



RUSHMOOR BOROUGH COUNCIL

LICENSING SUB-COMMITTEE (ALCOHOL AND ENTERTAINMENTS)

*at the Council Offices, Farnborough on
Thursday, 23rd November, 2017 at 10.00 am*

Membership:

Cllr A. Jackman

Cllr L.A. Taylor

Cllr Jacqui Vosper

Enquiries regarding this agenda should be referred to Committee Administrator: Chris Todd, Democratic and Customer Services, Tel. (01252) 398825 or Email chris.todd@rushmoor.gov.uk

A G E N D A

1. **DETERMINATION OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF EVEREST CASH AND CARRY, NOS. 82 - 84 COVE ROAD, FARNBOROUGH – (Pages 1 - 36)**

To consider the Head of Environmental Health and Housing's Report No. EHH_LICSUB_A&E1732 (copy attached) setting out details of an application for the review of a premises licence.

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**LICENSING SUB-COMMITTEE
(ALCOHOL & ENTERTAINMENTS)
23 NOVEMBER 2017**

**LICENSING REPORT NO.
EHH_LICSUB_A&E1732**

**DETERMINATION OF AN APPLICATION FOR
THE REVIEW OF A PREMISES LICENCE
EVEREST CASH & CARRY, 82 - 84 COVE ROAD, FARNBOROUGH,
HAMPSHIRE, GU14 0EU**

1.0 INTRODUCTION

- 1.1. This report concerns an application for the review of a premises licence made under section 51 of the Licensing Act 2003 (the 'Act'). The receipt of such an application invokes a statutory requirement to hold a hearing with Members to consider it.
- 1.2. The report provides details of, and background to the application, and should be read in conjunction with the council's licensing policy and Secretary of State's guidance. This, together with information obtained at the hearing should be used to determine the application.

2.0 BACKGROUND

- 2.1. On the 4th October 2017, a responsible authority, namely Hampshire County Council Trading Standards, submitted an application for the **review** of the premises licence held in respect of Everest Cash & Carry, 82 - 84 Cove Road, Farnborough, GU14 0EU. A copy of the review application together with its enclosures is given at **appendix A**. A map of the area showing the general location of the premises is given at **appendix B**.
- 2.2. **Existing premises licence**
- 2.3. The application requests the review of the premises licence number 17/00497/LAPREM, held in respect of the premises, initially granted on 30th September 2008, and subsequently transferred to Oasis Trading Impex Ltd. on 3rd October 2013. The licence was varied on 13th July 2017. A copy of the current premises licence is given at **appendix C**.
- 2.4. The licence is subject to a number of mandatory and transposed conditions. It authorises the retail sale of alcohol for consumption off the premises, between 7:00am and 21:00pm on any day.

3.0 ADMINISTRATION OF REVIEW APPLICATION

3.1. Advertising the review application

3.2. In submitting an application for review, it is the duty of the applicant to ensure that notice of the application is given to all responsible authorities and the licence holder to which it relates. It is also the duty of the licensing authority to advertise receipt of the application by way of enabling representations to be made by other parties.

3.3. I can confirm that the applicant and each responsible authority have received a copy of the review application and the licensing authority has advertised receipt of the application both at the premises and at the Council Offices in accordance with the requirements of the Act.

4.0 GROUNDS FOR REVIEW

4.1. The grounds for review of the premises licence are set out in Part 2 of the review application (see **appendix A**).

4.2. Relevance of grounds for review

4.3. By virtue of section 51(4) of the Act, the licensing authority may, at any time, reject any ground for review if it is satisfied that the ground is not relevant to one or more of the licensing objectives.

4.4. The grounds for review are considered to be relevant in this case, as the application has been made by a responsible authority and concerns the licensing objectives **the prevention of crime and disorder, and the protection of children from harm.**

5.0 REPRESENTATION(S)

5.1 Two representations have been received in respect of the application, from responsible authorities namely The Licensing Authority and Hampshire Constabulary. These are given as **Appendices D & E** respectively.

6.0 DATA PROTECTION ISSUES

6.1 In accordance with data protection requirements, any personal details, addresses, contact details and/or signatures submitted on any application, representation or other relevant document etc. have been redacted.

7.0 DETERMINATION

7.1. The Sub-Committee is asked to determine the application for review.

8.0 RELEVANT CONSIDERATIONS

8.1. Licensing objectives

8.2. In considering the application the licensing authority must have regard to the promotion of the licensing objectives. These are:

- (a) the prevention of crime and disorder;
- (b) ensuring public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

8.3. Licensing policy & Secretary of States guidance

8.4. The licensing authority must also have regard to its statement of licensing policy and any guidance issued by the Secretary of State. Details of the parts of the policy and guidance that may be relevant to this application are given in **appendix F**.

