

**DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE
STATION CORNER SHOP, 11 STATION ROAD, ALDERSHOT, GU11 1HT**

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 (made under section 17 of the Act) was submitted to the licensing authority on the 18th November 2016, by Mr Pal Singh, in respect of proposed premises located at 11 Station Road, Aldershot, GU11 1HT.
- 2.2. For reference, a map of the area showing the general location of the premises is given at **appendix A**.
- 2.3. **Nature of the application**
- 2.4. The application seeks authorisation for the retail sale of alcohol for consumption off the premises and seeks to provide the licensable activity from 06:00am – 23:00pm daily as detailed in Part 3 of the application. A copy of the application is given at **appendix B**.
- 2.5. **Advertising of the application**
- 2.6. I can confirm that each responsible authority (as specified in the Act) has received a copy of the application. I can also confirm that the application was advertised by the applicant in accordance with the requirements of the legislation both at the premises and in a suitable newspaper. The last date for representations was given as the 16th December 2016.

3.0 REPRESENTATIONS

3.1. Three representations were received in respect of the application, all from responsible authorities, namely Hampshire County Council Trading Standards, Hampshire Constabulary and the Licensing Authority. A copy of the representations are given at **appendices C, D and E**.

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 or any other person within the prescribed period permitted. 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. Relevance of representations

3.6. Against the above criteria all three representations are considered to be relevant as they have been made by responsible authorities and each concern two of the licensing objectives; namely the prevention of crime and disorder and protection of children from harm.

4.0 DATA PROTECTION ISSUES

4.1. As a public document, any personal details, including addresses, contact details and/or signatures submitted on any application, representation or other document contained in this report have been redacted in accordance with data protection requirements.

5.0 DETERMINATION

5.1. Further to the receipt of 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 as outlined at paragraph 3.4 of this report.

6.3. Licensing policy & 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. Details of the parts of the policy and guidance that may be relevant to this application are given at **appendix F**.

6.5. Mandatory Conditions

- 6.6. In addition, there are mandatory conditions that must be applied to a premises licence where appropriate. These are detailed at **appendix G**.

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*;
- (c) to refuse to specify a person as the premises supervisor; or
- (d) to reject 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 to such extent as may be appropriate 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.

Kelly Wilkinson
Licensing Officer
Environmental Health & Housing Services
licensing@rushmoor.gov.uk

Background Papers: Premises licence application ref: 16/00864/LAPRE

Public Documents:

- 1) **HMSO (2003)**, The Licensing Act 2003
- 2) **Home Office (March 2015)**, Revised guidance issued under Section 182 of the Licensing Act 2003

Contact: John McNab, Environmental Health Manager (Licensing)
Tel: 01252 398886, **Email:** john.mcnab@rushmoor.gov.uk

Appendices:

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MAP OF THE AREA
11 Station Road, Aldershot, GU11 1HT



APPLICATION FOR PREMISES LICENCE

Rushmoor Borough Council, Council Offices, Farnborough Road, Farnborough,
Hampshire, GU14 7JU

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

I/We PAL SINGH
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description

11 STATION ROAD ALDERSHOT
GU11 1HT

Post town		Postcode	GU11 1HT
-----------	--	----------	----------

Telephone number at premises (if any)	
---------------------------------------	--

Non-domestic rateable value of premises	£
---	---

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

APPLICATION FOR PREMISES LICENCE

- e) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

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

Please tick yes


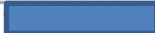


I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SINGH			First names PAL		
I am 18 years old or over			<input checked="" type="checkbox"/> Please tick yes		
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

APPLICATION FOR PREMISES LICENCE

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

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

APPLICATION FOR PREMISES LICENCE

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
08	11	2016

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

GROCERY SHOP

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

APPLICATION FOR PREMISES LICENCE

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

APPLICATION FOR PREMISES LICENCE

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

APPLICATION FOR PREMISES LICENCE

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			
Wed			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

APPLICATION FOR PREMISES LICENCE

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

APPLICATION FOR PREMISES LICENCE

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

APPLICATION FOR PREMISES LICENCE

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

APPLICATION FOR PREMISES LICENCE

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			
Tue			<u>Please give further details here</u> (please read guidance note 3)
Wed			
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)
Fri			
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sun			

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H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

APPLICATION FOR PREMISES LICENCE

I



Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

APPLICATION FOR PREMISES LICENCE

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7)	On the premises <input type="checkbox"/> Off the premises <input checked="" type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	6.00	11 PM		
	6.00	11 PM		
Tue	6.00	11 PM		
Wed	6.00	11 PM		
Thur	6.00	11 PM		
Fri	6.00	11 PM		
Sat	6.00	11 PM		
Sun	6.00	11 PM		

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

Name	PAL SINGH
Address	
Postcode	
Personal licence number (if known)	H03524
Issuing licensing authority (if known)	HOONSLow

