of Skol Super 9% ABV which he initially put into his pocket. These 2 males then walked towards the Clock Tower where I saw them sit with a group of fellow street drinkers on the benches.

Officers were already in the vicinity due to an operation running to engage and deal with beggars and street drinkers in this area which regularly receives complaints of alcohol related asb.

Entry made on Innweb by PC1790 Jon Webb regarding an incident at 0902hrs Thursday 06th July 2017;

Returning to Mansfield House Police Station I saw a male who I have recognised previously sitting at the Clock Tower within the group of street drinkers. The male was slim build, 5 10, short dark hair wearing thick black rimmed spectacles and a camo jacket. The male was picking up cigarette ends from the waste bins as he passed.

He entered the shop and exited a few moments later drinking from a can of HCC Black Cider 7.5%. The male walked up Charles St and onto Humberstone Gate where he proceeded to sing loudly and gesticulate with his arm as he walked. Members of the public were looking across at him as he reached the Clock Tower and joined the group of street drinkers sat on the benches.

Meeting at Mansfield House 1000hrs 06th July 2017;

Letter detailing meeting discussions attached exhibit JJW2

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



PC1790

Date

11th July 2017

Capacity Licensing Officer Leicestershire Police

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

Ex JJW2

Please ask for PC1790 Jon Webb, Mansfield House Police Station, 74 Belgrave Gate Leicester. LE1 3GG
Ext. No. 6683
E-mail address [REDACTED]

SUKHWINDER SINGH
80 BELGRAVE GATE
LEICESTER
LE1 3GQ

11 July 2017

Dear Mr Singh,

I write in my capacity as Licensing Officer for the Leicestershire Police.

At 1000hrs on the **06th July 2017** you attended Mansfield House Police Station following a request by myself to meet with me. I also requested that the Designated Premises Supervisor(DPS) for the premises, Mr Deepak TANNA attended as well.

On arrival you informed me that Mr TANNA would not be joining us as he had to look after his aged brother.

I pointed out to you that I was concerned that Mr TANNA was not fulfilling his role as the DPS and was not attending the premises. I was also not convinced with your statement that he attended last Friday for a few hours in the afternoon.

We discussed that you have passed your personal licence holders course and have received your certificate. You informed me that you do not have a criminal record and I therefore suggested that you apply for a Personal Licence and subsequently take on the position of DPS for the shop.

We agreed in any case that a new DPS would be put in place as soon as possible but certainly within 3 months.

We then discussed the problems with selling alcohol to 'street drinkers' and the on-going anti-social behaviour being caused by this group in the City fuelled by high strength alcohol.

I reiterated the occasions we have already discussed being on the 30th June and the 04th July where I have witnessed the sale of single cans of high strength alcohol to individuals who were street drinkers. I then highlighted 2 further instance where your wife, who was on duty this morning, has on 2 separate occasions sold single cans of alcohol to street drinkers who have immediately made their way to the Clock Tower. One of these males was loudly singing and gesticulating as he walked along Humberstone Gate drinking from his can of HCC Black Cider 7.5% before joining up with the group responsible for incidents of ASB at the Clock Tower.

I informed you that we now needed to look at the 'Licensing Objectives' and ensure that you were promoting them. I indicated that we had 2 options; You could apply for a minor variation to have a number of conditions added to your licence. This was purely voluntary on your part and would require an expense by you. Secondly I could request a review of the present licence with the evidence I had and suggest appropriate and proportionate conditions to the Committee.

You have indicated that you would prefer to apply for a minor variation and submit conditions to be added to the licence.

I then discussed with you the present licence and whether you were fully aware of the present conditions. You informed me you were however when I queried whether you were placing labels on the alcohol as required your reply was "I try". I explained that "to try" is not what is required to prevent being in breach of your licence and you then admitted that none of the cans of alcohol carried labels.

I have suggested a number of conditions which I believe are required to promote the licensing objectives and keep you, your staff and the public safe and free from experiencing anti-social behaviour..

The Licence Holder will ensure no beers, lagers, ciders or perrys are sold where the alcohol by volume(ABV) exceeds 5.5%

The licence holder will ensure that no single cans of beer, lager or cider are sold at the premises

The licence holder will keep all CCTV recordings for a minimum of 30days and make them available to police within 24hrs of a request being made for those images.

The licence holder will ensure that any refusal to sell alcohol is recorded in a refusal book which will be kept on the premises and made available to the Responsible Authorities on request.

The licence holder will report any incidents of crime and disorder that occur in the shop to the police.

We finally discussed the cctv which is adequate for the shop however you do not know how to download images. I explained the chain of evidence and that recording from the screen onto another recording media was not good practice. I previously asked for recordings from Friday 30th but these have still not been completed due to your inability to use the machine correctly. In order to comply with the proposed condition you must obtain training on the cctv.

A review of the licence remains an option however if you are willing to submit a minor variation as discussed and commence a more active promotion of the licence objectives this may be avoided.

If I can assist you further please do not hesitate to contact me on the details above.

Yours faithfully

Jon Webb
PC1790