

(Report of the Licensing Officer, Samantha Potts 7364)

**Application – Transfer of Premises Licence and change of DPS
Premises – Premier, 27 Halfway Road, Minster, Sheerness, Kent**

Provisions	From	To	Comments
Transfer of Licence	Mr Sanjay Patel	Mrs Amirthagowry Geretheran	
Change of DPS	Mr Sanjay Patel	Mrs Amirthagowry Geretheran	

Background

Mrs Amirthagowry Geretheran has submitted two applications to transfer the premises licence and change the designated supervisor at Premier (formerly Right Price Store) 27 Halfway Road, Minster, Sheerness, Kent.

Under the Licensing Act 2003 when applications of this type are submitted they take immediate effect, provided that the current licensee/DPS has signed a consent form. This is to prevent businesses from having to stop trading whilst applications are pending. However the Police (who are the only authority consulted) have 14 days in which to lodge any objections. Objections can only be linked to the 'Crime and Disorder' objective and must show a clear history of problems associated with the applicant.

Consultation

Copies of the applications were served on the Police Licensing Officer for Swale Borough Council, in conjunction with Thanet Police objections to the applications have been submitted. See Police reports.

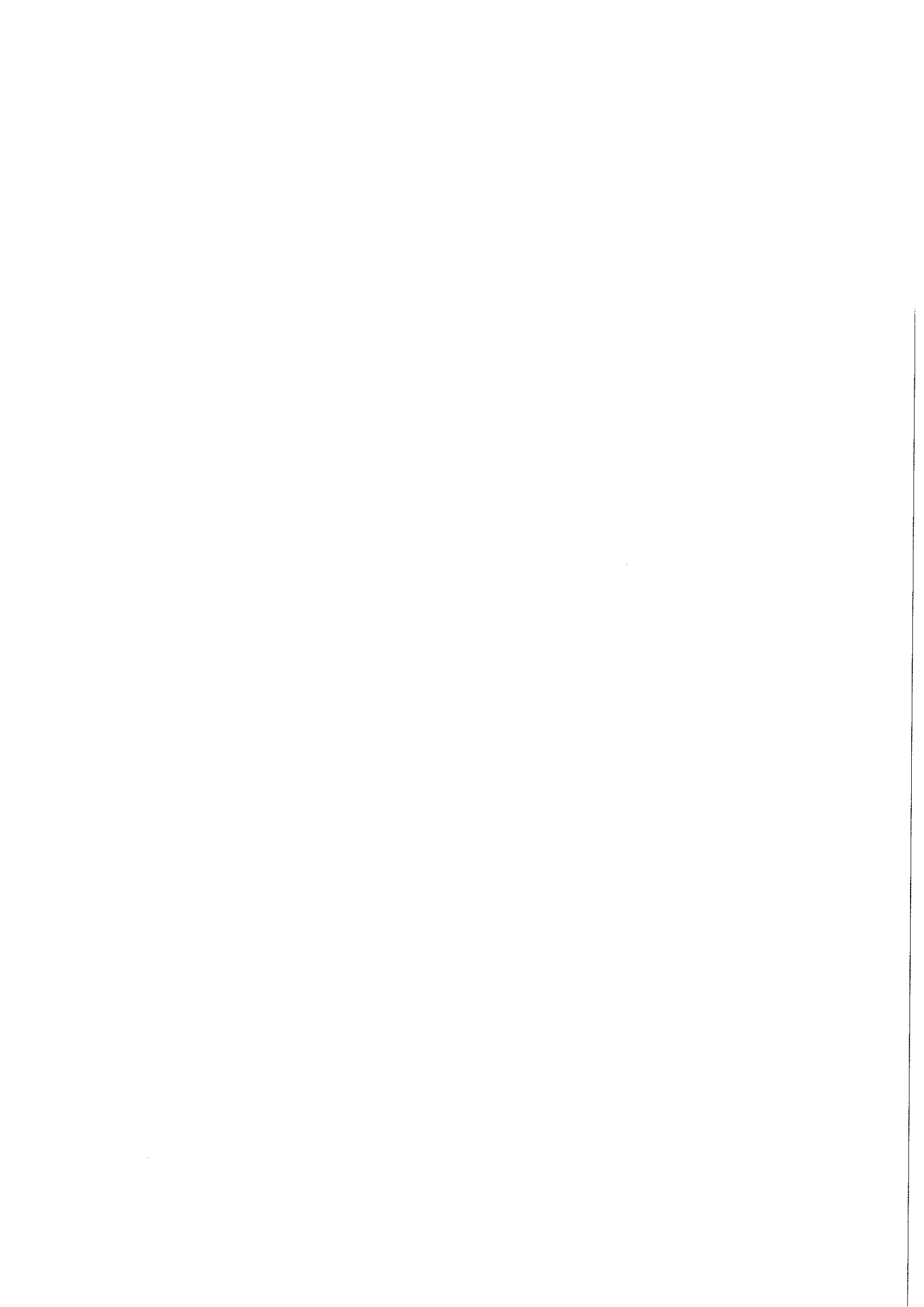
It has also been confirmed by Thanet Councils Licensing Manager that in June 2010 Mrs Geretheran was prosecuted for 3 offences under Section 136 of the Licensing Act 2003 (breach of conditions) on each occasion Mrs Geretheran pleaded guilty and a £500.00 fine (plus costs) was imposed. In addition Mrs Geretheran's personal licence was suspended for 4 months. The premises in Thanet known as Sweet Crazy have also been the subject of a Police review which resulted in the licence being revoked in December 2010. When a new application was made in February of this year, this was also refused.