APPLICATION FOR PREMISES LICENCE

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	6.00	11.00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u></p>
Tue	6.00	11.00	
Wed	6.00	11.00	
Thur	6.00	11.00	
Fri	6.00	11.00	
Sat	6.00	11.00	
Sun	6.00	11.00	

APPLICATION FOR PREMISES LICENCE

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

CCTV ALL THE TIME

c) Public safety

KEEP CLEAN

d) The prevention of public nuisance

TELL PEOPLE TO LEAVE QUIETLY PLEASE
RESPECT FOR OTHER CUSTOMER

e) The protection of children from harm

APPLICATION FOR PREMISES LICENCE

I ALWAYS ASK FOR ID IF I THINK SOME
ONE IS LOOK UNDER 25 YEAR OLD, REFUSAL
BOOK, STAFF TRAINING ON UNDER AGE SEL

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☐
- I have enclosed the plan of the premises. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☐

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	8 / 11 / 16
Capacity	OWNER

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

APPLICATION FOR PREMISES LICENCE

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, 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.
2. Where taking place in a building or other structure please tick as appropriate (Indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Hampshire County Council Trading Standards Representation

Hampshire County Council Trading Standards Service wish to make a representation

regarding the granting of a Premises Licence issued under the Licensing Act 2003, for :-

Station Corner Shop
11 Station Road
Aldershot
Hants
GU11 1HT

We are a responsible authority.

Hampshire County Council Trading Standards Representation

(A) REPRESENTATIVE DETAILS (fill in as applicable)

☐ ☐ ☐ ☐ ☐

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 SO22 5PW

Contact telephone number in working hours 01962 833658

Email address (optional) Steve.Lawford@hants.gov.uk

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

1) the prevention of crime and disorder X

2) public safety ☐

Hampshire County Council Trading Standards Representation

- | | | |
|----|--------------------------------------|--------------------------|
| 3) | the prevention of public nuisance | <input type="checkbox"/> |
| 4) | the protection of children from harm | X |

Hampshire County Council Trading Standards Representation

The applicant, Mr Pal Singh, is the brother of Mr Charanjit Singh Arora, who are respectively Company Director and Director of the limited company, CS (Brothers) Ltd.

The premise licence holder for this premises was previously Mr Charanjit Singh Arora which was revoked on 10 October 2016. Senior Trading Standards Officer Lawford has previously encountered Mr Pal Singh at this premise. He did not take any proactive action in trying to prevent the criminal offences that were being committed at this premise.

HCC Trading Standards do not believe that Mr Pal Singh will ensure that Mr Charanjit Singh Arora plays no part in the running of this business and has no confidence that the sale of alcohol to children will be prevented, nor that illicit alcohol and tobacco will be prevented from being sold..

We do not believe that there are any conditions that could be added to our satisfaction and therefore we oppose this application and ask that a premise licence is refused.

We attach the decision notice of the Review hearing of 10 October 2016.

Hampshire County Council Trading Standards Representation

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...21/11/16.....

Capacity.....Senior Trading Standards Officer

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

N/A

Post town

Post code

Hampshire County Council Trading Standards Representation



LICENSING ACT 2003

Application for the review of a premises licence

Decision Record

APPLICANT: Hampshire County Council Trading Standards

PREMISES: No. 11 Station Road, Aldershot, Hampshire GU11 1HT

DATE OF HEARING: 10th October, 2016

MEMBERS SITTING: Crs. Liz Corps, L.A. Taylor (Chairman) and J.E.Woolley

10/10/16

Hampshire County Council Trading Standards Representation**DECISION**

To revoke premises licence no 15/00517/LAPRET held in respect of Station Corner Shop, No. 11 Station Road, Aldershot, Hampshire, GU11 1HT.

REASONS

The Sub-Committee is satisfied on the balance of probabilities, that this step is appropriate for the promotion of the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

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, the Sub-Committee must take such steps it considers appropriate for the promotion of the licensing objectives;
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, particularly:
 - paragraph 2.22 which states that the government believes it to be completely unacceptable to sell alcohol to children and paragraph 2.26 concerning conditions relating to the protection of children from harm;
 - paragraphs 11.26 – 11.27 which state that where premises have been used for criminal purposes, the licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder. Also the sale and storage of smuggled tobacco and alcohol is a criminal activity that should be treated particularly seriously in connection with licensed premises;
- The Council's Statement of Licensing Policy 2010–11, especially paragraph

10/10/16

Hampshire County Council Trading Standards Representation

14.23 which lists the matters that will be taken particularly seriously by the licensing authority and which may lead to a consideration of revocation. These include the use of the premises for the purchase of alcohol by minors and the sale of smuggled alcohol and tobacco. (The Sub-Committee recognised that the Council's Licensing Policy has yet to be revised following changes in the legislation and has disregarded any parts that are now out of date);

- It also took into account all the written and oral evidence presented at the hearing.

