



# RUSHMOOR BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE (ALCOHOL AND ENTERTAINMENTS)

*Friday, 7th August, 2020 at 10.00 am*

*(remote meeting - details of how to view meeting to be published on website ahead of meeting)*

**To:**

Cllr A.H. Crawford

Cllr S.J. Masterson

Cllr Jacqui Vosper

Enquiries regarding this agenda should be referred to the Committee Administrator: Chris Todd, Democracy and Community, Tel. (01252) 398825 or Email [chris.todd@rushmoor.gov.uk](mailto:chris.todd@rushmoor.gov.uk)

## A G E N D A

1. **DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE IN RESPECT OF NOS. 308 - 310 FERNHILL ROAD, FARNBOROUGH – (Pages 1 - 40)**

To consider the Head of Operational Services' Report No. OS2013 (copy attached) setting out details of an application for a premises licence.

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**LICENSING SUB-COMMITTEE  
(ALCOHOL & ENTERTAINMENTS)  
7 AUGUST 2020**

**OPERATIONAL SERVICES**

**LICENSING REPORT NO. OS2013**

**DETERMINATION OF AN APPLICATION FOR  
A PREMISES LICENCE  
308-310 FERNHILL ROAD, FARNBOROUGH GU14 9EE**

**1.0 INTRODUCTION**

- 1.1. This report concerns an application for a premises licence made under section 17 of the Licensing Act 2003 (the 'Act'). Representations have been received in respect of the application and invoke a statutory requirement to hold a hearing with members.
- 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. An application for a premises licence was submitted on 24<sup>th</sup> June 2020 by Mr Kulraj Singh Madaan, in respect of a premises known as 308-310 Fernhill Road, Farnborough GU14 9EE. A map of the area showing the general location of the premises is given at **appendix A**.
- 2.2. **Nature of the application**
- 2.3. The application seeks the retail sale of alcohol for consumption off the premises between 08:00am to 23:00pm on Sundays to Thursdays and 08:00am to 23:30pm on Fridays and Saturdays. A copy of the application is given at **appendix B**.
- 2.4. **Advertising of the application**
- 2.5. I can confirm that each responsible authority (as specified in the Act) has received a copy of the application. Similarly, the application was advertised by the applicant in accordance with the requirements of the legislation both at the premises and in a local newspaper. The last date for representations was given as the 22<sup>nd</sup> July 2020.

### **3.0 REPRESENTATION(S)**

- 3.1 Three representations were received in respect of the application. Two were from responsible authorities namely, the Licensing Authority and Trading Standards and the other was from a member of the public. Copies of the representations are given at **appendix C**, marked **C1** to **C3** respectively.

#### **3.2. Relevance of Representation(s)**

- 3.3. To be eligible to be considered, the Act requires a(ny) representation(s) to be '*relevant*'. A '*relevant representation*' is one that has been made by a responsible authority, any other person, a body representing such persons or a Member of the relevant licensing authority (i.e. elected councillors). Similarly, representations must not be frivolous or vexatious and must be about the likely effect of the grant of the licence on the promotion of the licensing objectives.
- 3.4. The licensing objectives are defined in the Act and include -
- (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.
- 3.5. Against the above criteria, the representations are considered relevant in this case, as they have been made by a responsible authority and other persons and concern the licensing objectives.

### **4.0 OTHER DATA PROTECTION ISSUES**

- 4.1 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.

### **5.0 DETERMINATION**

- 5.1. Further to the receipt of the relevant representations and, in accordance with the Act and the Council's scheme of delegation, the Sub-Committee is asked to determine the application.

## **6.0 RELEVANT CONSIDERATIONS**

### **6.1. Licensing Objectives**

- 6.2. In considering the application the licensing authority must have regard to the promotion of the licensing objectives given at paragraph 3.4 of this report.

### **6.3. Licensing Policy and Secretary of States Guidance**

- 6.4. The licensing authority must also have regard to its statement of licensing policy and any guidance issued by the Secretary of State under section 182 of the Act.
- 6.5. Details of the parts of the policy and guidance that may be relevant to this application are given in **appendix D** to this report.

## **7.0 OPTIONS**

- 7.1 In determining this application, the Sub-Committee may take any of the following steps as it considers appropriate for the promotion of the licensing objectives; namely -

- (a) to grant the licence as applied for\*; or
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates\*; or
- (c) to refuse to specify a person as the premises supervisor; or
- (d) to reject the whole or part of the application.

*\* Subject to any relevant mandatory conditions, amendments agreed by the applicant and/or such other conditions that are consistent with the operating schedule which, with the exception of mandatory conditions, may be modified (which may include the alteration or omission of a condition or the addition of any new condition(s)) to such extent as may be necessary to promote the licensing objectives.*

## **8.0 RECOMMENDATION(S)**

- 8.1. 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.