8.5. Human rights

8.6. Members are reminded that in determining a review application the licence holder is entitled to a fair hearing, on merit and, any action(s), terms or conditions imposed must be both proportionate and necessary.

8.7. A premises licence is deemed to be a possession under Article 1(1) of the first protocol.

8.8. Appeals

8.9. The applicant for the review, the holder of the premises licence and/or any other party who made representations have a statutory right of appeal to the Magistrates' court within 21 days of being notified of the decision / outcome. The decision of the Sub-Committee has no effect until the appeal period has passed or until the appeal is disposed of.

9.0 OPTIONS

9.1. In determining this application the Sub-Committee must, having regard to the review application and any relevant representations, take any one or any combination of the following steps as it considers appropriate for the promotion of the licensing objectives, namely:

- (a) to take no action;
- (b) to issue an informal warning and/or recommend improvement(s);
- (c) to modify the existing conditions of the licence**;
- (d) to exclude a licensable activity from the scope of the licence**;
- (e) to remove the designated premises supervisor;

- (f) to suspend the licence for a period not exceeding three months; and/or
- (g) to revoke the licence.

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

- 9.2. Where undertaking any of the steps in subparagraph (c) or (d) above, the Sub-Committee is reminded that there are mandatory conditions that must be included in a premises licence where applicable. These are detailed at **appendix G**.
- 9.3. Where the Sub-Committee considers the removal of the DPS, members are reminded that the holder of a premises licence may make an application to vary the premises licence to specify a new individual as DPS at any time. The premises licence holder can specify that this application take immediate effect until it is determined in accordance with the Act.

10.0 RECOMMENDATION(S)

- 10.1. The Sub-Committee is asked to determine the application having regard to -
 - (a) the contents of this report;
 - (b) any additional information obtained from the hearing;
 - (c) the Council's licensing policy;
 - (d) guidance issued by the Secretary of State; and
 - (e) the promotion of the licensing objectives.

SHELLEY BOWMAN
Principal Licensing Officer
Environmental Health & Housing Services
licensing@rushmoor.gov.uk

Background Papers: Application ref: 17/00742/LAPRER
Premises Licence ref: 17/00497/LAPREM

Public Documents:

- 1) **HMSO (2003)**, The Licensing Act 2003
- 2) **Home Office (April 2017)**, Guidance issued under Section 182 of the Licensing Act 2003

Contact:

Shelley Bowman, Principal Licensing Officer (01252 398162)

Appendices:

- Appendix A - Application for review (pages 7 - 12)
- Appendix B - Map of the area (page 13)
- Appendix C - Premises Licence (pages 15 - 22)
- Appendix D - Representation from the Licensing Authority (pages 23 - 28)
- Appendix E - Representation from Hampshire Constabulary (pages 29 - 31)
- Appendix F - Relevant Considerations (page 33)
- Appendix G - Mandatory Conditions (page 35)

**APPLICATION FOR REVIEW
EVEREST CASH & CARRY, 82 - 84 COVE ROAD, FARNBOROUGH,
HAMPSHIRE, GU14 0EU**

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

We Hampshire County Council Trading Standards Service wish to apply for a review of a Premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Everest, 82-84 Cove Road,	
Post town Farnborough	Post code GU14 0EU

Name of premises licence holder or club holding club premises certificate (if known) Oasis Trading Impex Ltd.

Number of premises licence or club premises certificate (if known) 17/00497/LAPREM
--

Part 2 - Applicant details

I am

Please ✓ yes

- | | |
|---|-------------------------------------|
| 1. An interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| 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 APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example
Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current address

Post Town

Postcode

Daytime contact telephone number

**Email
address**
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Hampshire County Council Trading Standards Service Montgomery House Monarch Way Winchester Hampshire SO22 5PW
Telephone number (if any) 01962 833658
Email (optional) steve.lawford@hants.gov.uk

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

Please tick one or more boxes ✓

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

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

Hampshire County Council Trading Standards Service wish to apply for a review for this premise under the licensing objectives :- The Prevention of Crime and Disorder and The Protection of Children from Harm.

This premise has failed three test purchases within six and a half months.

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

08/02/17 – Hampshire Constabulary test purchase failure, alcohol was sold to an underage volunteer.

28/04/17 – Hampshire Constabulary test purchase failure, alcohol was sold to an underage volunteer.

22/06/17 – Advice visit by Trading Standards Officer (TSO) Lawford, training records could not be produced; the refusals book was not being checked weekly.