The Sub-Committee heard evidence from Hampshire Trading Standards that there had been two failed test purchases, the first in February 2016 and the second in July 2016, when alcohol had been sold to a 16 year old and 15 year old respectively, on each occasion by a different assistant who, when questioned, claimed not to work at the shop.

Also, smuggled non UK duty paid tobacco and smuggled non UK duty paid cigarettes had been found on the premises in July 2015, and in July 2016 further smuggled tobacco was found together with chewing tobacco not carrying the required health warnings. These items were seized on both occasions.

In September this year, it was found that Macthka vodka seized from the shop did not have a duty stamp attached to the bottle and Meya kpbB wine had no UK labelling to show that duty had been paid. In addition, a duty stamp on Queen Margot Whisky was found not to be genuine.

Despite advice given by Trading Standards to Mr Arora following the first failed test purchase, it did not appear that any steps had been taken to prevent a further failure.

The Sub Committee also heard evidence from Rushmoor's Licensing Service as Responsible Authority who first visited the premises on 29 July 2016 following the second failed test purchase in July 2016 and then again in September 2016. A timescale to rectify breaches of conditions observed in July was agreed with Mr Arora but when the officer revisited the premises in September 2016, no training records were

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Hampshire County Council Trading Standards Representation

available for inspection and none of the issues identified had been rectified. The member of staff on the premises at the time of the second visit was unaware of the requirement to record refusals and a refusals log was not on the premises. The first time records had been seen was at the hearing.

The police officer gave evidence that he had also been present at an inspection of the premises in February 2016 when chewing tobacco was seized; Mr Arora was vague about where this had been obtained from.

Mr Arora gave evidence that he bought the alcohol from a Romanian grocery supplier whose name he did not know, but who visited his premises every few months. He was not able to provide any invoices to the Sub-Committee as he was still waiting for them. He said that he was unaware of any problem with the items until pointed out to him when first inspected. He did, however, accept responsibility for having the same type of goods on his premises when subsequently visited and had offered them for seizure. The Meya kpbB wine was old stock left behind when he purchased the premises.

He said that he left people to run the shop for short periods when he was unwell or visiting the cash and carry. As he was only going to be absent for an hour he had not given them training. He said that he had taken home the refusals log and training records for a few weeks whilst the shop was being refurbished, although he agreed that the shop had been shut only 3 to 4 days.

Following an adjournment to allow him to fetch records from his premises, he produced a refusals log and a training record but failed to produce any invoices related to the non UK duty paid items.

So far as the business was concerned, he said that he sold chocolate, newspapers, soft drinks and groceries in addition to alcohol and tobacco products. There was approximately a 50/50 split in sales between alcohol and tobacco products and the rest.

He also stated that if the licence was not revoked it was his intention that one of his more experienced brothers would take over the running of the premises although he

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Hampshire County Council Trading Standards Representation

would continue to own it.

Having heard all the evidence, the Sub-Committee did not accept Mr Arora's explanation about the absence of the refusals log or training records. It noted that the refusals log contained gaps despite the clear example given and there were inconsistencies between entries and the evidence given by the responsible authorities. There was no information whatsoever giving the names and/or descriptions of persons who had been refused sales, or any observations regarding the refused sales. The training record contained only two brief entries, one in 2015 and one in 2016, despite it being a condition of the premises licence that staff members should be given refresher training every six months.

There was no dispute about the status of the goods seized, and the Sub-Committee considered that the evidence showed a pattern of operation that was likely to continue. The sale of alcohol to minors under 18 was particularly concerning and the Sub-Committee had no confidence that this would stop.

It did not take into account evidence that items regarded as drugs paraphernalia were being offered for sale as this was lawful.

The Sub-Committee considered the alternative courses of actions available to it and noted that all responsible authorities believed that imposing new conditions would not address the problem. It agreed and doubted that any new conditions imposed would be complied with.

It had no confidence in the way Mr Arora was running the business, or in his commitment to compliance with legal requirements. If removed as Designated Premises Supervisor his stated intention to bring in another family member to take over, together with his continued ownership of the premises, would result in him continuing to have a strong influence in its management, which was unacceptable.