**AIMEE VOSSER**  
**Licensing Officer**  
**Operational Services**  
*licensing@rushmoor.gov.uk*

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**Public Documents:**

- 1) **HMSO (2003)**, The Licensing Act 2003
- 2) **Home Office (April 2018)**, Guidance issued under Section 182 of the Licensing Act 2003

**Contact:**

Aimee Vossler, Licensing Officer (01252 398131)

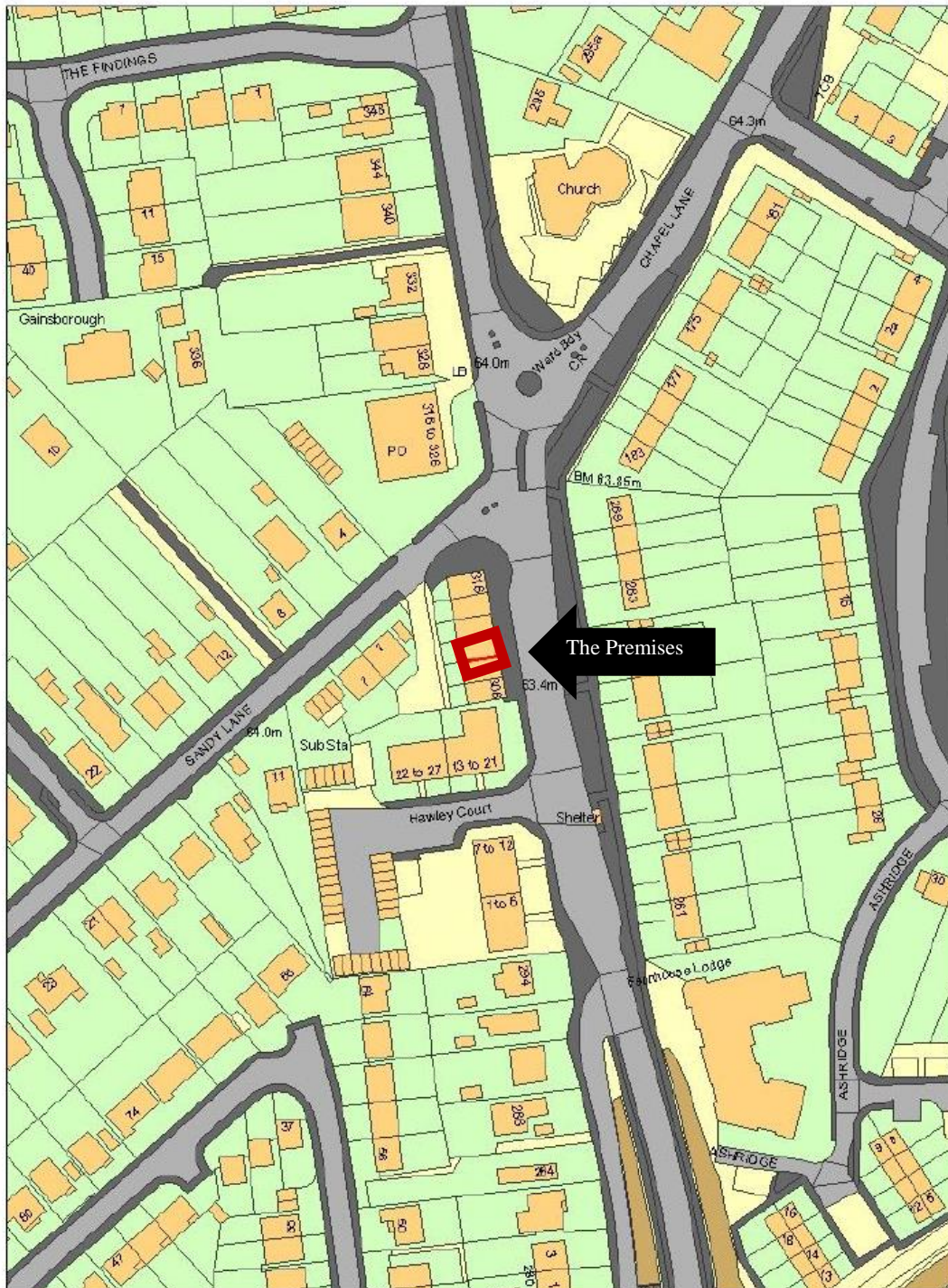
**Appendices:**

- Appendix A - Map of the area (page 5)
- Appendix B - Application for a premises licence (pages 7 - 24)
- Appendix C - Representations (page 25 - 38)
- Appendix D - Relevant Considerations (Page 339)

## APPENDIX A

### MAP SHOWING LOCATION OF PREMISES

308-310 FERNHILL ROAD, FARNBOROUGH GU14 9EE







## APPENDIX B

### APPLICATION FOR A NEW PREMISES LICENCE

308-310 FERNHILL ROAD, FARNBOROUGH GU14 9EE



**Rushmoor**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@rushmoor.gov.uk](mailto:licensing@rushmoor.gov.uk)  
Telephone: 01252 398855

\* required information

#### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

#### Applicant Details

\* First name

KULRAJ SINGH

\* Family name

MADAAN

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☐ Applying as a business or organisation, including as a sole trader  
☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

#### Address

* Building number or name	
* Street	
District	
* City or town	
County or administrative area	
* Postcode	
* Country	United Kingdom

#### Agent Details

* First name	MANPREET SINGH	
* Family name	KAPOOR	
* E-mail	info@personallicencourses.com	
Main telephone number	020 8606 0558	Include country code.
Other telephone number		
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

- ☐ An agent that is a business or organisation, including a sole trader
- ☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

#### Your Address

Address official correspondence should be sent to.