Summary

- Mrs Amirthagowry Geretheran has applied for the licence at Premier, 27 Halfway Road, Minster to be transferred into her name and that she be the DPS.
- The application took immediate effect as Mr Patel had signed the authorisation paperwork.
- Swale Police have been consulted and have submitted an objection within the prescribed 14 days.
- Councillors must decide if any of the following are appropriate:
 - Uphold the applications and allow the transfer and variation to remain in force
 - Allow the applications with conditions.
 - Refuse the applications.

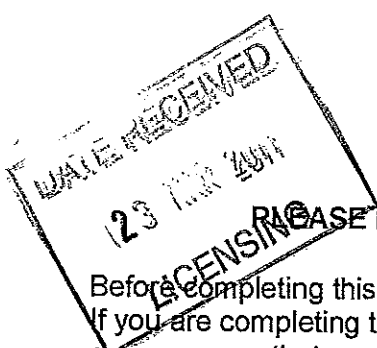
Supporting documents

Copy of applications/consent forms
Police representation



£46.00 paid

Application to transfer premises licence to be granted 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/We Amirthagowry Geretheran
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

SHE/SWALE/189/0287

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description 27 Halfway Road Minster - on - sea	
Post town Sheerness	Post code ME12 3AU
Telephone number at premises (if any)	

Please give a brief description of the premises
Shop

Name of current premises licence holder
SANJAY PATEL

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- | | |
|---|---|
| | Please tick yes |
| a) an individual or individuals* | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |

- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

Geretheran

First names

Amirthagowry

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

32 ST Lukes Av
Ramsgate, kent

Post town

Post code

CT11 7JY

Daytime contact telephone number

01843 585767

E-mail address (optional)

amirtha_g@yahoo.fr

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

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) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

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Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- 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 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature Namasivayam
 Date 23/03/2011
 Capacity Owner

For joint applicants signature of 2nd applicant, 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature
 Date
 Capacity

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 by e-mail your e-mail address (optional)	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of premises licence holder to transfer

I/we SANJAY PATEL
[full name of premises licence holder(s)]

the premises licence holder of premises licence number SHE/SWALE/189/0287
[insert premises licence number]

relating to

27 HALFWAY ROAD MINISTER-ON-SEA - SHEERNESS
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

SHE/SWALE/189/0287
[insert premises licence number]

to

Mrs Amirthagowry Cheretheran
[full name of transferee]