Finally, all the responsible authorities had urged the Sub-Committee to consider revocation of the licence, which it agreed was a consideration to be given substantial

10/10/16

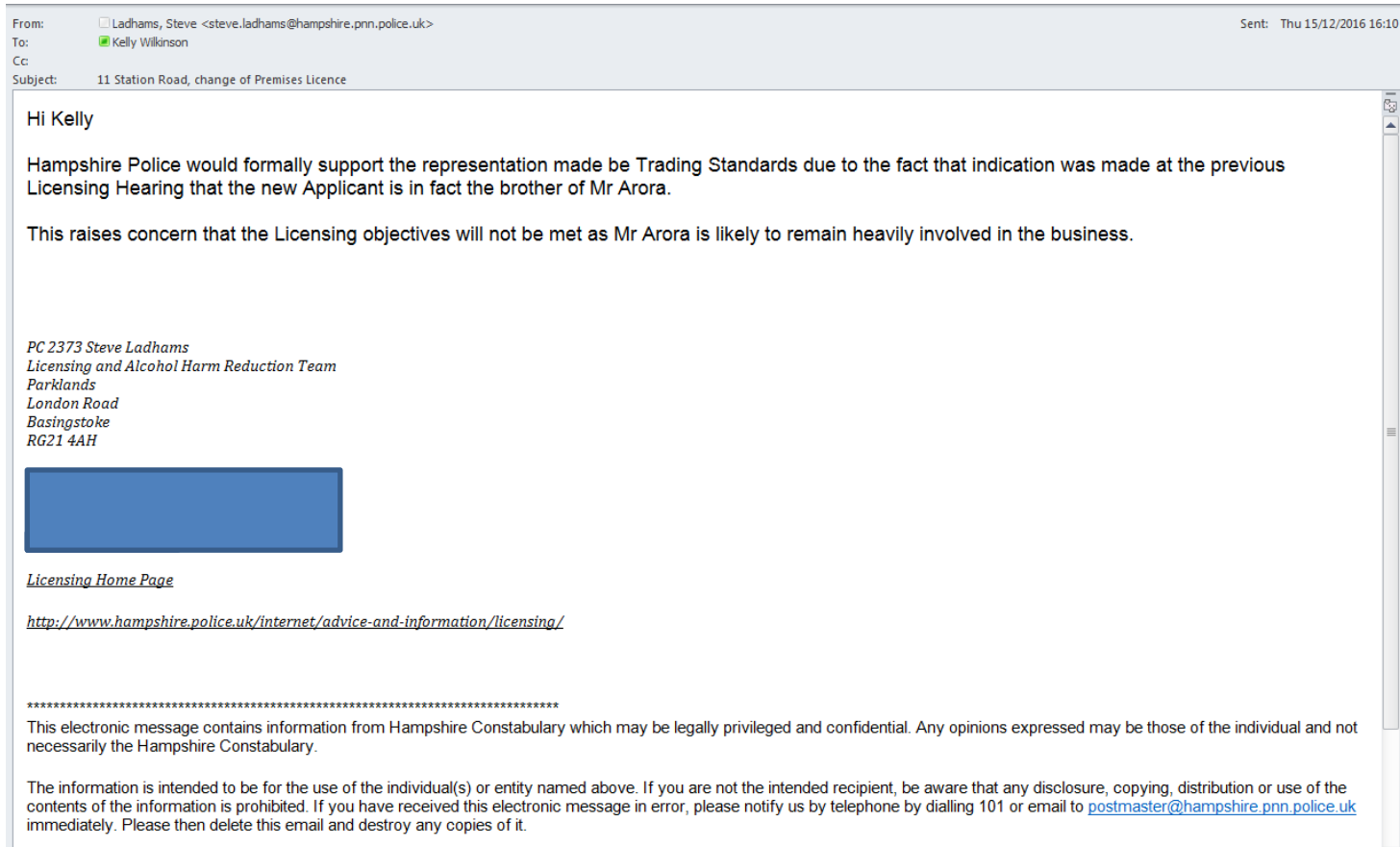
Hampshire County Council Trading Standards Representation

weight.



For these reasons and having accepted the evidence of criminal activity including the sale of alcohol to minors, the Sub-Committee concluded that revocation of the premises licence was an appropriate step to promote the licensing objectives. It noted that the business could continue to trade in other goods.