* Building number or name	PERSONAL LICENCE COURSES UK
* Street	145 STATION ROAD
District	
* City or town	WEST DRAYTON
County or administrative area	
* Postcode	UB7 7ND
* Country	United Kingdom

#### Section 2 of 21

#### PREMISES DETAILS

**Continued from previous page...**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name	WINELAND & FOOD
Street	308 - 310 FERNHILL ROAD
District	
City or town	FARNBOROUGH
County or administrative area	
Postcode	GU14 9EE
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	15,700

<b>Section 3 of 21</b>	
<b>APPLICATION DETAILS</b>	
<p>In what capacity are you applying for the premises licence?</p> <div style="display: flex; flex-direction: column; gap: 5px;"> <div><input checked="" type="checkbox"/> An individual or individuals</div> <div><input type="checkbox"/> A limited company / limited liability partnership</div> <div><input type="checkbox"/> A partnership (other than limited liability)</div> <div><input type="checkbox"/> An unincorporated association</div> <div><input type="checkbox"/> Other (for example a statutory corporation)</div> <div><input type="checkbox"/> A recognised club</div> <div><input type="checkbox"/> A charity</div> <div><input type="checkbox"/> The proprietor of an educational establishment</div> <div><input type="checkbox"/> A health service body</div> <div><input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales</div> <div><input type="checkbox"/> A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England</div> <div><input type="checkbox"/> The chief officer of police of a police force in England and Wales</div> </div> <p><b>Confirm The Following</b></p> <div style="display: flex; flex-direction: column; gap: 5px;"> <div><input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities</div> <div><input type="checkbox"/> I am making the application pursuant to a statutory function</div> <div><input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative</div> </div>	
<b>Section 4 of 21</b>	
<b>INDIVIDUAL APPLICANT DETAILS</b>	
<p><b>Applicant Name</b></p> <div style="display: flex; justify-content: space-between;"> <div> <p>Is the name the same as (or similar to) the details given in section one?</p> <div style="display: flex; gap: 20px;"> <span><input checked="" type="radio"/> Yes</span> <span><input type="radio"/> No</span> </div> </div> <div style="font-size: 0.8em;"> <p>If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.</p> </div> </div> <div style="display: flex; margin-top: 10px;"> <div style="flex: 1;"> <p>First name</p> <input style="width: 100%;" type="text" value="KULRAJ SINGH"/> </div> <div style="flex: 1;"> <p>Family name</p> <input style="width: 100%;" type="text" value="MADAAN"/> </div> </div> <p>Is the applicant 18 years of age or older?</p> <div style="display: flex; gap: 20px;"> <span><input checked="" type="radio"/> Yes</span> <span><input type="radio"/> No</span> </div>	

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

\* Date of birth

dd mm yyyy

\* Nationality

BRITISH

[Documents that demonstrate entitlement to work in the UK](#)

Right to work share code

[Right to work share code if not submitting scanned documents](#)

Add another applicant

### Section 5 of 21

#### OPERATING SCHEDULE

When do you want the premises licence to start?

