

RESTRICTED (when complete) 14/0707/REVIEW
**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 Chief Inspector Tim Cook

(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
Sans Ltd
2 Station Parade
London Road

Post town Sevenoaks

Post code (if known) TN13 1DL

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

Number of premises licence or club premises certificate (if known)
05/00854/PRETRA

Part 2 – Applicant details

I am

Please tick yes

1) an interested part (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) ☒

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

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

Please tick

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

☐

(for example, Rev)

Surname

First names

Please tick yes

☐

I am 18 years old or over

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)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

**PC 9923 Mark Beresford
Licensing Officer
Community Safety Unit
Sevenoaks Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG**

Telephone number (if any)

101

E-mail address (optional)

west.division.licensing@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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

The evidence given below contains personal information and images from public and private CCTV systems of persons under the age of 18 years old. Kent Police do not give permission for it to be put in the public domain and ask that it is considered 'Exempt' under Schedule 12A, Part 1(1), (2) and (7), Local Government Act 1972. If there is any intention of publishing the below information in any public forum then contact PC Mark Beresford immediately.

The premises subject of review is situated in a busy area, very close to a bus stop and a railway station, where there is a high footfall of pedestrians including many young persons.

At 21:53 hours on Friday 21st February 2013, a 20 year old male entered the store and purchased a large bottle of Cider. He left the store, joining a group of youths standing directly outside the entrance, who are under 18 years old. It is very likely this alcohol was supplied to them.

During the course of the evening the same youths were involved in several acts of crime and disorder, resulting in five of the youths being arrested. Whilst in custody four of them were so intoxicated they couldn't be interviewed until the following day. There is a clear link between the intoxication of these youths and the resultant crime and disorder.

It is acknowledged that the youths had already obtained alcohol from another source prior to this sale. It should also be noted that the premises licence holder has co-operated with police, and allowed viewing of their CCTV - however has failed to act responsibly to uphold the licensing objectives. Reasonable steps were not taken to either confirm who the alcohol was going to be supplied to and their ages, or to simply just refuse the sale.

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Please provide as much information as possible to support the application

(please read guidance note 2)

Police and partner agencies have been aware of the above group of youths since at least September 2013, and have had concerns and suspicions that a 20 year old member of the group (who is well known to police) regularly supplies alcohol to others in the group who are under the age of 18. The group as a whole and individually have come to the attention of police for crime and disorder in the Sevenoaks area on numerous occasions. All of their identities are known and there are currently intensive efforts involving the youths and their respective families. The ages of the group range between 15-17 years old.

Numerous attempts to obtain alcohol have been made in the Sevenoaks area by this group. Whilst many are refused, there have been a number of occasions where alcohol has been supplied by proxy.

It is important firstly to note the wider implications of alcohol being supplied to children:

Police exhibit MB/1 provides a summary of incidents involving the group to illustrate the frequency of incidents, and how the supply of alcohol to these children is linked with crime and disorder in the wider community.

The youths in question are also now well within the criminal justice system. The summary gives a good indication of how the actions of these youths when intoxicated will impact on their future life-choices. Alcohol abuse from an early age will clearly have longer term physical and mental health implications, and drunk children are much more likely to be exposed to illegal drugs, with indications that this is already the case.

Police exhibit MB/2 provides a timeline of the events on Friday 21st February 2014 involving the same group. Of note is the escalating level of crime and disorder as the evening progresses, which correlates with the increasing intoxication of the group. Exhibit EHJ/1 contains 3 still images taken from Sevenoaks Town Centre CCTV, which show them walking from Sevenoaks town centre all carrying and drinking what appears to be alcohol. Out of the 6-7 youths present during the course of the evening, the only person old enough to legally purchase alcohol was the 20 year old male in question.

This male is well known to the staff at Sans Minimarket, who have explained he comes to the store regularly to get alcohol. As such, staff also explain that he was previously asked for proof of age. Indeed, he also entered Sans Minimarket earlier in the evening of the 21st February, around 20:30 hours, and had an altercation with staff (as he wanted a pair of scissors to cut his ankle tag off).