10/10/16

Hampshire Constabulary Representation



Licensing Authority Representation

		Council Offices, Farnborough Road, Farnborough, Hants. GU14 7JU Tel: (01252) 398 399 Website: www.rushmoor.gov.uk
Your reference: 16/00864/LAPRE	Contact: Shelley Bowman	
Our reference	Telephone: 01252 398162	
	Email: shelly.bowman@rushmoor.gov.uk	
	Date: 16 December 2016	
Representation to Application for a Premises Licence Station Corner shop, 11 Station Road, Aldershot, Hampshire, GU11 1HT		
<p>My name is Shelley Bowman and I am employed as the Principal Licensing Officer for Rushmoor Borough Council. I have been employed in the Licensing Team at Rushmoor for 9.5 years. I hold a BIIAB Level 2 Award for Personal Licence Holders, a BIIAB Level 2 Award for Licensing Practitioners (Alcohol), a BIIAB Level 2 Award for Licensing Practitioners (Gambling) and a Certificate of Higher Education in Licensing Law.</p>		
<p>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 application for a premises licence detailed in Section 17 of the Licensing Act 2003.</p>		
<p>I am making this representation at this time and in respect of the above named application as I have concerns that if granted there would be a negative impact on the licensing objectives, in particular the prevention of crime and disorder and the protection of children from harm.</p>		
<p>This premises was previously licensed for the sale of alcohol, the premises licence was held by Mr Charanjit Singh Arora. On 10th October 2016, the licence was revoked at a hearing, following an application for review as a result of failed underage test purchases, the sale of illegal tobacco and non-duty paid alcohol and non-compliance with licence conditions.</p>		
<p>Whilst the s.182 guidance states that each application should be considered on its own merits, and therefore the history under a different licence holder would not normally be taken into consideration, I have reason to believe that if granted, the premises will still be operated in the same manner as it was previously, for the reasons detailed below.</p>		
<p>At the review hearing, Mr Arora stated that if his licence was revoked, his brother would take over the shop and would apply for a new licence. He also referred to his brother owning a shop nearby. Therefore, I am concerned that Mr Singh is the brother of Mr Arora, and am concerned that this is an application in a different name, with the intention of Mr Arora continuing to run the premises.</p>		
<hr/> <p>Chief Executive Andrew Lloyd • Corporate Director Ian Harrison • Corporate Director Karen Edwards customerservices@rushmoor.gov.uk www.rushmoor.gov.uk DX 122250 FARNBOROUGH 2</p>		

Licensing Authority Representation

Throughout the application process, I am aware that Mr Arora has been present for all meetings regarding the application with the licensing team, and whenever contact has been made with the applicant, he has asked Mr Arora to respond. This would suggest that Mr Arora is actually running the premises. Furthermore, on the majority of visits to the shop by Licensing Officers, since the review took place, Mr Arora has been in charge of the premises.

As per Trading Standards' representation, both Mr Arora and the applicant are Directors of a company called CS Partners Limited. Whilst Mr Arora has advised us that this company has not been operated as a joint venture and he will be removing himself as a Director, I note that the e-mail address that we had for him when he was the premises licence holder was csbrothersltd.singh@yahoo.co.uk, which suggests that they were business partners at that time. If they were business partners in the store, then Mr Singh would have also have been involved in the issues that led to the revocation of the licence.

In addition, Mr Singh runs another shop Worldwide Food Centre, 6-8 Station Road, Aldershot, which holds a premises licence, however he has failed to transfer the premises licence over to him, despite requests from both the Licensing Authority and the previous licence holder. Whilst this has less of an impact in respect of the promotion of the licensing objectives at that premises, as they are not currently selling alcohol, it does have an impact in respect of the licence fees, and suggests a disregard for compliance with both the legislation, and the licensing authority.

Correspondence with our Food Safety Team (attached), shows that Mr Singh and Mr Arora are business partners for Worldwide Food Centre, therefore I am concerned that they are also business partners in Station Corner Shop, and Mr Arora, who has had his premises licence revoked will in fact if this licence is granted, continue to run the shop in the manner it was previously run, which was not in a way that promoted the licensing objectives.

I would support Trading Standards request that the application is refused for the reasons given above, which provide for a lack confidence in the management of the premises, or his ability to promote the licensing objectives.



Shelley Bowman
Principal Licensing Officer
Environmental Health & Housing Services

Licensing Authority Representation



RUSHMOOR
BOROUGH COUNCIL

**SIMPLE CAUTION**

Simple Cautions for Adult Offenders November 2013

CASE REFERENCE: CA/SC/RBC/WWFC/2016

OFFENDERS NAME: Charanjit Singh Arora

DATE OF BIRTH: [REDACTED]

DATE OF OFFENCE: 15.09.2016

PLACE OF OFFENCE: Worldwide Food Centre
6-8 Station Road
Aldershot
Hampshire**BRIEF CIRCUMSTANCES OF THE OFFENCE:**

I, on 15th September 2016, in respect of the above food business of which I am Food Business Operator:

1. Failed to comply with Chapter II, Article 5, paragraph 1, of EC Regulation 852/2004 in that I failed to implement permanent procedure(s) based on the HACCP principles, and
2. Failed to comply with Annex II, Chapter V paragraph 1(a) of EC Regulation 852/2004 in that equipment which comes into contact with food was not constructed of suitable materials, was not in good order or repair or condition and subsequently may have put food at risk of contamination, and
3. Failed to comply with Section 4, Article 14 Paragraph 2 of EC Regulation 178/2002 in that I placed 11 items of unsafe food for sale beyond their "Use By" date.

Please read the information on the back of this caution and make sure you understand it before you sign the declaration below.