/  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/  /   
dd mm yyyy

Provide a general description of the premises

*Continued from previous page...*

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

OFF LICENCE AND CONVENIENCE STORE

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Section 6 of 21

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

#### Section 7 of 21

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

#### Section 8 of 21

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

#### Section 9 of 21

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

#### Section 10 of 21

##### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

#### Section 11 of 21

##### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

<p><i>Continued from previous page...</i></p> <p>Will you be providing recorded music?</p> <p> <input type="radio"/> Yes         <input checked="" type="radio"/> No       </p>																																
<p><b>Section 12 of 21</b></p>																																
<p><b>PROVISION OF PERFORMANCES OF DANCE</b></p> <p><a href="#">See guidance on regulated entertainment</a></p> <p>Will you be providing performances of dance?</p> <p> <input type="radio"/> Yes         <input checked="" type="radio"/> No       </p>																																
<p><b>Section 13 of 21</b></p>																																
<p><b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b></p> <p><a href="#">See guidance on regulated entertainment</a></p> <p>Will you be providing anything similar to live music, recorded music or performances of dance?</p> <p> <input type="radio"/> Yes         <input checked="" type="radio"/> No       </p>																																
<p><b>Section 14 of 21</b></p>																																
<p><b>LATE NIGHT REFRESHMENT</b></p> <p>Will you be providing late night refreshment?</p> <p> <input type="radio"/> Yes         <input checked="" type="radio"/> No       </p>																																
<p><b>Section 15 of 21</b></p>																																
<p><b>SUPPLY OF ALCOHOL</b></p> <p>Will you be selling or supplying alcohol?</p> <p> <input checked="" type="radio"/> Yes         <input type="radio"/> No       </p> <p><b>Standard Days And Timings</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: top;">MONDAY</td> <td style="width: 15%;">           Start <input type="text" value="08:00"/> </td> <td style="width: 15%;">           End <input type="text" value="23:00"/> </td> <td rowspan="2" style="width: 55%; vertical-align: top; padding-left: 10px;">           Give timings in 24 hour clock.            (e.g., 16:00) and only give details for the days            of the week when you intend the premises            to be used for the activity.         </td> </tr> <tr> <td></td> <td>Start <input type="text"/></td> <td>End <input type="text"/></td> </tr> <tr> <td style="vertical-align: top;">TUESDAY</td> <td>Start <input type="text" value="08:00"/></td> <td>End <input type="text" value="23:00"/></td> <td></td> </tr> <tr> <td></td> <td>Start <input type="text"/></td> <td>End <input type="text"/></td> <td></td> </tr> <tr> <td style="vertical-align: top;">WEDNESDAY</td> <td>Start <input type="text" value="08:00"/></td> <td>End <input type="text" value="23:00"/></td> <td></td> </tr> <tr> <td></td> <td>Start <input type="text"/></td> <td>End <input type="text"/></td> <td></td> </tr> <tr> <td style="vertical-align: top;">THURSDAY</td> <td>Start <input type="text" value="08:00"/></td> <td>End <input type="text" value="23:00"/></td> <td></td> </tr> <tr> <td></td> <td>Start <input type="text"/></td> <td>End <input type="text"/></td> <td></td> </tr> </table>		MONDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="23:00"/>	Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.		Start <input type="text"/>	End <input type="text"/>	TUESDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="23:00"/>			Start <input type="text"/>	End <input type="text"/>		WEDNESDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="23:00"/>			Start <input type="text"/>	End <input type="text"/>		THURSDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="23:00"/>			Start <input type="text"/>	End <input type="text"/>	
MONDAY	Start <input type="text" value="08:00"/>	End <input type="text" value="23:00"/>	Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.																													
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FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

☐ On the premises    ☒ Off the premises    ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth



**Continued from previous page...**

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☐ Electronically, by the proposed designated premises supervisor

☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start  End

Start  End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

*Continued from previous page...*

TUESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

CC BY-NC-SA 4.0 licensed presentation

**Continued from previous page...**

List here steps you will take to promote all four licensing objectives together.

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 28 days recording system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

**b) The prevention of crime and disorder**

1. The premise license holder shall ensure that CCTV camera and recorders are installed at the premises and are of a standard acceptable to and approved by the police
2. The system shall be maintained in good working order and at all times the premise is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. All images should be stored for a minimum of 31 days
3. The CCTV views are not to be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises
4. A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.
5. All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought from cash and carries only an invoices and they will be available upon request. All alcohol will be purchased from AWRS registered cash & carry or wholesalers.
6. No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises
7. All staff employed at the premises will have UK right to work status checked, once passed that stage they shall be offered employment.

**c) Public safety**

1. Installation of appropriate safety equipment
2. Fire exit signs displayed
3. To comply with all current, fire, health and safety laws
4. CCTV working at all times

**d) The prevention of public nuisance**

1. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighborhood
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all
3. Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

**e) The protection of children from harm**

1. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
2. The only acceptable ID will be those with photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
3. An incident/refusal log shall be kept at the premises, and made available for inspection on request to an authorised officer of the council of the police which will record the following;
  - a) All crimes reported at the venue
  - b) Any complaints received, any faults in the CCTV system
  - c) Any refusal of the sale of alcohol, any visit by a relevant authority
  - d) CAD reference number where police are called

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

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***Continued from previous page...***

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

**Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

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**Continued from previous page...**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

#### **Section 21 of 21**

#### **PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

#### **DECLARATION**



**Continued from previous page...**

\* I/we understand 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/rushmoor/apply-1> to upload this file and continue with your application.

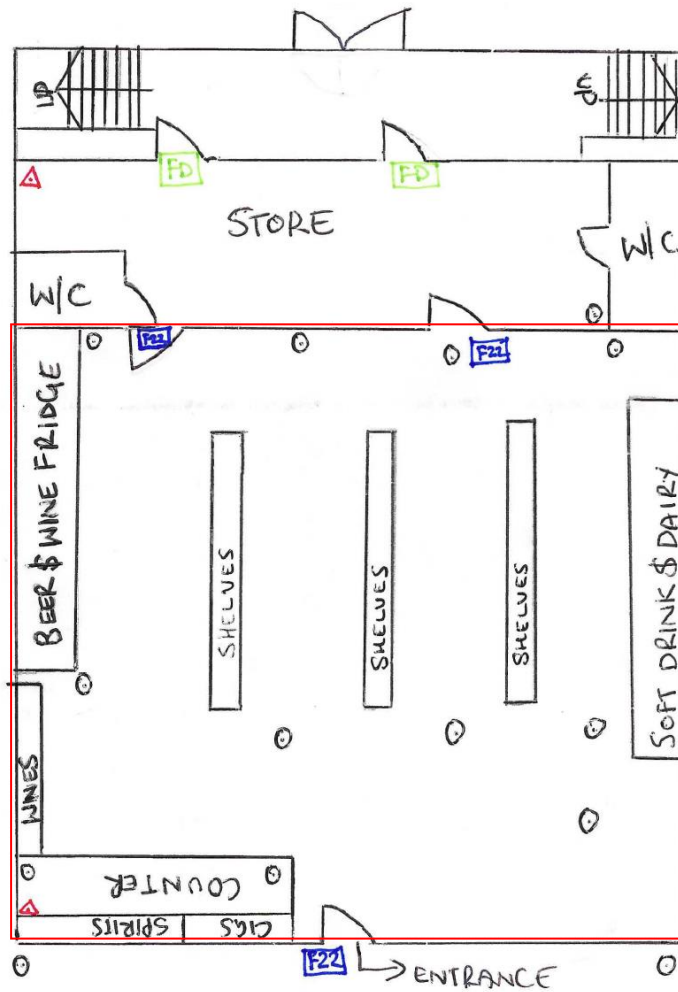
Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