23/08/17 – Trading Standards test purchase failure, alcohol was sold to a 16 year old female volunteer by a person who did not work at the shop. No entries had been made in the refusals book since TSO Lawford visited on 22/06/17.

We highlight paragraph 11.28 of the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

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

This store has been test purchased three times in six months and has failed each time. This is totally unacceptable and we believe is enough for the sub-committee to consider revoking the premise licence.

However, it's made worse by the total ineptitude of the premises licence holders to promote the licensing objectives. Despite visits and advice from Rushmoor BC Licensing Officers, the police licensing officer and TSO Lawford, staff selling alcohol have not received any training and have failed to enter refusals in the refusals book for large periods of time.

Matters were exacerbated when the store was test purchased by Trading Standards on 23 August 2017. A person who did not work at the shop went behind the shop counter and sold alcohol to a 16 year old female volunteer working with Trading Standards.

We believe it's proportionate and appropriate to revoke the premise licence.

Please tick ✓ yes

Have you made an application for review relating to these premises before? **No**

If yes, please state the date of that application

Day		Month		Year			

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.
(please read guidance note 4) **If signing on behalf of the applicant, please state in what capacity.**

Signature: S Lawford

Date: 04/10/17

Capacity: Senior Trading Standards Officer

Contact name (where not previously given) and 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 email, your email 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.

DATA PROTECTION ACT 1998

The personal information you have provided, or which has been obtained from other sources, will only be used for the purpose of the licensing function, and for auditing, monitoring, statistical and other research.

The information will be retained by the council for a period not exceeding 7 years.

The information may be shared with other council departments and statutory bodies.

MAP OF THE AREA OF THE PREMISES
EVEREST CASH & CARRY, 82 - 84 COVE ROAD, FARNBOROUGH,
HAMPSHIRE, GU14 0EU



**EXISTING PREMISES LICENCE
EVEREST CASH & CARRY, 82 - 84 COVE ROAD, FARNBOROUGH,
HAMPSHIRE, GU14 0EU**

Premises Licence Number
17/00497/LAPREM - 1/7



RUSHMOOR
BOROUGH COUNCIL

PREMISES LICENCE
Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Address: Everest Cash & Carry 82 – 84 Cove Road Farnborough Hampshire GU14 0EU	Map Ref (E): 485908 Map Ref (N): 155506 UPRN: 100062325934
Telephone	Not Known

Where the licence is time limited the dates
➤ This licence is NOT time limited

Licensable activities authorised by the licence
(1) The retail sale / supply of alcohol ONLY .

Times the licence authorises the carrying out of licensable activities
(1) The retail sale / supply of alcohol:- ➤ On any day – 07:00am to 21:00pm

The opening hours of the premises
➤ Sunday's – 09:00am to 21:00pm; and
➤ Monday to Saturday – 07:00am to 23:00pm.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
➤ Alcohol may be sold / supplied for consumption OFF the premises ONLY .

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Name: Oasis Trading Impex Ltd.	
Address: Suites 211 – 212 Empire House Empire Way Wembley Middlesex HA9 0EW	Telephone: Email:

Registered number of holder, e.g. company number, charity number (where applicable)

➤ 07418959 (Company number)

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

Name: Rabindra K Shrestha	Telephone:
Address:	Email: Not Known

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

Personal licence number:	06/00163/LAPER
Issuing authority:	Rushmoor Borough Council

Granted by Rushmoor Borough Council, as licensing authority
pursuant to the Licensing Act 2003 and regulations made thereunder

Date Licence Granted: 30th September 2008
Date Licence Effective: 1st October 2008
Date Last Modified: 13th July 2017
(Minor variation)

SIGNED on behalf of the
Head of Environmental Health Services
(Authorised Officer)

Annex 1 – Mandatory conditions

- (1) No supply of alcohol may be made under the premises licence:-
 - (i) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (ii) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) (i) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (ii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – Conditions consistent with the Operating Schedule