DECLARATION:

I have read and understood the information contained on the back of this caution and I hereby declare that I **Charanjit Singh Arora** admit the offences described above and detailed on the attached appendix and I agree to accept the Caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this Caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this Caution.

<p>Signed: [REDACTED]</p> <p>Name: CHARANJIT S ARORA</p> <p>Position with the business: Partner and Owner</p> <p>Date: 23-09-16</p>	<p>Administering Officer Details</p> <p>Office: [REDACTED]</p> <p>Name of Officer: Colin Alborough</p> <p>Position: Head of Environmental Health & Housing</p> <p>Date: 23 09 16</p>
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Form No: RBC	Issue No: 1	Issue Date: JAN 14
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Licensing Authority Representation

RUSHMOOR
BOROUGH COUNCIL



SIMPLE CAUTION

Simple Cautions for Adult Offenders November 2013

CASE REFERENCE: CA/SC/RBC/WWFC/2016

OFFENDERS NAME: Pal Singh

DATE OF BIRTH: 01.01.1982

DATE OF OFFENCE: 15.09.2016

PLACE OF OFFENCE: Worldwide Food Centre
6-8 Station Road
Aldershot
Hampshire

BRIEF CIRCUMSTANCES OF THE OFFENCE:



I, on 15th September 2016, in respect of the above food business of which I am Food Business Operator:

1. Failed to comply with Chapter II, Article 5, paragraph 1, of EC Regulation 852/2004 in that I failed to implement permanent procedure(s) based on the HACCP principles, and
2. Failed to comply with Annex II, Chapter V paragraph 1(a) of EC Regulation 852/2004 in that equipment which comes into contact with food was not constructed of suitable materials, was not in good order or repair or condition and subsequently may have put food at risk of contamination, and
3. Failed to comply with Section 4, Article 14 Paragraph 2 of EC Regulation 178/2002 in that I placed 11 items of unsafe food for sale beyond their "Use By" date.

Please read the information on the back of this caution and make sure you understand it before you sign the declaration below.

DECLARATION:

I have read and understood the information contained on the back of this caution and I hereby declare that I **Pal Singh** admit the offences described above and detailed on the attached appendix and I agree to accept the Caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this Caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this Caution.

<p>Signed: </p> <p>Name: PAL SINGH</p> <p>Position with the business: Partner and Owner</p> <p>Date: 23-09-16</p>	<p>Administering Officer Details</p> <p>Officer: </p> <p>Name of Officer: Colin Albrough</p> <p>Position: Head of Environmental Health & Housing</p> <p>Date: 23 09 16</p>
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Form No: RBC Issue No: 1 Issue Date: JAN 14

Licensing Authority Representation

I hereby certify that I have understood and acknowledge the breach of Regulation 19(1) of the Food Safety & Hygiene (England) Regulations 2013 Regulations as a result of offences committed on 15 September 2016.

I confirm that we as partners in the business are willing to accept the Simple Caution in respect of the 3 offences and will attend the Council Offices at an agreed time to sign and accept the Caution.

Name: Mr Charanjit S Arora
Trading Name: Worldwide Food Centre
Address: 6-8 31 High Street
Station Road
Aldershot
Hants

Date of Birth:

Signed:.....

Name in Full: CHARANJIT SINGH ARORA PAL SINGH
(in Capitals)

Date: 16/09/16

Licensing Authority Representation

APPLICATION FOR THE REGISTRATION
OF A FOOD BUSINESS ESTABLISHMENTRUSHMOOR
BOROUGH COUNCIL

(Regulation (EC) No. 853/2004 on the hygiene of foodstuffs, Article 6(2))

This form should be completed by food business operators in respect of new food business establishments and submitted to Rushmoor Borough Council 28 days before commencing food operations. On the basis of the activities carried out, certain food business establishments are required to be approved rather than registered. If you are unsure whether any aspect of your food operations would require your establishment to be approved, please contact Rushmoor Borough Council for guidance.

1. Address of establishment 6-8 STATION ROAD
(or address at which moveable establishment is kept)

Post Code GU11 1HT

2. Trading name of food business WORLDWIDE FOOD CENTRE Telephone No. [REDACTED]

3. Full Name of food business operator(s) PAL SINGH
(or limited company where relevant)

4. Head Office address of Food Business Operator(s) AS ABOVE
(where different from address of establishment)

Post Code _____

Telephone No. [REDACTED]

E-Mail _____

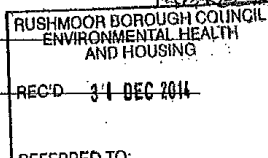
5. Type of food business (Please tick ALL the boxes that apply):