○ CCTV  
 ▲ FIRE EXTINGUISHER  
 F22 FIRE EXIT SIGNS  
 FD FIRE CHECK DOOR.

\_\_\_\_\_ Area for  
 licensable activities



308-310 FERNHILL ROAD  
 FARNBOROUGH  
 GU14 9EE

Scale 1:100

REPRESENTATIONS – LICENSING

308-310 FERNHILL ROAD, FARNBOROUGH GU14 9EE



Council Offices, Farnborough Road,  
Farnborough, Hants. GU14 7JU  
Tel: (01252) 398 399  
Website: [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk)

Our Ref: 20/00216/LAPRE

Officer: Shelley Bowman

Your Ref:

Tel: 01252 398162

The Licensing Authority  
(by e-mail)

Email: [shelley.bowman@rushmoor.gov.uk](mailto:shelley.bowman@rushmoor.gov.uk)

Date: 21st July 2020

Dear Sir / Madam,

**THE LICENSING ACT 2003**

**Representation in respect of an application for a premises licence – 308  
– 310 Fernhill Road, Farnborough, Hampshire, GU14 9EE**

**Individual making representations:**

My name is Shelley Marie Bowman and I am employed as Principal Licensing Officer for Rushmoor Borough Council. I have been employed in this capacity for approximately 10 years, and prior to this as a Licensing Officer for approximately 3 years. I hold a Certificate of Higher Education in Licensing Law, a BIIAB National Certificate for Personal Licence holders, a BIIAB National Certificate for Licensing Practitioners and a BIIAB National Certificate for Licensing Practitioners (Gambling).

**Capacity and authority of individual making representations:**

I am making this representation in the capacity and embodiment of a responsible authority as defined in Section 13(4) of the Licensing Act 2003 (as amended by Section 103 of the Police Reform & Social Responsibility Act 2011). For this purpose, and as outlined above, I represent the relevant licensing authority in whose area the above-named premises are situated.

**Relevance of representations:**

As a responsible authority, I am making this representation in accordance with the procedure for an application for a premises licence detailed in Section 17 of the Licensing Act 2003. I am also making this representation at this time and in respect of the above-named premises as it is my opinion that the granting of the premises licence will undermine the licensing objective the prevention of crime and disorder. The grounds for this opinion are outlined below.

**Nature and grounds of representation:**

The applicant for the premises licence in this case, previously held a licence for the premises at 310 Fernhill Road (2009 – 2011), which permitted the sale

of alcohol for consumption off the premises. He was licence holder along with a Mr Harmohan Singh Madhan. The premises licence was revoked by the Licensing sub-committee in 2011, following an application for review of the licence submitted by Hampshire Constabulary.

Whilst I will not include all of the submissions and evidence in respect of the previous review application, I have attached the grounds for review detailed on the application by the Hampshire Constabulary Licensing Officer, marked as **EXHIBIT 1** and the part of decision notice giving the grounds for the decision to revoke the licence as **EXHIBIT 2**, by way of providing an overview as to the way in which the business was operated during that time.

Although, this is a new application, which must be dealt with on its own merits, the way the business was previously operated is an indication of the way in which it may be operated if this application was granted, and therefore the incidents leading to the review are relevant to the promotion of the licensing objectives in this case.

Whilst I note that in this new application, Mr Madaan has included on his operating schedule licence conditions which are designed to deal with the purchase of counterfeit and/or non-duty paid alcohol as follows:

- All goods, including those subject to duty payments i.e. alcohol and tobacco products will be bought from cash and carries only an invoices and they will be available upon request. All alcohol will be purchased from AWRS registered cash and carry or wholesalers.
- No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises.

I do not believe that the imposition of such conditions will ensure the promotion of the licensing objective, the prevention of crime and disorder. This is because, at the time that the large amounts of counterfeit and non-duty paid alcohol were seized from the premises and the associated lock-up, the activities carried out by Mr Madaan were a crime. He was willing to store and sell non-duty paid and counterfeit alcohol at his shop, and additional licence conditions provide no confidence that he would manage the business responsibly and follow both the law and licence conditions in respect of the products that he sells there.