signed

Sanjay Patel

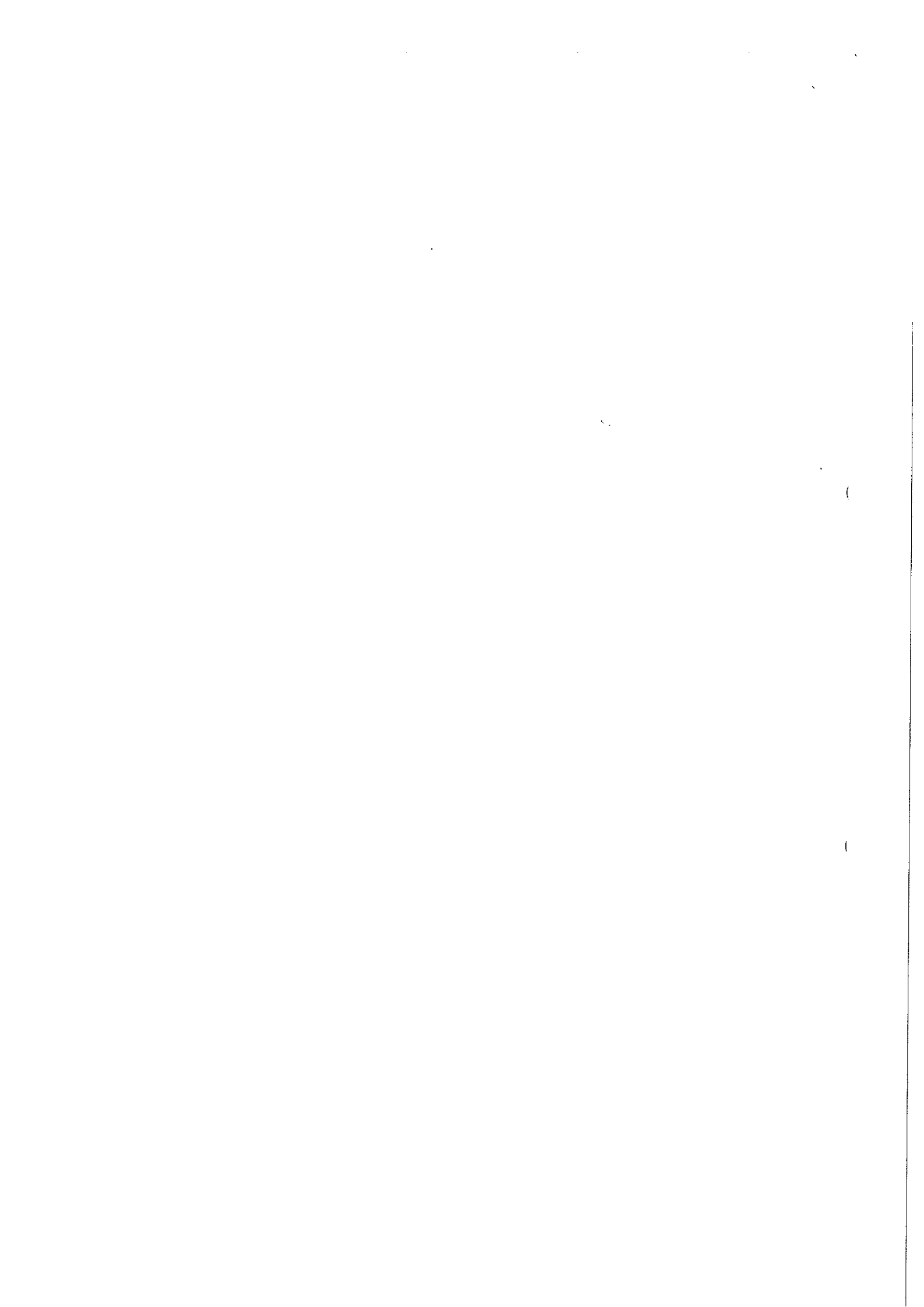
name

(please print)

SANJAY PATEL

dated

23/3/11



Application to vary a premises licence to specify an individual as designated premises supervisor 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/we Amirthagowry Geretheran
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

SHE/SWA/189/0287

Part 1 – Premises details

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

27 Halfway Road
Minster-on-Sea

Post town

Sheerness

Post code (if known)

ME12 3AU

Telephone number (if any)

Description of premises (please read guidance note 1)

Convenient Store



(

(

*

Part 2

Full name of proposed designated premises supervisor

Amirthagowry Geretheran

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

200900157

Full name of existing designated premises supervisor (if any)

Sanjay Patel

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature

..... Namasivayan

Date

..... 23/03/2011

Capacity

..... owner

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity

.....

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

Post town

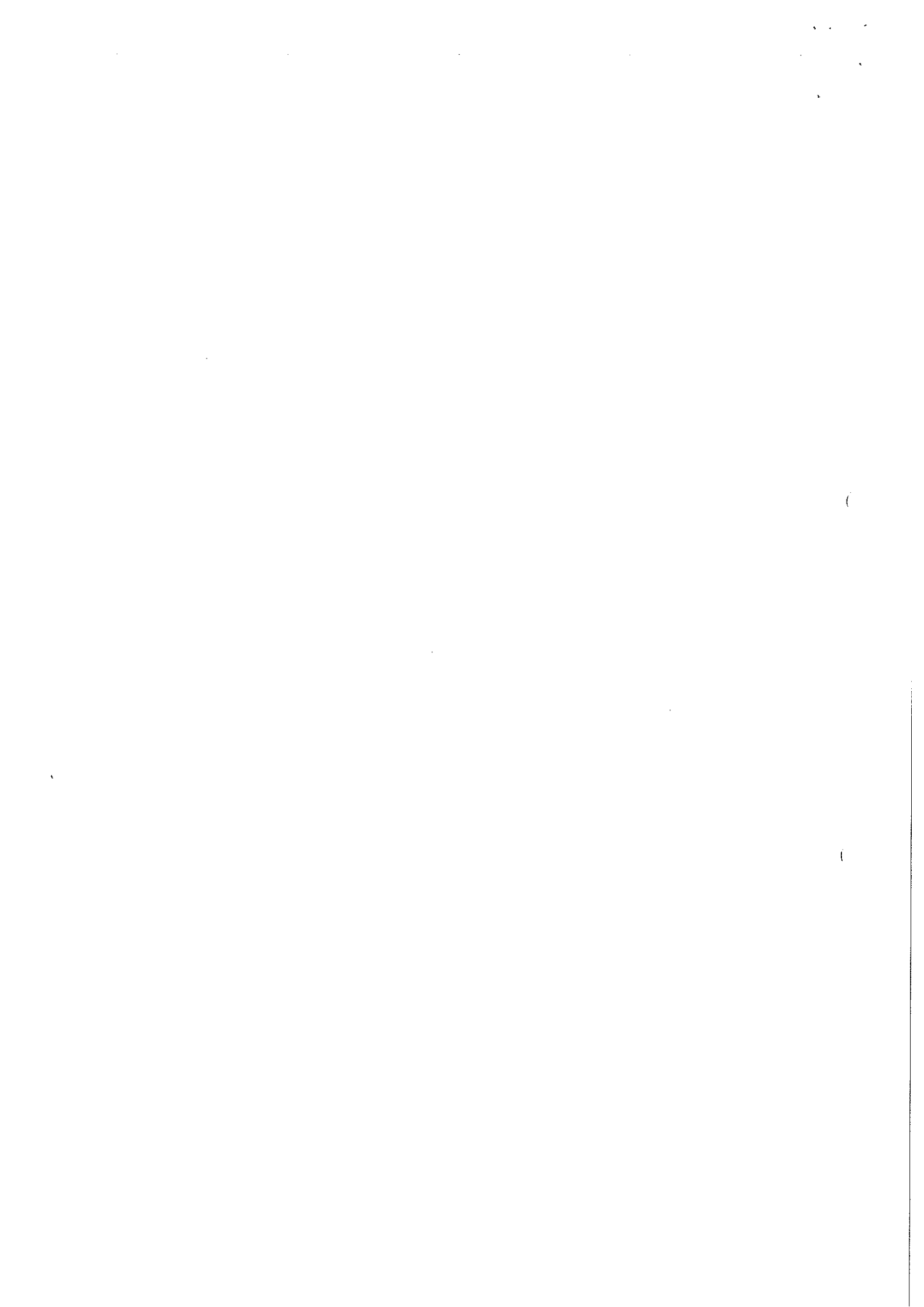
Post Code

Telephone number (if any)

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

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.



