

**Lorraine Crowley**

---

**From:** Licensing (SBC)  
**Subject:** APPENDIX V

---

**From:** Chris Hills <ChrisHills@Swale.gov.uk>  
**Sent:** 07 September 2023 16:52  
**To:** Licensing (SBC) <Licensing@swale.gov.uk>  
**Subject:** Best One, 16 Hawthorn Road, Sittingbourne, Kent ME10 1BB

Good afternoon

I refer to the application made by Kent Police for a review of the premises licence granted under the Licensing Act 2003 in respect of Best One off-licence, 16 Hawthorn Road, Sittingbourne, Kent ME10 1BB – reference SIT/SWALE/189/0222.

Acting in the role as a responsible authority under the Licensing Act 2003, I wish to make a representation in support of the review application on the grounds that the premises licence holder Roopesh Kapoor has failed to comply with a mandatory condition on the premises licence, namely that for a period of approximately 3 years there was no Designated Premises Supervisor at the premises to authorise all sales of alcohol and to be in day to day management control of the premises.

To support my representation, I attach a witness statement and 3 exhibits.

**Yours sincerely**

*Christina Hills*

**Christina Hills**  
**Licensing Team Leader**

Tel: 01795 417286 | Email: [chrishills@swale.gov.uk](mailto:chrishills@swale.gov.uk) | Website: [www.swale.gov.uk](http://www.swale.gov.uk)  
Swale Borough Council | Swale House | East Street | Sittingbourne | Kent | ME10 3HT

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity they are addressed. If you have received this email in error please notify [postmaster@swale.gov.uk](mailto:postmaster@swale.gov.uk)

RESTRICTED (when complete)

WITNESS STATEMENT  
(Criminal Procedure Rules 2015, r16.2; Criminal Justice Act 1967 s.9),

Page 1 of 3

Statement of: Christina Hills	
Age if under 18: OVER 18	Occupation: Licensing Team Leader

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

I am the above-named person and I am employed by Swale Borough Council as Licensing Team Leader. This statement is being made in relation to a visit to Best One off-licence, 16 Hawthorn Road, Sittingbourne, Kent ME10 1BB and my interaction with the premises licence holder, Roopesh Kapoor.

I have been a licensing officer since 2005 and have been employed by Swale Borough Council for 6 years.

Best One off-licence has the benefit of a premises licence granted under the Licensing Act since 2005. The licence is to allow the sale of alcohol off the premises. The licence was last amended in 2017 and the persons responsible for the operation of the premises are Roopesh Kapoor who is the premises licence holder and Vijay Kapoor who is the Designated Premises Supervisor (DPS). The role of the DPS is to have day to day management control of the licensed premises.

Prior to July 2023 the licensing team had been made aware of a number of complaints made to Kent Police and to Trading Standards, mainly regarding allegations of sales of tobacco products and vapes to underage persons but also to the sale of alcohol to underage persons.



Signature:

Dated: 7<sup>th</sup> September 2023

It is my understanding that officers from Trading Standards had previously carried out test purchase operations at the store but that no sales were made.

On 4<sup>th</sup> November 2022 the premises were visited by PC 11250 Andre Smuts following a request by myself to see if there may be any basis to these allegations. PC Smuts reported back that he had spoken to Roopesh Kapoor who had confirmed that he was the only person working at the shop. He also advised Roopesh Kapoor regarding his obligations to uphold the licensing objectives and that Kent Police, Trading Standards and Swale licensing would be monitoring the premises.

On Thursday 27<sup>th</sup> July 2023 a multi-agency visit was made to Best One involving PC Ian Pickett and PC Marcus Topham, Oliver Jewell, Kent Trading Standards, Johanna Thomas, Swale BC licensing and myself.

I spoke to Roopesh Kapoor and asked of the whereabouts of Vijay Kapoor and whether I could speak to him. Roopesh queried why I wanted to do so, and I explained that as Vijay was the DPS and therefore the person in day-to-day management control it was important that I could speak to him in this regard. Roopesh then confirmed that Vijay had retired approximately 3 years ago. I explained to Roopesh that this meant that in actual fact all alcohol that had been sold at the premises from the time Vijay Kapoor was no longer working, had been illegal, and I showed him the mandatory condition on all premises licences which states:

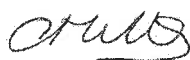
#### Annex 1 – Mandatory Conditions

##### Condition 1

No supply of alcohol may be made under this licence:-

- (a) At a time when there is no designated premises supervisor in respect of it or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.