- (1) No licensable activities shall be undertaken except during permitted hours.
- (2) All age-restricted products shall be located behind, immediately adjacent to or within direct, unhindered visual sightline of the main point of sale service counter where access to such products can be adequately supervised, monitored and where necessary, controlled by staff.
- (3) All staff / employees shall (before being permitted to make sales of alcohol) be given suitable and sufficient training in relation to the lawful sale of alcohol and the procedures adopted at the premises in respect of alcohol sales to a level commensurate with their role and responsibilities.
- (4) All equipment such as air conditioners, refrigeration units, condenser units etc. attached to or positioned outside the building shall be placed on suitable anti-vibration mounts, and fitted with suitable and sufficient sound proofing to prevent the equipment causing nuisance in neighbouring residential properties.
- (5)
 - (i) A suitable noise complaints procedure must be established and in operation at the premises (e.g. all staff must be familiar with the complaints procedure and any complaint(s) made in respect of the premises, its customers, staff and/or the activities carried on there must be investigated and remedied as soon as, and, so far as is reasonably practicable to prevent public nuisance).
 - (ii) Suitable written records (e.g. the nature of any complaint(s), action(s) taken in response, the date(s) and time(s) when any complaint was made, together with the name of the person(s) who handled the complaint) must be kept and made available to officers of Rushmoor Borough Council on request.
- (6) All lighting including external lighting and lights activated by sensors shall be correctly adjusted so that it only illuminates the surface(s) intended and do not unreasonably throw light onto neighbouring property.
- (7) The area in the immediate vicinity of the premises shall be cleared of litter, including waste arising from smoking activities, on a regular basis and always at the close of business.
- (8) All staff / employees at the premises shall be made aware of the conditions attached to this licence through a mechanism in writing.

RUSHMOOR BOROUGH COUNCIL, Environmental Health Services,
Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU. Telephone: (01252) 398 398

Fax: (01252) 524 017 • Minicom: (01252) 371 233 • Email: licensing@rushmoor.gov.uk • DX 122250 FARNBOROUGH 2

- (9) (i) Anyone authorised to sell or supply alcohol at the premises shall request and ensure sight of suitable identification, for proof of age, of any person appearing to them to be under the age of 25 (twenty-five) and who is attempting to purchase alcohol.
- (ii) For the purposes of this condition, suitable identification is photo driving licence, passport, or any other photographic identification bearing the "PASS" logo and the person's date of birth.
- (iii) Further to the above, anyone authorised to sell or supply alcohol at the premises shall be instructed that no sale of alcohol shall be made unless suitable identification, for proof of age, can be provided.
- (iv) Suitable and sufficient warning signs shall be displayed in the premises providing information in respect of the above challenge 25 policy and request the suitable identification in connection thereof.
- (10) (i) Anyone authorised to sell alcohol at the premises shall (before being permitted to make sales of alcohol) be suitably trained in respect of the following matters to a level commensurate with their duties and responsibilities:-
- (a) The refusal of the sale of alcohol to those who appear intoxicated and how to recognise them; and
- (b) The appropriate precautions to prevent the sale of alcohol to persons under the age of 18.
- (ii) Refresher training shall take place at least every 6 months.
- (iii) written records of such training shall be produced, and be signed and dated by the member of staff receiving the training. They shall be kept on the premises to which they relate for a minimum of 2 years and be made available to the responsible authorities immediately on request.

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

None

Annex 4 – Plans

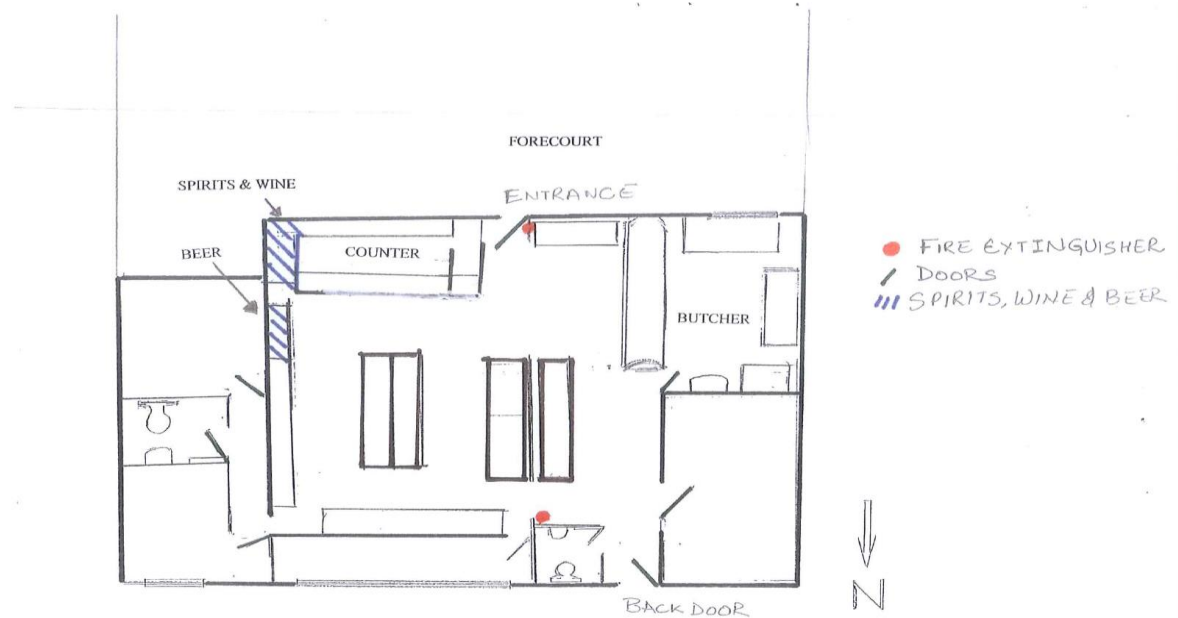
This licence permits the licensable activities stated at the premises addressed above and outlined below in accordance with the plan(s) attached and marked 17/00497/LAPREM - 8.