- | | | | |
|--|-------------------------------------|---|--------------------------|
| Staff restaurant/canteen/kitchen | <input type="checkbox"/> | Hospital/residential home/school | <input type="checkbox"/> |
| Retailer (including farm shop) | <input checked="" type="checkbox"/> | Distribution/warehousing | <input type="checkbox"/> |
| Restaurant/café/snack bar | <input type="checkbox"/> | Food manufacturing/processing | <input type="checkbox"/> |
| Market/ Market stall | <input type="checkbox"/> | Importer | <input type="checkbox"/> |
| Takeaway | <input type="checkbox"/> | Catering | <input type="checkbox"/> |
| Hotel/pub/guest house | <input type="checkbox"/> | Packer | <input type="checkbox"/> |
| Private house used for a food business | <input type="checkbox"/> | Moveable establishment e.g. ice cream van | <input type="checkbox"/> |
| Wholesale/cash and carry | <input type="checkbox"/> | Primary producer - livestock | <input type="checkbox"/> |
| Food Broker | <input type="checkbox"/> | Primary producer - arable | <input type="checkbox"/> |
| Other (please give details): | | | |

6. If this is a new business, the date you intend to open 08/12/14

Signature of Food Business Operator PPDate 31/12/14

Name PAL SINGH
(BLOCK CAPITALS)



This form should be returned to: Principal Food Safety Officer, Environmental Health Services, Rushmoor Borough Council, Council Offices, Farnborough Road, Farnborough, Hampshire, GU14 7JU.
Telephone: 01252 398398 for further information on food safety or the completion of this form.
www.rushmoor.gov.uk

After this form has been submitted, food business operators must notify any significant change in activities to the activities stated above (including closure) to the food authority and should do so within 28 days of the change(s) happening.

Licensing Authority Representation

File Note

Worldwide Foods Centre, Station Road, Aldershot

CA revisits 10/12/2014 to find the business has changed hands and is now with 2 partners. CA required foiling in of food reg confirmed on ROV.

PAL SINGH

CHARANJIT ARORA

Also lots of food out of date including one UB example.

CA advises that we will return to revisit in one month for a rating inspection.

Licensing Authority Representation



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

Website: www.rushmoor.gov.uk

Your reference

Contact Colin Alborough

Our reference

Telephone 01252 398169

Mr Pal Singh and Mr Charanjit S Arora
t/a Worldwide Food Centre
6 – 8 Station Road
Aldershot
Hampshire

Email colin.alborough@rushmoor.gov.uk

Date 16 September 2016

Dear Mr Pal Singh and Mr Charanjit S Arora

**THE FOOD SAFETY & HYGIENE (ENGLAND) REGULATIONS 2013
REGULATIONS (EC) 852/2004
PREMISES: WORLDWIDE FOODS, 6 – 8 STATION ROAD, ALDERSHOT**

The facts surrounding the alleged offences noted yesterday on 15 September 2016, have been carefully considered and I have concluded that there are sufficient grounds to institute legal proceedings against you under the above mentioned Regulations.

1. Failing to comply with Chapter II, Article 5, paragraph 1, of EC Regulation 852/2004.

As the food business operators, you had failed to put into place and implement permanent procedure(s) based on the HACCP principles.

- Food on display, namely ready to eat meat products, on the top shelf of your display fridge, were subject to temperature abuse with some items probed as being as warm as 14°C with packs clearly 'sweating' indicating that the food had been out of temperature control for some time and making the food likely to be unfit for human consumption. Staff had not been trained in how to effectively monitor the temperatures of the food in the fridge, taking temperatures that morning with no regard for the warmest food items at the front of the display being out of temperature control.
- As evidenced by the failings found at the time of the visit, a suitable Food Safety Management System had not been implemented. Despite your business being open for 18 months, no suitable food safety management system was available for inspection on site and staff had no awareness of the existence of such a document.

2. Failing to comply with Annex II, Chapter V, paragraph 1(a), of EC Regulation 852/2004.

Equipment which food comes into contact with, namely the plyboard sheet used as a chopping board for meat, was not constructed of materials in good order, repair or condition and subsequently may lead to food being contaminated.

Chief Executive Andrew Lloyd • Corporate Director Ian Harrison • Corporate Director Karen Edwards

customerservices@rushmoor.gov.uk

www.rushmoor.gov.uk

DX 122250 FARNBOROUGH 2

Licensing Authority Representation

3. Failing to comply with Section 4, Article 14, paragraph 2, of EC Regulation 178/2002.

Eleven items of unsafe food were placed on the market beyond their 'use by' dates, each of which represents an offence under Regulation 19(1) of the Food Safety and Hygiene (England) Regulations 2013.

I am, on this occasion however, proposing to issue a Simple Caution in respect of the three alleged offences. This course of action is subject to your agreement of the alleged offences by signing a declaration confirming admission.

I must advise you that should you agree to accept this caution, a record of the caution will be kept at this office and may subsequently influence a decision to institute proceedings should you be found to be infringing the law in the future. The caution may also be cited should you subsequently be found guilty of an offence by a Court of Law.