### **Relevant Guidance**

The Secretary of State's Guidance issued under section 182 of The Licensing Act 2003, states in the section "Reviews arising in connection with crime":

11.25 ..... Where a review follows a conviction, it would also not be for the Licensing Authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.27 There is certain criminal activity which may arise in connection with licensed premises which should be treated particularly seriously. These are

the use of the licensed premises.....for the sale or storage of smuggled tobacco and alcohol.

Whilst this relates to a review, and this particular application is for a new premises licence, the guidance shows the seriousness with which the issue is expected to be taken.

The Council's statement of licensing policy states:

1.3 However while we recognise that there are many hardworking licence holders within the industry, who are rightly proud of the service they provide, any service to the public may be subject to abuse or be a target for the less scrupulous in society. This may include those who might use their position to exploit the public, for example by supplying illicit alcohol.....

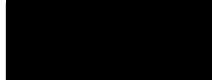
3.40 The licensing authority expects those providing licensable activities to fully comply with all other relevant legislation (e.g. Health & Safety) applicable to the premises and the activities carried on there. The Licensing Authority will therefore normally seek to avoid duplication with other regulatory regimes in exercise of its functions. However, non-compliance with other legislation and associated agency requirements, may be taken into account insofar as it provides an indicator of the management of the premises of the wider picture and/or confidence in management to suitably promote the licensing objectives.

Therefore indicating that the issues raised are specifically relevant to the promotion of the licensing objectives.

**Summary of recommended steps / conditions / actions to be taken:**

Given that the secretary of state's guidance states that the crime committed should be taken particularly seriously, the previous offences were related to the shop concerned, included significant amounts of illicit alcohol and Hampshire County Council Trading Standards have confirmed in their representation that Mr Madaan was convicted of the offence(s), I am of the opinion that granting a premises licence for the sale of alcohol to Mr Madaan would undermine the licensing objective, the prevention of crime and disorder as I have little confidence of Mr Madaan's suitability to run a premises of this nature. Therefore, I do not believe that there are any steps other than refusal of the application for a premises licence which will ensure the promotion of the licensing objectives.

Yours faithfully,



Shelley Bowman  
Principal Licensing Officer  
Operational Services

## EXHIBIT 1

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

Fernhill Food and Wine is a small retail grocery store, in a parade of 5 other retail units of a similar size, in a densely populated area of Farnborough. The store currently holds a premises licence for the sale/supply of alcohol for consumption off of the premises only.

On Friday 24<sup>th</sup> June 2011 an operation was carried out by officers from the Hampshire Constabulary, Hampshire County Council Trading Standards (TS) and Her Majesty's Revenue and Customs (HMRC), at Fernhill Food and Wine. Representatives from each of these agencies attended the store at approximately 1130 hours, and spoke to Kulraj Madaan, who stated that he was the store manager. A search of the premises was then commenced.

During this search a quantity of counterfeit and duty free alcohol, and counterfeit DVDs was located and seized by HMRC officers and TS officers.

A van was then located at the premises which was identified as being owned by Kulraj Madaan. A search of this van revealed further quantities of counterfeit and duty free alcohol, and a quantity of counterfeit 'duty paid stamps', examples of which had been found attached to the bottles of duty free alcohol in an attempt to give the appearance that the duty had been paid and that the alcohol was being offered for sale legitimately.

A number of the officers involved in the search then left the premises with Kulraj Madaan and attended a storage unit at the Lok 'n Store storage facility in Hawley Lane, Farnborough.

At this location Kulraj Madaan directed the officers to a storage unit within the facility which was secured with a padlock. He then provided a key which unlocked the padlock and allowed the officers to enter and search the unit, which was similar in size to a residential single garage. A search of this unit revealed further considerable quantities of counterfeit and duty free alcohol.

The items of counterfeit and duty free alcohol which were found in Fernhill Food and Wine, in the storage unit at Lok 'n Store and in the van belonging to Kulraj Madaan, were seized by officers from HMRC. Due to the considerable quantities of alcohol involved, a 7.5 tonne van was required to remove all of the seized items.

RESTRICTED

It is the policy of HMRC that when they are conducting operations of this nature, they seize only items that they know to be counterfeit or duty free. In the event that they only suspect or believe that the item is counterfeit or duty free, they would not make a seizure.

In total on this date the following quantities of counterfeit and/or duty free alcohol were seized -

1206.75 litres of wine

888 litres of beer

671.70 litres of spirits

The estimated value of the seized alcohol is approximately £16,500.

A number of photographs were taken at the various locations involved in this operation, and have been produced as exhibits by PC 20723 Court.

Copies of the following photographic exhibits have been attached to this review to assist the licensing sub-committee in making their decision -

SJC/FFW/99/AE - Photographs of seizures made

SJC/FFW/99/AB - Counterfeit Aros vodka

SJC/FEW/99/X - Seized wine

SJC/FFW/99/T - Packs of seized items

It is the view of the Hampshire Constabulary that the licence holders of Fernhill Food and Wine have failed to uphold the licensing objectives of the prevention of crime and disorder and public safety.