-oOo-

RUSHMOOR BOROUGH COUNCIL, Environmental Health Services,
Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU. Telephone: (01252) 398 398

Fax: (01252) 524 017 • Minicom: (01252) 371 233 • Email: licensing@rushmoor.gov.uk • DX 122250 FARNBOROUGH 2



82-84 COVE ROAD, FARNBOROUGH, GU14 0EU	
INTERNAL LAYOUT	GROUND FLOOR
OCATA LTD T/A EVEREST CASH & CARRY	SCALE 1:100
26-08-2008	

Everest Cash & Carry
82-84 Cove Road
Farnborough
Hampshire
GU14 0EU

Premises Licence
Reference Number:
17/00497/LAPREM-8

[Signature]
Signed as a true copy of plan(s) of the premises to the licence issued.

Licensing Act 2003

**REPRESENTATION FROM THE LICENSING AUTHORITY
EVEREST CASH & CARRY, 82 - 84 COVE ROAD, FARNBOROUGH,
HAMPSHIRE, GU14 0EU**

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BOROUGH COUNCIL



Council Offices, Farnborough Road,
Farnborough, Hants. GU14 7JU
Tel: (01252) 398 399

Website: www.rushmoor.gov.uk

Your reference:

Contact: Aimee Vosser

Our reference: 17/00742/LAPRER

Telephone: 01252 398131

Email: aimee.vosser@rushmoor.gov.uk

Date: 12 October 2017

**REPRESENTATION TO REVIEW OF PREMISES LICENCE
EVEREST CASH AND CARRY, 82-84 COVE ROAD, FARNBOROUGH GU14 0EU**

My name is Aimee Vosser and I am employed as a licensing officer for Rushmoor Borough Council. I have been employed in this capacity for 6 years. I hold a BIIAB Level 2 Award for Licensing Practitioners (Alcohol) and a BIIAB Level 2 Award for Licensing Practitioners (Gambling).

I am making this representation in the capacity of a responsible authority as defined in Section 13(4) of The Licensing Act 2003 and in accordance with the procedure for review of a premises licence detailed in Section 51 of The Licensing Act 2003.

In respect of the above named premises, it is my opinion that steps are necessary to promote the licensing objectives prevention of crime and disorder and the protection of children from harm.

On the 8th February 2017, Hampshire Constabulary carried out a test purchase operation with the support of the licensing team. The premises failed the test purchase by selling alcohol to a person under the legal age. By way of assisting with compliance, the seller took the opportunity of training offered by the licensing team at Rushmoor Borough Council

On the 9th February 2017, contact was made with the designated premises supervisor, Mr Rabindra Shrestha who was not aware of the failed test purchase. The licensing officer offered further training to all staff members. Mr Shrestha did not take up this offer.

On the 16th February 2017, a joint visit was carried out with Trading Standards. A plan for compliance was left with the staff member present at the time. Mrs Pun, the seller of the test purchase who agreed to put the 'Challenge 25' posters on display.

On the 28th April 2017, Hampshire Constabulary carried out a test purchase operation with the support of the licensing team. The premises failed the test purchase by selling alcohol to a person under the legal age. The ability to communicate with the seller was challenging due to the language barrier and it was

unclear whether the cashier understood that she had broken the law. By way of assisting with compliance, the seller took the opportunity of training offered by the licensing team at Rushmoor Borough Council.

In addition and as a result of the second failure, contact was made with one of the directors and designated premises supervisor of the premises Mr Rabindra Shrestha to discuss concerns over the recent test purchase failures.