Signature:

Dated: 7<sup>th</sup> September 2023

I then produced an Unlicensed Premises Closure Notice under Section 19 Criminal Justice and Police Act 2001 (as amended by the Licensing Act 2003) which can be served on premises where there has been an unlawful sale of alcohol in the previous 24 hours. This is exhibited as EX I.

The effect of such a notice is that all licensable activities at the premises should cease immediately although all other activities can continue. An authority then has between 7 days and 6 months to seek a Closure Order from the Magistrates' Court if the circumstances that led to the Closure Notice being served in the first place are not remedied.

I asked Roopesh Kapoor if he wished to sign this which he did. He confirmed that he understood what this meant, and he confirmed that he did and that he would shut the premises immediately which he did.

Oliver Jewell then engaged Roopesh in conversation about the illegal vapes that he had found within the store and PC Pickett wished to view the CCTV evidence so Johanna and myself then left the premises.

At 20:35 on Thursday 27<sup>th</sup> July 2023 Vijay Kapoor emailed me to confirm that he would resume his position as DPS at the premises and when not at the premises he would be contactable. This is exhibited as EX II.

On Friday 28<sup>th</sup> July 2023 I emailed Vijay Kapoor to confirm that the S19 Closure Notice was now lifted, and alcohol sales could resume. This is exhibited as EX III.

Subsequent to this on 23<sup>rd</sup> August 2023 Roopesh Kapoor submitted an application for the grant of a personal licence to him under the Licensing Act 2003. This application was processed the same day and a licence issued to him with the reference SWALE-PL-2313.

On 24<sup>th</sup> August 2023 Roopesh Kapoor submitted an application for a variation to the Designated Premises Supervisor role of premises licence SIT/SWALE/189/0222 so that he could take up this position. The Licensing Act 2003 allows for this change to come into immediate effect, so an amended licence was issued the same day to show that Roopesh Kapoor was now both the premises licence holder and the DPS.

However, the police have 14 days in which to lodge an objection to the DPS variation which they did on 27<sup>th</sup> August 2023. The police cited the same grounds as those that they have submitted a review application of the premises licence. This will now be the subject of a hearing of the Licensing Sub-Committee to determine whether Roopesh Kapoor is suitable to remain the DPS at the premises.

END OF STATEMENT



Signature:

Dated: 7<sup>th</sup> September 2023



## UNLICENSED PREMISES – CLOSURE NOTICE

Section 19 Criminal Justice and Police Act 2001  
as amended by Licensing Act 2003

**Premises Name: Best One, Hawthorn Road Off Licence**

**Address: 16 Hawthorn Road, Sittingbourne, Kent ME10 1BB**

**Grounds for Notice** - to make a closure notice under Section 19 a local authority must be satisfied that any premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol in contravention of section 136 of the Licensing Act 2003

### Reasons for Notice

(Specify the alleged use and the steps that will have to be taken to ensure the alleged use of the premises ceases or, as the case may be, does not occur –S19(6))

There is no valid Designated Premises Supervisor in place for the premises which is in contravention with mandatory conditions imposed on a premises licence granted under the Licensing Act 2003 – Reference SIT/SWALE/189/0222

### Details of Council officer making the notice

Name: Christina Hills

Designation: Licensing Team Leader

Date: 27 July 2023

Signature

Time

27/7/23

### Details of person having control of, or responsibility for, activities carried on at the premises (Section 19(3) Criminal Justice and Police Act 2001)

Notice served on: Mr Rupesh Kapoor

Signature/Refused

Date: 27 July 2023 Time.

**Details of any other persons whose access to the building may be impeded if a closure order is made**

Notice served on: .....

Signature/Refused.....Date.....Time .....

**Details of any other persons involved in control of, or responsibility for, activities carried on at the premises or has as interest in the premises**

Notice served on: .....

Signature/Refused.....Date.....Time.....

Details of Council officer serving the notice

Name

Designation

Signature

Date

Time

This document will be served with the document detailing the effect of Section 20 of the Criminal Justice and Police Act 2001

## UNLICENSED PREMISES – CLOSURE NOTICE

Section 19 Criminal Justice and Police Act 2001  
as amended by Licensing Act 2003

### **Criminal Justice and Police Act 2001**

A council officer has decided to make this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 as amended by Licensing Act 2003, requiring the premises specified in the order to be closed.