The sale of counterfeit alcohol results in the supply of an inferior product, the contents of which have not been produced to the higher standards of the genuine manufacturer and therefore are not to the standard that is expected of the paying customer who is ultimately being mis-led at the time of the sale. Counterfeit alcohol also carries a risk to the health of the customer, who may not be aware that the product is not genuine and therefore its contents could be very harmful as the necessary quality control measures are unlikely to be in place due to its sub-standard method of manufacturing.

The significant quantity of duty free alcohol that was seized at the various locations that are controlled by the licence holders, and the seizure of the counterfeit 'duty paid stamps' demonstrates a calculated intention to evade the legal obligation of all individuals and business within the United Kingdom to pay tax, and demonstrates a disregard for the law.

#### RESTRICTED

#### AMEND THE LICENSING ACT 2000

It is the belief of the Hampshire Constabulary that the conduct of the holders of the premises licence for Fernhill Food and Wine has shown that they are unable to meet the required standard and responsibility to run a licensed premises.

For this reason we do not believe that the imposition of any conditions on the premises licence would be appropriate in this case and we urge the sub-committee to take only one course of action, namely the revocation of this premises licence.



## EXHIBIT 2

### DECISION

To revoke premises licence no. 09/00210/LAPRE held in respect of Fernhill Food and Wine, No. 310 Fernhill Road, Farnborough.

### REASONS

The Sub-Committee is satisfied, on a balance of probabilities, that this is necessary for the promotion of the licensing objective of the prevention of crime and disorder.

In coming to its decision, the Sub-Committee has taken into account:

- The Licensing Act Section 52, which states that having regard to the application and any relevant representations, it must take such steps it considers necessary for the promotion of the licensing objectives;
- The Secretary of State's guidance issued under section 182 of the Licensing Act 2003, particularly paragraphs 11.24 and 11.26-27. It is the Sub-Committee's duty to take steps to promote the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence;
- The Council's Statement of Licensing Policy 2010 – 2011; and
- Written and oral evidence presented to the hearing.

In relation to the Police evidence, the Sub-Committee found that much of it was uncontested and that large quantities of alcohol on which no duty had been paid, or counterfeit, were seized during the raid in June.

The Sub-Committee believed that the DVDs found under the counter and in the lock up were counterfeit and would have been available for sale.



The evidence of Trading Standards corroborated that of the Police; it was accepted that the results of the three tests carried out by the public analyst showed the samples to be satisfactory, but one test result was not satisfactory and showed that the sample tested was not genuine vodka.

In relation to the statement on behalf of the licence holder, the Sub-Committee noted that there was still no evidence of proof of purchase of the alcohol, although the licence holder had said that there were receipts for purchases of food.

The Sub-Committee did not accept that Mr Madaan was unaware of the false duty paid stickers or that some of it was counterfeit.

Some of the steps now being put forward by Mr Madaan should have been taken from the outset of his management of the premises.

The Sub-Committee had not taken into account some of the evidence put forward by PC Court in his statement, that was not related to the licensable activities being undertaken. This included the matters relating to hygiene and fire extinguishers. It was noted that the petition provided by the licence holder did not deal with the crime and disorder licensing objective and a number of the signatories lived beyond the vicinity of the premises. The Sub-Committee had, therefore, given it little weight.

The Sub-Committee went on to consider the alternative courses of action available to it on this review and, firstly, felt that an informal warning was inappropriate.

The Sub-Committee then considered whether to modify the conditions of the licence but, having heard the representations of Trading Standards and the Police, had considered that the proposed conditions would not prevent such a matter recurring.

Next, the Sub-Committee considered whether it would be appropriate to exclude a licensable activity from the scope of the licence but, as there was only one licensable activity, this would not be relevant.

The Sub-Committee then considered whether to remove the designated premises supervisor (DPS) but there was no evidence that the DPS had had any involvement in the illegal activities.

Next, the Sub-Committee considered whether suspending the licence for up to three months would be appropriate in this case. From the accounts presented, it was difficult to accept that the licence holder was in serious financial difficulties. The Sub-Committee was not persuaded that they were accurate, having heard that cash was used to buy goods and pay staff. It was felt that a suspension would not be effective and that there was a strong possibility that illegal activities would recur if a difficult financial situation presented itself again.

Finally, the Sub-Committee considered the option of revoking the licence. To reflect the seriousness with which it viewed the evidence it had heard in relation to Mr Madaan's practices in running the business, the Sub-Committee believed that revocation had to be seriously considered in the interests of the wider community and that those outweighed Mr Madaan's personal and financial circumstances.

## **REPRESENTATION – TRADING STANDARDS**

**Hampshire County Council Trading Standards Service wish to make a representation**

**Regarding an application for a Premises Licence under The Licensing Act 2003, for :-**

**Kulraj Singh Madaan  
308-310 Fernhill Road  
Farnborough  
Hants  
GU14 9EE**

**We are a responsible authority.**

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

**Surname**  **First names**

**Are you over 18** ☒ **Yes**

**Hampshire County Council**  
**Trading Standards Service**  
**Montgomery House**  
**Monarch Way**  
**Winchester, Hants**

**Post Town Postcode**

**Contact telephone number in working hours**

**Email address (optional)**

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

- |   |                                     |
|---|-------------------------------------|
| 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"/> |

HCC Trading Standards Service wish to make the following Representation

A premise licence at this same address with Kulraj Singh Madaan named as a premise licence holder, was revoked by Rushmoor Borough Council in September 2011.