On the 28th June 2017, as a result of this contact a minor variation application was made by Mr Shrestha on advice from the licensing authority to add conditions concerning 'Challenge 25' and training in order to promote the licensing objectives. As it was felt that these were the appropriate steps that if complied with would ensure no further under age sales took place. In order to assist the licence holder and designated premises supervisor, the licensing authority also provided 'Challenge 25' posters in Nepalese to display in the premises given that the customers and staff are predominately Nepalese.

On the 23rd August 2017, Trading Standards carried out a test purchase operation. The premises failed the test purchase by selling alcohol to a person under the legal age.

On the 21st September 2017, licensing officers visited the premises following the failed test purchase on the 23rd August. The staff member working at the premises was not aware of any conditions on the premises licence and she confirmed that she had had no training in relation to the sale of alcohol.

Licensing officers asked to see the training records, and these showed that no training had been carried out since 2016. Despite certificates being provided to both staff members who had attended training at Rushmoor Borough Council. No refresher training had been carried out for any other staff members, and we were unable to see evidence of any training for the staff member that was working on the day of our visit.

During our visit, I noted that the licence summary was not on display which is required by law. It was also noted that the alcohol was not on display in the correct place as per Annex 2 condition (2) of the premises licence;

'All age-restricted products shall be located behind, immediately adjacent to or within direct, unhindered visual sightline of the main point of sale service counter where access to such products can be adequately supervised, monitored and where necessary, controlled by staff'.

The cashier was not able to see the alcohol from the service counter, which is evident from the photos I attach at Exhibit 1. The staff member was advised to move the alcohol as per the premises licence, and a report of visit was left with the staff member, which is attached as Exhibit 2. The licence holder or the designated premises supervisor made no contact following this visit.

Upon each visit made by the licensing authority, the designated premises supervisor has not been at the premises, and there has been a different member of staff each time. The lack of continuity of staff members, along with the repeated offences and failure to rectify the breaches of licence, indicate that the premises licence holder has little regard for the law, advice given by the responsible authorities and leaves

me with no confidence in the management of the premises, or their ability to promote the licensing objectives.

Given the above, I support Trading Standards request that the licence is revoked as the responsible authorities have tried to work with and advise the premises, however they still continue to breach the legislation. Therefore, I believe there is no other option, which will ensure promotion of the licensing objectives.