Consent of individual to being specified as premises supervisor

I Amirthagowry Giretheran
[full name of prospective premises supervisor]

of

32 ST Lukes AU
Ramsgate, Kent
CT11 7JY

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Right price discount store
[type of application]

by

Amirthagowry Giretheran
[name of applicant]

relating to a premises licence SHE/SWALE/189/0287
[number of existing licence, if any]

for 27 Halfway Road
minster-on-sea
Sheerness
ME12 3AU

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Amirthagowry Cheretheran
[name of applicant]

concerning the supply of alcohol at

27 Halfway Road
minster-on-sea
Sheerness
ME12 3AU

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

200900157
[insert personal licence number, if any]

Personal licence issuing authority

Thanet
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Namasivayam

Name (please print)

Mrs. A. Cheretheran

Date

23/03/2011

**NOTICE THAT THE CURRENT DESIGNATED PREMISES
SUPERVISOR WISHES TO BE REMOVED FROM THE STATED
PREMISES LICENCE.**

TO: Swale Borough Council Licensing Section.

NAME OF PREMISES: RIGHT PRICE DISCOUNT STORE

PREMISES LICENCE NUMBER: SHE/SWALE/189/0287

ADDRESS OF PREMISES: 27 HALF WAY ROAD

MINSTER-ON-SEA-SHEERMESS ME12-3AU

I, SANJAY PATEL

Wish to be removed as Designated Premises Supervisor for the above premises

With effect from: 23/3/11

SIGNED: Sanjay Patel

PRINT NAME: SANJAY PATEL

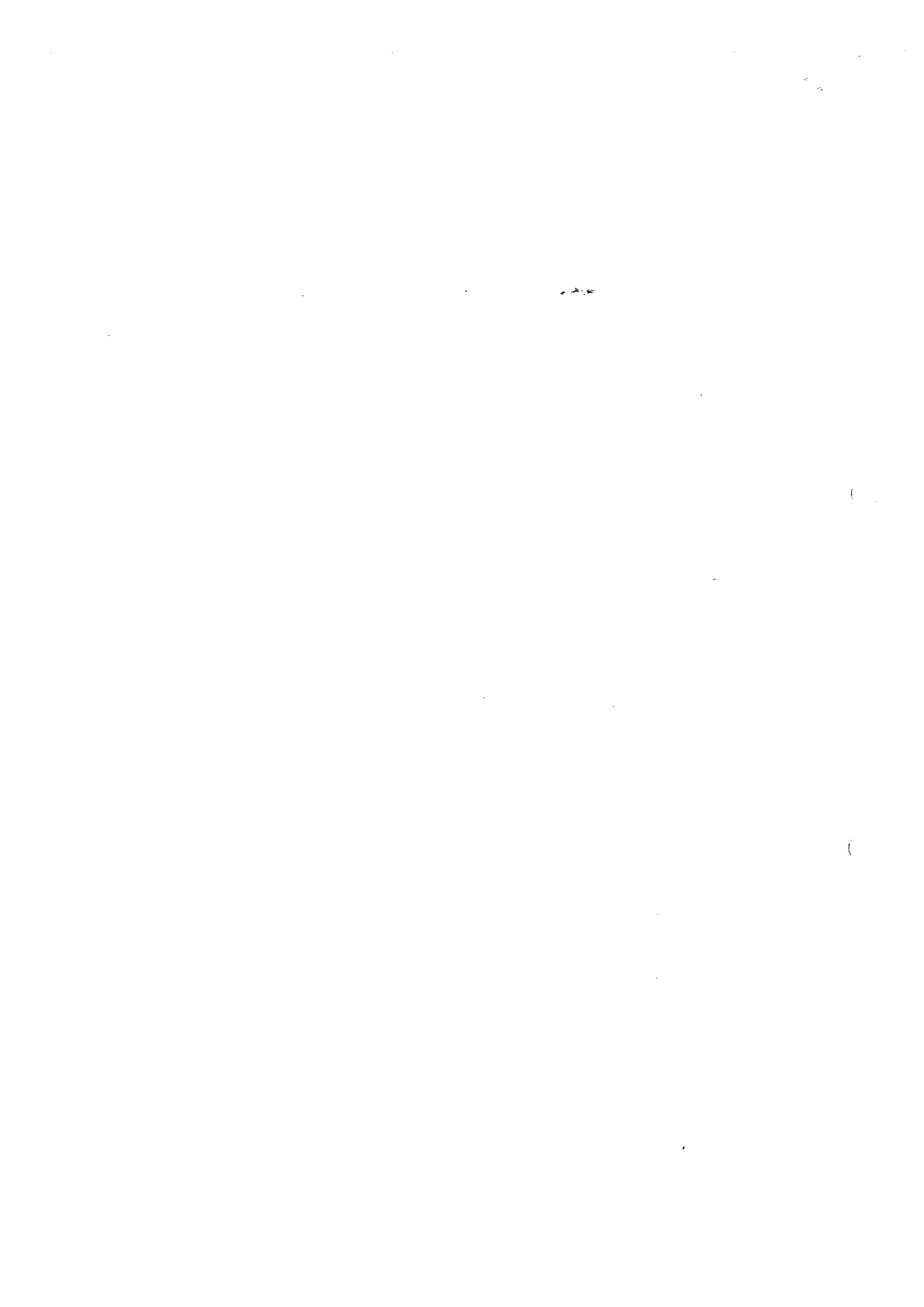
DATE: 23/3/11

FORWARDING ADDRESS:

56 NAGS HEAD LANE BRENTWOOD

CM14-5NL

e:mail = Sanj_patel2010@yahoo.com





**Kent
Police**

Chief Officer of Police Representation in relation to an application for variation of premises licence to specify individual as premises supervisor made under Part 3 Section 37 Licensing Act 2003 (S37(5) Licensing Act 2003)

Details of person making objection

Name of Chief Officer of Police	Chief Inspector HENLEY
Postal Address: (Area Headquarters)	Sittingbourne Police Station Central Avenue Sittingbourne Kent ME10 4NR
E-mail address	licensing-swale@kent.pnn.police.uk
Telephone Number:	

Details of premises representation is about

Name of Premises:	Right Price
Address of premises:	27 Halfway Road Minster-on-sea ME12 3AU
Date application received by police	23/03/2011
Date representation sent to Licensing Authority	28/03/2011


Must be within 14 days of receipt - S.37(6) Licensing Act 2003

The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 37 Licensing Act 2003. The relevant representations within the meaning of S.37(5) of the Licensing Act satisfy the requirements of S.37 (6) of that Act and are as follows:

Is this a representation regarding the specification of a Premises Supervisor under S37 (5) Licensing Act 2003? YES

If yes, complete the following statement: -
Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the crime prevention objective because
The applicant has had licensed premises in the Kent area namely Sweet Crazy which the Police have had numerous dealings with whilst the applicant has been the designated premises supervisor and shown a disregard for the Licensing Act and in particular the Crime and Disorder objectives. Attached are the reviews and objections from the Thanet area in relation to this applicant showing the applicant is not suitable to run licensed premises. The licence for Sweet Crazy was revoked. Police would ask Mr CRUTTENDEN the police licensing officer for Thanet to give evidence at any hearing

Please use separate sheets where necessary

Signed:  Date: ..28.....\...March\..2011

Print name:G.N.ROWLEY..... Force Number: ...57309.....

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation must be made **within the period of 14 days** beginning with the day on which the Chief Officer of Police is notified of the application to vary to specify an individual as premises supervisor. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.



Details of person making representation

Name of Chief Officer of Police	Chief Inspector HENLEY
Postal Address: (Area Headquarters)	Sittingbourne Police Station Central Avenue Sittingbourne Kent ME10 4NR
E-mail address	licensing-swale@kent.pnn.police.uk
Telephone Number:	01795 419394

Details of premises representation is about

Name of Premises:	Right Price
Address of premises:	27 Halfway Road Minster-on-sea ME12 3AU
Date application received by police	23/03/2011 <small>Must be received on the same day as the day application given to Licensing Authority.</small>
Date representation given to Licensing Authority	28/03/2011 <small>Must be within 14 days of receipt. S42(7) Licensing Act 2003</small>

The Chief Officer of Police has received an application for the transfer of a premises licence made under the provisions of Section 42 Licensing Act 2003, and under Section 42(6) of that Act asks the Licensing Authority to consider this objection in respect of the prevention of crime and disorder objective.

Complete the following statement: -

Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the crime prevention objective because

The applicant has had licensed premises in the Kent area namely Sweet Crazy which the police objected to the grant of the licence and reviewed by the Police on a number of occasions for Prevention of crime and disorder, the protection of children from harm on the 12/01/2010, 28/10/2010, 20/07/2010.

The representations are attached to this objection and form the basis for showing the applicant and persons associated with them are not suitable persons to run licensed premises.

The licence for the premises in Thanet has been revoked.

Police would ask Mr CRUTTENDEN the Police licensing officer for Thanet to give evidence at any hearing.

Please use separate sheets where necessary

Signed:

Date: 28 / MARCH / 2011

**Should the committee grant the transfer of premises licence the police ask for the attached conditions to be added to the licence to assist with the prevention of crime and disorder under the licensing act objectives
Prevention of Crime and Disorder.**

- A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
- The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality videotape or digitally onto CD/DVD or other equivalent medium.
- Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be available, subject to compliance with the Data Protection legislation, to the Police or Officers of the Licensing Authority on request.
- The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with Police from time to time.
- The system will display, on any recording, the correct time and date of the recording.
- A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
- Appropriate signage informing customers CCTV is in operation to be displayed in store.
- Appropriate signage informing customers that they may be asked to produce specific proof of age identification if attempting to purchase alcohol.
- A challenge 25 policy will be in force
- A refusal book will be kept detailing times and date of any refusal and will be updated on a daily basis. It will be produced on request to the licensing officer or police officer.