At 21:53 hours he again enters the store. At least 4 other members of the group were waiting directly outside the entrance. Police exhibit MB/3 contains footage taken from the CCTV at the premises. Whilst there is no sound it does appear very likely they were loud and could be heard within the shop, and they were also in possession of alcohol, and likely already intoxicated. It would seem very improbable that the member of staff at the checkout was not aware of these youths.

The male appears to communicate with the youths outside the store whilst pointing towards the alcohol display. He then selects a bottle of cider and pays for this at the checkout - which is a quick transaction, with no attempt at challenge or refusal. He leaves the store, joining the group and walks off.

The timeline (exhibit MB/2) then outlines the various incidents that take place afterwards. Four of the youths, all under 18 years old and heavily intoxicated were arrested, which ended the trail of crime & disorder for that evening. The 20 year old male was not arrested on this occasion.

It is believed members of the group can be intimidating, and have become well known in the local area. Whilst the other youths are not young children, the circumstances are such that it would have been obvious to staff that the group were waiting outside and that:

- a) the 20 year old male buying the alcohol was part of this group,
- b) it was very likely the alcohol would be supplied to this group, and
- c) the group may include youths who are under 18 years old, so due diligence would be needed to ensure

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alcohol was not going to be supplied to them (especially as the store purport to operate 'Challenge 25')

Instead, there has been no effort to refuse the sale, or to even challenge the male purchasing the alcohol.

From discussion with the staff, and knowing some of the recent history and issues involving other shops in Sevenoaks and this group, this is probably because:

- a) the sale would be made as long as the supply to children didn't take place inside the premises, and
- b) to avoid confrontation or intimidation from the group it is easier just to make the sale on this understanding.

The supply of alcohol from this store and others has led to the alcohol fuelled crime and disorder experienced that evening. For this reason, and of course the welfare of the children being supplied alcohol, the current guidance is clear in that a review of the premises licence is made with a request for revocation of the premises licence.

However, it is recognised that the premise licence holder and the staff on duty have been cooperative with police following this incident. Staff have certificates of licensing training, and there are Challenge 25 posters on display and a current refusals register. Should revocation not be deemed proportionate, the following conditions are strongly suggested:

- 1) A 'challenge 25' scheme will be operated at all times to a standard agreed by the police and/or trading standards. All staff will be fully trained in 'Challenge 25' and the training will be fully auditable and available to any responsible authority on request, with notices to advise customers that 'Challenge 25' is in operation being prominently displayed.
- 2) The premises supervisor shall ensure that a refusals and challenge register is kept and maintained to a standard agreed by the Police and Trading Standards. This will include a weekly supervisory check by the premises supervisor or duty manager, who will countersign the register and print the date of the check. This register as a minimum shall include both refusals of alcohol and challenges for identification as per the challenge 25 scheme.
- 3) A personal licence holder shall be present in person at the premises at all times when the sale of alcohol is taking place.
- 4) 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.
- 5) The premises will participate in a 'Bottlewatch' scheme for a period not less than 12 months from the imposition of this condition. The types and numbers of bottles, cans or other vessels to be marked with the 'Bottlewatch' sticker will be agreed with the police and trading standards.
- 6) No alcohol shall be sold at the premises, unless from the location of the checkout there is either:
 - a) a clear line of sight for staff at the checkout to be able to see outside the entrance, and/or
 - b) a CCTV and monitor operating and positioned so that staff at the checkout can view outside of the entrance
- 7) Between the hours of 17:00 and 22:00 hours on every Friday, there shall be no sale of alcohol unless there are at least 2 members of staff working at the premises. This shall be the case for a period not less than 12 months from the imposition of this condition.

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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

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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

PC9923

Date

13/03/2014

Capacity

Police Licensing Officer

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

PC 9923 Mark Beresford
Licensing Officer
Sevenoaks Council Offices
Argyle Road

Post town Sevenoaks

Post code TN13 1HG

Telephone number (if any) 101 (mob 07581 209912)

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

west.division.licensing@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.