Yours sincerely


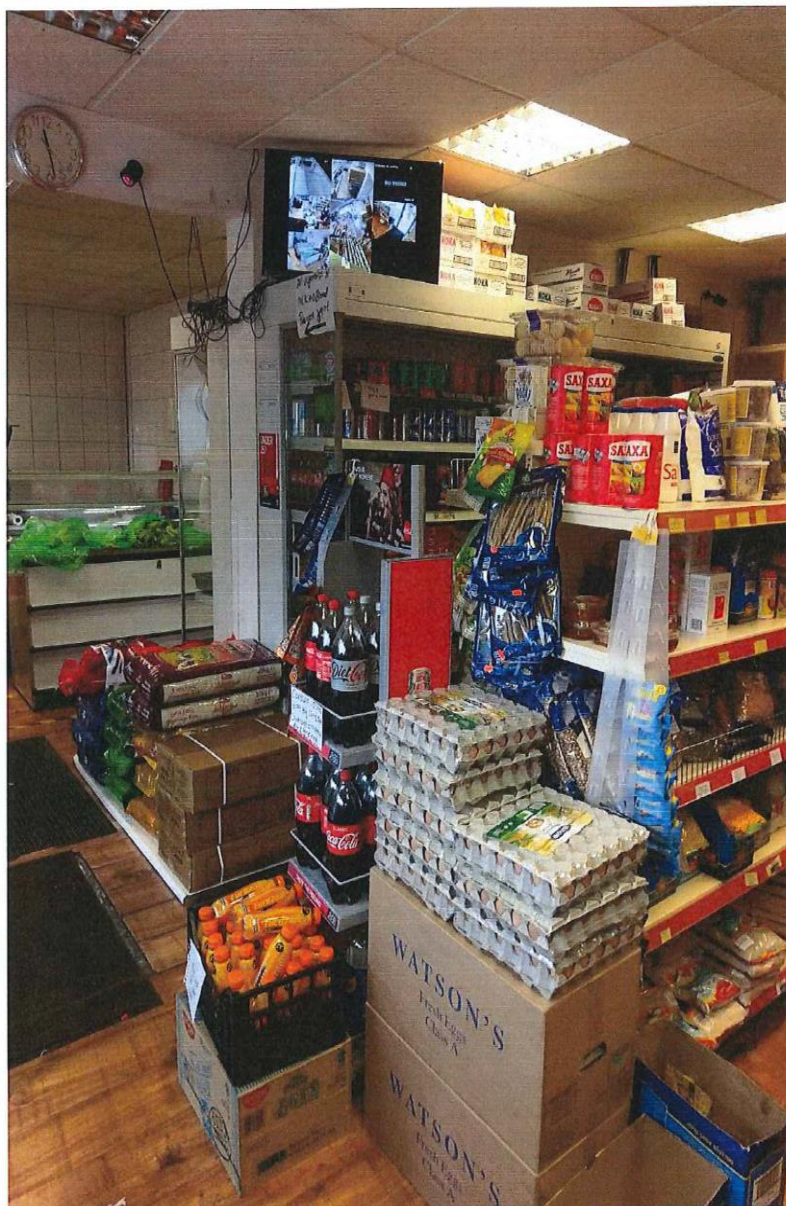

Aimee Vosser
Licensing Officer
Environmental Health & Housing

Exhibit 1
Photo – location of alcohol



Chief Executive Paul Shackley • Corporate Director Ian Harrison • Corporate Director Karen Edwards
customerservices@rushmoor.gov.uk www.rushmoor.gov.uk DX 122250 FARNBOROUGH 2



Chief Executive Paul Shackley • Corporate Director Ian Harrison • Corporate Director Karen Edwards
customerservices@rushmoor.gov.uk www.rushmoor.gov.uk DX 122250 FARNBOROUGH 2

REPORT OF VISIT Including Notice of Powers & Rights

Nature of visit: Inspection Our reference: A/000497
 Name of premises: Quaker Cash Carry Relevant legislation: LRO3 (where relevant)
 Address of premises: 82-84 Que Rd Date: 21/09/17 (use code reference overleaf)
Farnborough Time: In: 11:10 Out: 11:25
 Telephone number: _____ Type of premises: Shop
 Email: _____ Area(s) inspected: Public

Item No	Summary of Actions / Advice / Requirements	Advice	Legal <small>(see code reference overleaf)</small>	Agreed Timescale <small>(by which any work must be completed)</small>
①	Visited premises following failed TP with trading standards.			
②	checked training records - no training records for cashier	✓		
③	training dated 2016 and no refresher training records for any staff member	✓		
④	no written authorisation for cashier	✓		
⑤	Refusals booked checked - last entry 7/12/17			
⑥	Alcohol not in correct place as per premises Annex 2 (children 2)	✓		Immediate
	not able to see what is in the fridge from the till counter			
⑦	Alcohol not on display	✓		
⑧	Cashier not aware of licence conditions	✓		

Please see notes overleaf for further information

Documents / equipment / records accessed, examined, procured or removed (including reasons):
 taken photos of refusals booked
 Informed worker to move alcohol into sight line

No further action
 Formal warning [served] [to follow]
 Officer business card issued
 Licensing - How did we do? leaflet issued

[Letter] [Report] to follow
 Revisit (date agreed): _____
 Other: _____

Officer Signature: _____ Recipient Signature: _____
 Name in Capitals: Aimee Bosser Name in Capitals: SARITA GOREY
 Designation: Licensing Officer Position: _____
 Telephone No: 01252 331231 Time of Issue: _____
 Accompanied? Yes No
 Accompanied By: Shelley Brown

NB: This is NOT a formal enforcement notice. This report may however list matters that you should deal with in order to comply with the law. Items marked 'Legal' are legal requirements that **must** be completed to ensure compliance with the law. Items marked 'Advice' are not mandatory but are included as recommended good practice and/or measures that may help you improve standards and/or meet your legal obligations. This document only covers the areas noted at the time of the visit and **does not** otherwise indicate or imply compliance with any relevant statutory provision.



**REPRESENTATION FROM HAMPSHIRE CONSTABULARY
EVEREST CASH & CARRY, 82 - 84 COVE ROAD, FARNBOROUGH,
HAMPSHIRE, GU14 0EU**



RESTRICTED

G90

**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 1 of 3

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 2373 Steve Ladhams, on behalf of the Chief Officer of Hampshire Constabulary,
(*Insert name of applicant*)

- Apply for the review of a premises licence.
 Apply for the review of a club premises certificate.
(*Select as applicable*)
 Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	Everest Cash and Carry, 82-84 Cove Road, Farnborough,
Postcode (<i>if known</i>):	GU14 0EU

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

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

Details of responsible authority applicant

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:
Surname: Lawford First Names: Steven
Current postal address : Trading Standards
Postcode:
Daytime telephone number:
E-mail address: (<i>optional</i>)

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

RESTRICTED



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

Select 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

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

Hampshire Constabulary would formally wish to support this application from trading standards in relation to Everest Cash and Carry.