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 you're 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, Chief Superintendent John Molloy on behalf of the Chief Officer of Police

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

SWEET CRAZY, 26 High Street, St Lawrence

Post town Ramsgate Kent

Postcode (if known) CT11 0QH

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

Mrs Amithagowry Geretheran

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

LN/201000018

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 | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <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 (A) below) | <input type="checkbox"/> |

(A) Details of Individual Applicant (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (eg, 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

Email address (optional)

(A) Details of Other Applicant

Name and address

Telephone number (if any)

Email address (optional)

(B) Details of Responsible Authority Applicant

Kent Police Margate Police Station Odell House Fort Hill Margate. CT9 1HL
Telephone number (if any) 01843 236004
Email address (optional) Nigel.cruttenden@kent.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 | X |
| 2 | Public safety | |
| 3 | The prevention of public nuisance | |
| 4 | The protection of children from harm | X |

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

The prevention of crime and disorder
See Below.

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

East Kent Police are making this application for review of the premises Licence on the Prevention of crime and disorder licensing objective.

East Kent Police are taking the unprecedented step of making this application only 6 weeks from the last hearing and are again asking for the revocation of this licence.

At the Hearing on the 9th September the Licensing sub committee After hearing from the police of litany of failures and offences on part of the premises licence holders amended to conditions of the licence and gave the premises licence holders a final Warning of any further offences then the licensing Sub Commiittee will revoke the licence.

One of the offences that was unchallenged by the premises licence holder was On Friday 14th May 2010 HM Revenue and Customs visited Sweet Crazy and seized over 98 litres of assorted spirits, as they believed that excise duty had not been paid on them. This is also an offence under section 144 of the Licensing Act 2003 of having Smuggled

Goods on licenced Premises.

On 19/10/2010, just 40 days since the licensing board, Sweet Crazy was visited as part of a multi agency operation Synergy. HM Revenue and customs were part of this team. They seized 46 bottles of Italian Wine as they believed them to be duty non paid. The owners were unable to produce receipts nor had they paid the duty on the wine. This makes the wine fall into the definition of smuggled goods and therefore a further offence under section 144 the licensing Act 2005 of having smuggled goods on licensed premises has been committed.

East Kent Police are asking the Licensing board to now revoke the licence on Crime and disorder grounds, as there are no further meaningful conditions that can be put on this licence.

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

1	2	0	1	2	0	1	0
---	---	---	---	---	---	---	---

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

East Kent Police made representations on Crime and Disorder grounds against the grant of the premises licence at Thanet licensing Sub Committee on the 12/01/10. East Kent Police made application for review of premises licence on Crime and Disorder and prevention of harm to children grounds At the Licensing sub committee. on the 09/09/10

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

X

X

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Date 28/10/2010

Nigel Cruttenden

Capacity - Kent Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Nigel CRUTTENDEN Kent Police Margate Police Station Odell House Fort Hill	
Post town Margate.	Postcode CT9 1HL
Telephone number (if any) 01843 236004	
If you would prefer us to correspond with you using an email address, please provide your email address (optional) Nigel.crudden@kent.pnn.police.uk	

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.

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

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You may wish to keep a copy of the completed form for your records.

I, Chief Superintendent John Molloy on behalf of the Chief Officer of Police

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	
SWEET CRAZY, 26 High Street, St Lawrence	
Post town Ramsgate Kent	Postcode (if known) CT11 0QH

Name of premises licence holder or club holding club premises certificate (if known) Mrs Amithagowry Geretheran

Number of premises licence or club premises certificate (if known) LN/201000018
--

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 | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <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 (A) below) | <input type="checkbox"/> |

(A) Details of Individual Applicant (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (eg, 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

Email address (optional)

(A) Details of Other Applicant

Name and address

Telephone number (if any)

Email address (optional)

(B) Details of Responsible Authority Applicant

Kent Police
Margate Police Station
Odell House
Fort Hill
Margate. CT9 1HL

Telephone number (if any) 01843 236004

Email address (optional) Nigel.cruttenden@kent.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 X
- 2 Public safety
- 3 The prevention of public nuisance
- 4 The protection of children from harm X

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

The prevention of crime and disorder
The protection of children from harm See Below.

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

Sweet crazy was a former sweet shop that was formally taken over by the current owners Mr and Mrs Geretheran in October 2009. The store became a target for local youths and police were concerned over the amount of crime and disorder generated by the premises. So much so when applications were received for the grant of a premises licence for the sale of alcohol off the premises, East Kent Police made formal representation requesting that the licence application be refused. On 12th January 2010 at the Thanet Licensing sub-Committee both sides gave their observations. During this the applicant's legal representative produced a signed statement of the applicant dated 11/01/2010. (Appendix One). This statement was an undertaking to keep to conditions if a licence were to be granted.

The licence was granted, Mrs Geretheran, the applicant, at the hearing, agreed to a number of measures to address the Police concerns these were. These included CCTV, a Challenge 25 Policy, and a refusal register to be checked and signed on a weekly basis. Mrs Geretheran was to be the premises licence holder and Designated Premises Supervisor.

On the 27th January Trading Standards and Police licensing officer attended the shop on a prearranged visit. They inspected the refusal book and it only had very few entries. The police-licensing officer signed it. Mr and Mrs Geretheran stated there were very few

persons under 25 years using the shop. It so happened that a male obviously under 25 years came whilst the officers were present he tried to buy some cans of beer, he was challenged by the shop staff he was unable to produce any ID and the sale was refused. The male became abusive and said you sold it to me before.