A search was carried out by Hampshire Constabulary and HCC Trading Standards, supported by officers from HMRC in June 2011, which uncovered around £16,500 worth of counterfeit alcohol and alcohol where the duty had not been paid.

Counterfeit alcohol was also found in a van owned by Kulraj Singh Madaan parked outside the shop, and in a nearby storage unit in Farnborough.

The amounts of counterfeit and unpaid duty alcohol seized were vast in size, including 888 litres of beer and 672 litres of spirits. A 7.5 tonne van was needed to remove the items.

Counterfeit alcohol carries a risk to the health of the consumer, who may not be aware that the product is not genuine and therefore its contents could be very harmful.

It is a matter of public record that in a criminal prosecution brought by Hampshire Constabulary in 2013, Madaan was sentenced to 9 months imprisonment suspended for 2 years; 200 hours community service of unpaid work with £2500 costs awarded to Hampshire Constabulary.

We request that this premise licence should not be granted.

**Signature of representee or representee's solicitor or other duly authorised agent. If signing on behalf of the representee, please state in what capacity.**

Signature.....

S. Lawford

.....

Date...17/07/20.....

.....

Capacity.....Senior Trading Standards Officer

<b>Contact name (where not previously given) and address for correspondence associated with this representation</b> (please read guidance note 5)	
N/A	
<b>Post town</b>	<b>Post code</b>

## REPRESENTATION – MEMBER OF THE PUBLIC

To whom it might concern,

As an [REDACTED] neighbour of the premises, I would like to voice my objection to the proposed hours of licensing. I would like the authority to consider limiting the licensing hours to 2200 on all days of the week; in an attempt to reduce late night noise and antisocial behavior outside my property.

In the past the police have sent out letters about anti social behavior in the Fernhill Ward; since 04 Jul 2020 there have been at least two cases of antisocial behavior, that I'm aware of, in the vicinity of the applicant's existing licensed premises at 310 Fernhill Road.

On 04 Jul 2020 at around 2310, there was a group of drunk teenagers fighting within 15 meters of the premises, having been refused service at the shop. (See photos below)

On 08 Jul 2020 at around 2200, it appeared the occupants of a vehicle directly outside the shop were taking illicit substances whilst they waited for a customer to come out.

According to the website <https://www.checkmystreet.co.uk/indepth/crimerate/gu14-9ee> there have been 287 police reports relating to antisocial behavior within 1mile of the applicants postcode GU14 9EE in the last 12 months.

Stay Safe

Kind Regards,





## APPENDIX D

### RELEVANT CONSIDERATIONS

**308-310 FERNHILL ROAD, FARNBOROUGH GU14 9EE**

#### 1.0 Guidance issued under S182 of the Licensing Act 2003 (April 2018)

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
<b>2</b>	-	<b>2.1</b>	<b>2.32</b>	<b>The licensing objectives</b>	<b>6</b>	<b>12</b>
2	-	2.1	2.6	Crime and Disorder	6	7
<b>8</b>	-	<b>8.1</b>	<b>8.110</b>	<b>Applications for a premises licence</b>	<b>49</b>	<b>67</b>
<b>9</b>	-	<b>9.1</b>	<b>9.45</b>	<b>Determining applications</b>	<b>68</b>	<b>76</b>
9	-	9.3	9.3	Where representations are made	68	68
9	-	9.31	9.41	Hearings	73	75
<b>10</b>	-	<b>10.1</b>	<b>10.66</b>	<b>Conditions attached to premises licences and club premises certificates</b>	<b>77</b>	<b>88</b>
10	-	10.8	10.9	Imposed conditions	78	78
<b>13</b>	-	<b>13.1</b>	<b>13.13</b>	<b>Appeals</b>	<b>103</b>	<b>105</b>
13	-	13.10	13.11	Giving reasons for decision	104	104

#### 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
<b>3</b>	<b>Part C</b>	<b>3.1</b>	<b>3.43</b>	<b>Licensing principals, objectives &amp; General considerations</b>	<b>13</b>	<b>17</b>
3	Part C	3.10	3.12	General licensing principals	14	14
<b>6</b>	<b>Part F</b>	<b>6.1</b>	<b>6.53</b>	<b>Premises Licences</b>	<b>26</b>	<b>34</b>
<b>18</b>	<b>Part R</b>	<b>18.1</b>	<b>18.55</b>	<b>Representations, Responsible authorities &amp; Interested Parties</b>	<b>69</b>	<b>74</b>
18	Part R	18.45	18.48	The weight attached to relevant representations	73	74
<b>19</b>	<b>Part S</b>	<b>19.1</b>	<b>19.27</b>	<b>Conditions and restrictions</b>	<b>76</b>	<b>79</b>
19	Part S	19.10	19.15	General principles of transposition and imposition of conditions	76	77

**NB:** Matters in **bold** indicate main section headings.

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