Hampshire Constabulary has carried out test purchase operations on 8th February 2017 and 28th April 2017. The premises failed on both occasions, the second occasion was a 16yr old girl. The language barrier with the seller prevented any action being taken at that time as it was unclear that the seller either understood what she had done or the options available to her and clearly had no idea of the implications of her actions.

It is currently the policy to take a staged approach with Test purchase failures, firstly offering training, then low level enforcement by Fixed penalties and finally by either prosecution or review of the licence.

Training has been offered to the venue but not taken up on the first occasion, on the second occasion it was not in the public interest and impractical to issue a fixed penalty ticket due to time and the cost of interpreters etc.

Considerable effort has gone into assisting this pemises with their obligation to support the licensing objectives and non has been taken up, a subsequent Test Purchase failure makes this a high risk premises in relation to the Protection of Children.

Hampshire Constabulary would fully support the revocation of the Premises Licence as it would appear the venue is incapable of upholding the licensing objectives.

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that application: / /
Day Month Year

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

Please tick

I have sent copies of this form and enclosures to the responsible authorities and the



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

premises licence holder or club holding the club premises certificate, as appropriate

I have sent a copy of this representation to the principal licensing officer of Council

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

Signature of Officer Completing

Name Steven Ladhams Collar Number: PC 2373
Signature: _____ Date: _____

Signature of Authorising Officer (Inspector or above)

Name _____ Collar Number: _____
Signature: _____ Date: _____

**RELEVANT CONSIDERATIONS
EVEREST CASH & CARRY, 82 - 84 COVE ROAD, FARNBOROUGH,
HAMPSHIRE, GU14 0EU**

1.0 Guidance issued under S182 of the Licensing Act 2003 (April 2017)

1.1. The sections of the Secretary of State's guidance identified in **Table 1** below may be relevant to the consideration of this application

**TABLE 1 - SECTIONS OF THE SECRETARY OF STATE'S GUIDANCE
WHICH MAY BE RELEVANT TO THIS APPLICATION**

Section	Other Ref.	Paragraph(s)		Subject Matter	Page(s)	
		From	To		From	To
2	-	2.1	2.32	The licensing objectives	6	13
2	-	2.1	2.6	Crime and disorder	6	7
2	-	2.22	2.32	Protection of Children from Harm	10	12
10	-	10.1	10.66	Conditions attached to premises licences	75	86
10	-	10.8	10.9	Imposed conditions	76	-
10	-	10.10	-	Proportionality	76	-
11	-	11.1	11.30	Reviews	87	92
11	-	11.1	11.11	The review process	87	88
11	-	11.16	11.23	Powers of a licensing authority on determination of a review	89	90
11	-	11.30	-	Review of a premises licence following persistent sales of alcohol to children	92	-
13	-	13.1	13.12	Appeals	101	103
12	-	13.10	-	Giving reasons for decisions	102	-

2.0 The Council's Licensing Policy

2.1. The sections of the Council's Licensing policy identified in **Table 2** below may be relevant to the consideration of this application.

**TABLE 2 - SECTIONS OF THE COUNCIL'S LICENSING POLICY
WHICH MAY BE RELEVANT TO THIS APPLICATION**

Section	Other Ref.	Paragraph(s)		Subject Matter	Page(s)	
		From	To		From	To
3	Part C	3.1	3.47	Licensing principals, objectives & general considerations	16	20
3	Part C	3.12	3.14	General licensing principals	17	17
14	Part N	14.1	14.23	Review of relevant authorisation	52	54
14	Part N	14.22	14.23	Matters of review which may give rise to revocation	54	54
18	Part R	18.1	18.61	Representations, Responsible Authorities & Interested Parties	67	73
19	Part S	19.1	19.29	Conditions and restrictions	74	77
19	Part S	19.1	19.15	General principles of transposition and imposition of conditions	74	75

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**MANDATORY CONDITIONS
EVEREST CASH & CARRY, 82 - 84 COVE ROAD, FARNBOROUGH,
HAMPSHIRE, GU14 0EU**

Where applicable in the circumstances, one or more of the following mandatory conditions **must** be applied to a premises licence.

Section 19 – Mandatory conditions: supply of alcohol

Where a premises licence authorises the supply of alcohol -

- (1) No supply of alcohol may be made under the premises licence -
 - (i) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (ii) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

- (1)
 - (i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (ii) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (iii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature
- (2) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –
$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (f) Where the permitted price given by Paragraph (b) would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (g) Paragraph (b)(ii) applies where the permitted price given by Paragraph (b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (h) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.