### **The effect of Section 20 of the Criminal Justice and Police Act 2001**

This part of the closure notice now explains the effects of section 20 of the Criminal Justice and Police Act 2001 which enables a constable or local authority to apply for a closure order by complaint from magistrates (between 7 days and six months after the service of the closure notice) in relation to premises on which a closure notice has been served. A complaint cannot be laid where the police or local authority is satisfied that the unlicensed sale of alcohol has ceased and there is no reasonable prospect of it re-starting.

- 20(1)** Where a closure notice has been served under section 19(3), a constable or the local authority concerned may make a complaint to a justice of the peace acting for the petty sessions area in which the premises are situated for an order under section 21 (a "closure order").
- 20(2)** A complaint under subsection (1) shall be made not less than seven days, and not more than six months, after the service of the closure notice under section 19(3).
- 20(3)** No complaint shall be made under subsection (1) if the constable or local authority is satisfied that –
- (a) the use of the premises for the unlicensed sale of intoxicating liquor for consumption on or in the vicinity of, the premises has ceased; and
  - (b) there is no reasonable likelihood that the premises will be so used in the future.
- 20(4)** Where a complaint has been made to a justice of peace under subsection (1), the justice may issue a summons to answer the complaint.
- 20(5)** The summons shall be directed to-
- (a) the person on whom the closure notice was served under section 19(3); and
  - (b) any other person on whom the closure notice was served under section 19(5)(a).

**Chris Hills**

---

**Subject:** EX II

**From:**  
**Sent:** 27 July 2023 20:25  
**To:** Chris Hills <ChrisHills@Swale.gov.uk>  
**Subject:** BEST ONE 16A HAWTHORN ROAD ME10 1BB

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**TO:** Chris Hills

**FROM:** Vijay Kapoor

**DATE:** 27-07-2023

**Regarding:** Best One 16A Hawthorn Road ME10 1BB

Hello

I, Vijay Kapoor as the Designated Premises Supervisor (DPS), take responsibility for the day to day running of the above mentioned business and I am also responsible for authorising the sale of alcohol from these premises.

If on any occasion I am not at the above mentioned premises then I will be contactable.

Thank you.

Vijay Kapoor.

Sent from Outlook



**Chris Hills**

---

**Subject:** EX III

**From:** Chris Hills <ChrisHills@Swale.gov.uk>  
**Sent:** 28 July 2023 10:07  
**To:** **Subject:** RE: BEST ONE 16A HAWTHORN ROAD ME10 1BB

Good morning Mr Kapoor

Thank you for your email.

As a consequence of your returning to your role as Designated Premises Supervisor (DPS) on premises licence granted under the Licensing Act 2003 - reference SIT/SWALE/189/0222, I can confirm that the Closure Notice that was served yesterday 27 July 2023 for illegal sales of alcohol, has now been lifted and you will be able to resume selling alcohol when your shop opens today as 12:00.

I would remind you that the role of a DPS is to be in day-to-day management control of the premises and you will therefore be expected to be in attendance at the premises for a substantial part of every day that your shop is open to the public.

In this regard I can advise that random spot checks will be conducted at your premises and if it is found that you are routinely not in attendance then a further Closure Notice will be served. This could also be used as evidence should it be necessary for the premises to be the subject of an application to review the premises licence.

I will email you under separate cover regarding how to apply for a DPS variation and how Mr Roopesh Kapoor can apply for a personal licence.

I hope this is clear.

Best regards

**Yours sincerely**

*Christina Hills*

**Christina Hills**

**Licensing Team Leader**

Tel: 01795 417286 | Email: [chrishills@swale.gov.uk](mailto:chrishills@swale.gov.uk) | Website: [www.swale.gov.uk](http://www.swale.gov.uk)  
Swale Borough Council | Swale House | East Street | Sittingbourne | Kent | ME10 3HT

**From:** Vijay Kapoor [REDACTED]  
**Sent:** 27 July 2023 20:25  
**To:** Chris Hills <ChrisHills@Swale.gov.uk>  
**Subject:** BEST ONE 16A HAWTHORN ROAD ME10 1BB

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: Chris Hills

FROM: Vijay Kapoor

DATE: 27-07-2023

Regarding: Best One 16A Hawthorn Road ME10 1BB

Hello

I, Vijay Kapoor as the Designated Premises Supervisor (DPS), take responsibility for the day to day running of the above mentioned business and I am also responsible for authorising the sale of alcohol from these premises.

If on any occasion I am not at the above mentioned premises then I will be contactable.

Thank you.

Vijay Kapoor.

Sent from Outlook

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity they are addressed. If you have received this email in error please notify [postmaster@swale.gov.uk](mailto:postmaster@swale.gov.uk)