Mr and Mrs Geretheran were advised of the conditions of the premises licence, which were agreed by them at the hearing.

23rd April 2010 following police officers confiscating a case of Foster's lager from a group of under 18 year old youths in Ellington Park. Police and Thanet District Council Licensing Officers attended Sweet Crazy from where the youths had said they had got a person over 18 years to buy the lager for them. The Officers found that 3 breaches of the licensing conditions had been committed. These related to personal licence holders and the refusal Book. A Thanet District Council Licensing Officer interviewed Mrs Geretheran and advised her of the conditions on the licence. Summonses were issued. At Margate Magistrates Court on 17th June 2010 a guilty plea was entered on 3 offences under S136 Licence Act 2003, Mrs Geretheran was fined £500 for each, costs £100, victim surcharge £15, personal licence suspended for 4 months, total £1615. Due to the suspension of her licence Mrs Geretheran has now changed the DPS. The person who had bought the alcohol was identified via the shop's CCTV system and has been given an £80 Fixed Penalty Notice. East Kent Police do not intend to offer any further evidence to the licensing committee into this incident as it has been concluded.

On Friday 14th May 2010 HM Revenue and Customs visited Sweet Crazy and seized over 98 litres of assorted spirits, as they believed that excise duty had not been paid on them. This is also an offence under section 144 of the Licensing Act 2003 of having Smuggled Goods on licenced Premises.

On 1st June 2010 Trading Standards Officers made follow up visit to the one of 27th January. There were two staff on the premises one was a personal licence holder. Mrs Geretheran the then DPS was not available. Neither of the two staff could locate the Refusal Book it was only found by the trading standards officers when they were checking cigarettes behind the counter as one of them spotted a Trading Standards Underage sales pack he had delivered on the earlier visit the refusal book was in this. There were very few entries. The staffs were unaware of the pack or the refusals book. The CCTV was working however; neither of the staff knew how to work it. Again conditions on the licence had been breached.

Following this incident on the 22/06/10 police licensing officer contacted the Geretheran's legal representative to advise him that of the Trading Standards visit. Their solicitor said he would advise them of the concerns and reiterate the conditions on their licence.

On 23/06/ 2010 Police licensing officer received a phone call from Mr. Geretheran following a call he received from his solicitor re the trading standards visit. Mr Geretheran explained all now was in order and that his staff were trained to process CCTV images. The Licensing officer asked him to explain "the challenge 25" condition on the licence. This he did and confirmed his staff were fully trained. He was asked about refusals book conditions, which he was fully aware. He assured the licensing officer was all was in order and suggested a visit.

A test purchasing operation was organised by the police-licensing officer to test the challenge 25 conditions on the licence. Two test purchases were made on 1st July 2010 when the shop staff sold without challenging the police staff.

Two test purchases were made on 6th July when a different member of staff sold items although he had challenged the purchases and they had told him their correct age and that they had no ID on them. (Full statements are at appendix Two and Three)

From the statement of PCSO Davis

"At 14:36 on the 01/07/2010 I attended the above premises in plain clothes. I attended the alcohol section within the store and picked up one 70cl bottle of Smirnoff Ice and an ice cream. I then made my way to the till where an Asian male, approximate age of 50, wearing glasses with grey hair served me. The male did not challenge my age by asking for any form of identification and made the sale.

I then attended the store again at 09:35 on the 06/07/2010 again in plain clothes. On this occasion I attended the cold drink section and picked up one bottle, I then attended the alcohol section and picked up two bottles of 275ml Watermelon Bacardi Breezer. I then made my way to the till where an Asian male, approximate age 35, wearing glasses and short shaven dark hair. The male scanned all three items and placed them in a black carrier bag. The male then asked me my age, and I stated 'I'M 21' the male then 'DO YOU HAVE ANY ID?' I stated 'NO I DON'T SORRY' the male then said 'OH OK NEVER MIND' and sold me the items as listed above.

On both occasions there was only one member of staff that could be seen in the shop and on both occasions this was only the male behind the till."

From the statement of PCSO TERRY

"On the first visit on 1st July 2010 at 1410 hours I entered the shop in plain clothes and picked up a 700ml bottle of WKD red and an ice cream. I placed the items on the counter and the cashier said 'HELLO' and started to put both items into a black carrier bag. He did not ask my age or ask for any identification and continued the transaction. I paid for the items and left the store. The cashier was an Asian male, grey hair and wore glasses approximately 50 years old.

The second visit on 6th July 2010 at 0949 hours I entered the shop in plain clothes and picked up a bottle of Evian and a 700ml bottle of blue VK I took it to the counter. The cashier took the items and asked me if I was 'old enough' to which I said 'yes I am 20', he then asked me if I had any identification which I said 'no'. He then apologised that he couldn't serve me and I said 'not a problem I will just take the water'. He then took the bottle of VK looked at it for a couple of seconds and said 'ok this time I will serve you but next time you need identification as we have a very strict policy' and pointed to the Challenge twenty-five poster above his head and then put it into a blue carrier bag. I then said ok, paid and left the store. The cashier was approximately an Asian male, 35 years old had a shaved head and wore glasses."

These were 4 separate visits so the sales were not mistakes or errors. The visits on 6th July confirm that police test purchasers did not look over 25 years as they were challenged but sales still took place.