If you are in agreement with the proposed course of action, you must sign the document below to indicate you are willing to attend the Council Offices to sign the Simple Caution.

The document acknowledges that you will come to this office at a date to be set to sign the Simple Caution in the presence of the Head of Environmental Health & Housing Service, or their delegate. At that time, you will receive a copy of the Simple Caution. I shall contact you again concerning the arrangements for the signing of the Caution, if you wish to choose this course of action. It is our policy to send out a press release following an issue of a simple caution.

As advised, if you choose not to accept the Caution it is likely you will be subject to legal proceedings.

You are reminded that you have a responsibility, as the food business operators of the food business establishment, to ensure the regulations are complied with and for this purpose you should not rely on the visit of an inspector to maintain standards.

My officers and I will continue to carry out routine re-visits at the premises to ensure your compliance with food safety legislation.

A similar letter has been sent to your partner in this business

Yours sincerely



Mr Colin Alborough
Environmental Health Manager
Environmental Health & Housing Services

APPENDIX F

RELEVANT CONSIDERATIONS STATION CORNER SHOP, 11 STATION ROAD, ALDERSHOT, GU11 1HT

1.0 Revised guidance issued under S182 of the Licensing Act 2003 (March 2015)

- 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	2.31	The licensing objectives	6	12
2	-	2.1	2.5	Crime and disorder	6	6
2	-	2.21	2.31	Protection of children from harm	10	12
8		8.1	8.103	Applications for premises licence	39	54
9	-	9.1	9.44	Determining applications	55	62
9	-	9.12	-	Representations from the police	57	-
9	-	9.13	9.19	Licensing authorities acting as responsible authorities	57	58
9	-	9.30	9.40	Hearings	60	61
10	-	10.1	10.69	Conditions attached to premises licences	63	74
10	-	10.8	10.9	Imposed conditions	64	-
10	-	10.10	-	Proportionality	64	-
12	-	12.1	12.12	Appeals	81	82
12	-	12.10	-	Giving reasons for decisions	82	-

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
6	Part F	6.1	6.42	Premises Licences	27	33
18	Part R	18.1	18.61	Representations, Responsible Authorities & Interested Parties	67	73
18	Part R	18.51	18.51	The weight attached to relevant representations	73	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

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

MANDATORY CONDITIONS

Where applicable in the circumstances, one or more of the mandatory conditions listed in following table must be applied to a premises licence where the licence authorises the sale / supply of alcohol, the provision of regulated entertainment by way of the exhibition of film(s) and/or requires the provision of door supervision or similar security service(s).

<i>When Applicable</i>	<i>Mandatory Condition</i>	<i>Reference</i>
Where the premises licence authorises the retail sale 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.	S19(2) Licensing Act 2003
	(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.	S19(3) Licensing Act 2003
	(3) (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.	Regulation 1(4) of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by Regulation 2 of the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.
	(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.	
	(4) (i) 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.	Regulation 2 of the Licensing Act 2003 (Mandatory Conditions) Order 2014.
	(ii) 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	

	<p>formula $P = D + (D \times V)$ Where –</p> <p>(i) P is the permitted price;</p> <p>(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</p> <p>(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;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –</p> <p>(i) The holder of the premises licence;</p> <p>(ii) The designated premises supervisor (if any) in respect of such a licence, or</p> <p>(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence.</p> <p>(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</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	
Where the sale / supply of alcohol is for consumption on the premises.	<p>(5) (i) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(ii) For the purposes of this condition, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premise –</p>	Regulations 1(1), 1(2) and 1(3) of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by Regulation 2 of the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.

	<p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise).</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;</p> <p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).</p>	
	<p>(6) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.</p>	
	<p>(7) The responsible person must ensure that—</p> <p>(i) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –</p> <p>(a) beer or cider: ½ pint;</p> <p>(b) gin, rum, vodka or whisky: 25 ml or 35 ml; and</p> <p>(c) still wine in a glass: 125 ml;</p> <p>(ii) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and</p> <p>(iii) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.</p>	<p>Regulation 1(5) of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by Regulation 2 of the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.</p>

Where there is any exhibition of film.	(8) (i) In respect of the exhibition of films, the admission of children (ie: anyone aged under 18) must be restricted in accordance with any recommendation(s) made by the film classification body specified (as designated by S4 of the Video Recordings Act 1984 - the British Board of Film Classification). (ii) Where a film classification body is not specified, the admission of children must be restricted in accordance with any recommendation(s) made by the licensing authority.	S20 Licensing Act 2003
Where door supervisors are required.	(9) Where, at any specified time(s), one or more individuals must be at the premises to carry out a security activity (within the meaning of the Private Security Industry Act 2001), each individual must be licensed by the Security Industry Authority (SIA).	S21 Licensing Act 2003

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