Licensing officer attended the premises on Friday 16/07/2010. The DPS was not present there was a personal Licence holder was on the premises, The refusal book was available there were no entries since the DPS signed it on 8th July the book. The licensing Officer signed it. There were very few entries in the refusal book. CCTV was requested for the test purchase sales on 1st and 6th July, the person could operate the system but because of he was a lone worker it would have been unfair to shut the shop for copies to be made there and then. Arrangements were made to collect the discs on Monday 19/07/2010. These were available and collected.

East Kent Police could prosecute the premises licence holder, the DPS and shop staff at the Magistrates' Court for further breaches licence conditions and other. But financial penalties have not worked. The owner of the premises gave a sworn undertaking to the licensing sub committee regarding the conditions of the premises licence at the grant hearing this has not been adhered to. There has been advice and training packs by Training Standards, the police and Thanet District Council licensing officers. This advice has not been heeded. Warnings have been given by the owners' own solicitor re-enforced by the police licensing officer have been ignored. The police feel that no more meaningful conditions can be put on the licence and that no more advice or help can be given by the responsible authorities therefore regrettably East Kent Police are asking for the Sub Committee for a revocation of the licence.

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

1	2	0	1	2	0	1	0
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If you have made representations before relating to this premises please state what they were and when you made them

East Kent Police made representations on Crime and Disorder grounds against the grant of the premises licence at Thanet licensing Sub Committee on the 12/01/10.

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

X

X

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Date 20/07/2010

Nigel Cruttenden

Capacity - Kent Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Nigel CRUTTENDEN Kent Police Margate Police Station Odell House Fort Hill	
Post town Margate.	Postcode CT9 1HL
Telephone number (if any) 01843 236004	
If you would prefer us to correspond with you using an email address, please provide your email address (optional) Nigel.cruttenden@kent.pnn.police.uk	

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.



Kent Police

Chief Officer of Police Representation in relation to an application for **grant** of premises licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

Details of person making representation	
Name of Chief Officer of Police	Chief Superintendent John MOLLOY
Postal Address: (Area Headquarters)	Police Station, Fort Hill, Margate, Kent CT9 1HL
E-mail address	Licensing.thanet@kent.pnn.police.uk
Telephone Number:	01843 236004

Details of premises representation is about	
Name of Premises:	Sweet Crazy
Address of premises:	26 High Street St Lawrence Ramsgate CT11 0QH
Date application received by police	22/11/2009
Date representation sent to Licensing Authority	15/12/2009
<i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i>	

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -

Please tick one or more of the licensing objectives that the representation relates to:

Prevention of crime and disorder	X
Public Safety	
Prevention of public nuisance	
Protection of children from harm	

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? YES

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:

Please use separate sheets where necessary

The relevant representations within the meaning of S.18 (6) of the Licensing Act satisfy the requirements of S.18 (7) of that Act and are as follows:

Please give the reason for the representation and detail the evidence supporting it:

East Kent Police believe that the premises, which is unlicensed, is suffering from a disproportion amount of crime including assaults on staff. Since the 28th September 2009 there has been 16 separate calls to the police, which resulted in 5 separate crime reports at different times reported between 4th and 27th October 2009. These were 3 thefts of stock, a robbery during which a staff member was assaulted whilst the offenders tried to steal from the till and an assault occasioning actual bodily harm on a staff member. Although staff and the premises are the victims of these crime the way in which the shop is managed and controlled is a major contributory cause.

These premises are not suitable for the sale of alcohol at present.

East Kent Police are asking for the Licensing Board not to grant a premise licence for Sweet Crazy.

Please use separate sheets where necessary

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:

Please use separate sheets where necessary

Due to the crime and disorder at these premises East Kent Police are asking the licensing board to reject this application. East Kent Police would like the applicant to prove that there are schemes, target hardening and staff training is in place to prevent further problems emanating from these premises.

If the licensing sub committee feel that a licence should be granted forth with we would like them to consider the following conditions on the premises licence.

Prevention of Crime and Disorder

1. CCTV to be fitted to a standard agreed to by the police that comply with The CCTV Code of Practice (2008 edition) produced by the Information Commissioners Office.
2. The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
3. CCTV shall be operational at all time that members of the public and/or staff are on the premises.
4. Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
5. The Police, Thanet District Council and Trading Standards will have access to these images at any reasonable time.
6. The Police, Thanet District Council and Trading Standards will be allowed to take a

recording by way of tape, CD Rom or any other means immediately on the request being made.

7. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of police or Thanet District Council.
8. A personal licence holder will be present at the licensed premises and on duty at all times that the premises are trading for the sale of alcohol.
9. All staff will be fully trained in 'Challenge 25' and the training will be fully auditable and available to any responsible authority on request. Staff to sign to confirmed that they have been trained.
10. Notices to advise customers that 'Challenge25' is in force will be prominently displayed in all areas.
11. The only proof of age that will be accepted will be a Passport, photographic driving licence or an accredited 'PASS' marked proof of age card.
12. All refused sales to be recorded at the time in a book, which will be available for inspection by The Police, Thanet District Council and Trading Standards.
13. The refusal register should be checked reviewed weekly by the DPS and signature applied to the book to verify.

Signed:

Print name: Nigel Cruttenden

Date: 15/12/2009

Force Number 54826

Pp Chief Officer of Police of Police for the Police Area in which the licensed premises are situated.

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

Please return this form along with any additional sheets to the Licensing Authority.

This form must be returned within the Statutory Period.

