

AGENDA ITEM NO. 1

LICENSING SUB-COMMITTEE
(ALCOHOL & ENTERTAINMENTS)
4th July 2017

DIRECTORATE OF
ENVIRONMENTAL SERVICES

LICENSING REPORT NO. EHH_LICSUB_A&E1726

DETERMINATION OF AN APPLICATION FOR TRANSFER OF A PREMISES LICENCE AND CHANGE OF DPS

310 Fernhill Road, Farnborough, Hampshire, GU14 9EE

1.0 INTRODUCTION

- 1.1 This report concerns an application for the transfer of a premises licence made under section 42 of the Licensing Act 2003 (the 'Act'), and a simultaneous application to specify an individual as a Designated Premises Supervisor (DPS) made under section 37 of the Act in respect of the same premises. An objection notice has been received in respect of the applications and invokes a statutory requirement to hold a hearing with members.
- 1.2 The report provides details of, and background to the applications, 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 applications.

2.0 BACKGROUND

- 2.1 An application for transfer of an existing premises licence (see below) was submitted on 25th May 2017 by Amarjeet Kaur Maddan in respect of premises at 310 Fernhill Road, Farnborough, Hampshire, GU14 9EE. A map of the area showing the general location of the premises is given at **appendix A**.
- 2.2. A simultaneous application was made by Amarjeet Kaur Maddan to vary the premises licence to specify an individual as the DPS. The proposed DPS is named as Kulraj Singh Maddan. Both applications were made with immediate effect.
- 2.3. Amarjeet Kaur Maddan previously held a premises licence and was named as DPS for the premises concerned between 27th March and 8th June 2012 and between 22nd November 2013 and 20th March 2015. The premises licence was surrendered on 20th March 2015.

2.3 Existing premises licence

- 2.4 The applications concern an existing premises licence (number 14/00311/LAPRE) which was originally granted on 26th June 2014 to Mr Pritpal Singh who was also named as the DPS. Whilst a copy of the

premises licence is given as **appendix B**, the licence, subject to conditions, authorises the retail sale of alcohol for consumption off the premises between 08:00am and 23:00pm Sundays – Thursdays and 08:00am – 23:30pm on Fridays and Saturdays.

2.4 Nature of the applications

2.5 The applications seek to transfer the existing licence from Mr Pritpal Singh to Amarjeet Kaur Madann, and to specify her as the DPS. Copies of the applications are given at **appendix C**.

2.6 Advertising of the application

2.7 I can confirm that Hampshire Constabulary (as the only Responsible Authority required to be notified by the Act) has received a copy of the application. The last date for objections from them was 9th June 2017.

3.0 OBJECTION

3.1 An objection notice has subsequently been received in respect of the applications from Hampshire Constabulary. A copy of the notice is given at **appendix D**.

4.0 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 objection notice 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 the licensing objective, the prevention of crime and disorder.

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 E**.

7.0 OPTIONS

7.1 In determining these applications the Sub-Committee must determine each application on its own merits, and may take any of the following steps; namely -

- (a) to transfer the licence as applied for; or
- (b) having regard to the objection notice, reject the application if it considers it necessary for the promotion of the crime prevention objective (i.e. to prevent crime and disorder) to do so. **NB:** if this is the case, members need to consider that the applicant for the change to the DPS, will no longer be the premises licence holder, therefore it may be inappropriate to change the DPS in accordance with their instructions; and
- (c) To allow the application to specify a new DPS as applied for **NB:** Members should be aware that the current conditions of the premises licence (Annex 2, Condition 3) state that the proposed DPS shall be excluded from involvement in any licensable activities at the premises. No application has been made to remove / amend this condition; or
- (d) Having regard to the objection notice, reject the application to specify a new DPS if it considers it necessary for the promotion of the crime prevention objective (i.e. to prevent crime and disorder) to do so.

8.0 RECOMMENDATION(S)

The Sub-Committee is asked to determine the applications 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 crime prevention objective.

WENDY HARDEN
Licensing Officer
Environmental Health & Housing Services
licensing@rushmoor.gov.uk

Background Papers: Premises licence14/00311/LAPRE

Public Documents:

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

Contact:

Wendy Harden, Licensing Officer (01252 398245)

Shelley Bowman, Principal Licensing Officer (01252 398162)

Appendices:

- Appendix A - Map of the area (page 5)
- Appendix B - Existing premises licence (pages 7 - 14)
- Appendix C - Application to transfer premises licence (pages 15 - 24)
- Appendix D - Police objection notice (pages 25 - 27)
- Appendix E - Relevant Considerations (page 29)

APPENDIX A

MAP SHOWING LOCATION OF PREMISES

310 Fernhill Road, Farnborough, Hampshire, GU14 9EE



EXISTING PREMISES LICENCE
310 Fernhill Road, Farnborough, Hampshire, GU14 9EE

	Premises Licence Number 14/00311/LAPRE- 1/8
--	--



PREMISES LICENCE
 Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description			
Address:	310 Fernhill Road Farnborough Hampshire GU14 9EE	Map Ref (E):	485415
		Map Ref (N):	157580
		UPRN:	100062327736
Telephone	01276 600038		

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

Licensable activities authorised by the licence	
➤	The retail sale / supply of alcohol ONLY

Times the licence authorises the carrying out of licensable activities	
➤	The retail sale / supply of alcohol:-
➤	Sunday to Thursday – 08:00am to 23:00pm; AND
➤	Fridays and Saturdays – 8.00am to 23.30pm

The opening hours of the premises	
➤	Sunday to Thursday – 08:00am to 23:00pm; AND
➤	<u>Fridays and Saturdays – 08.00am to 23:30pm.</u>

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

Part 2



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

Name: Mr Pritpal Singh		
Address: [Redacted]		
	Telephone: Not Known	
	Email: Not Known	

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

> Not applicable

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

Name: Mr Pritpal Singh		
Address: [Redacted]		
	Telephone: Not Known	
	Email: Not Known	

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

Personal licence number: 03504
Issuing authority: London Borough of Ealing

Granted by Rushmoor Borough Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder	
Date Licence Granted:	26 th June 2014
Date Licence Effective:	26 th June 2014
SIGNED on behalf of the Head of Environmental Health Services (Authorised Officer)	



Annex 1 – Mandatory conditions

- (1) No supply of alcohol may be made under the premises licence:-
 - (i) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (ii) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) (i) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (ii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- (4) 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.

Annex 2 – Conditions consistent with the Operating Schedule

- (1) The premises licence holder shall not purchase any alcohol from door-to-door sellers.
- (2) The premises licence holder shall ensure all receipts for goods bought include the following details:
 - (i) Seller's name and address
 - (ii) Seller's company details, if applicable
 - (iii) Seller's VAT details, if applicable
- (3) Mr Kulraj Singh Madaan and Mr Harmon Singh Madhan shall be excluded from any involvement in any licensable activity related to the business.
- (4)
 - (i) The premises shall have sufficient CCTV cameras located within the premises to cover all public areas including outside the premises covering the entrance and exit.
 - (ii) The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
 - (iii) CCTV warning signs are to be on display in public areas.
 - (iv) The CCTV system must be operating at all times whilst the premises are open for licensable activities. All equipment shall have a constant and accurate time and date generation.
 - (v) The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - (vi) Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.
 - (vii) The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.
 - (viii) There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a

digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

- (ix) In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS must report the failure to the Police Licensing Unit within 24 hours.
 - (5) (i) A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.
 - (ii) The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by any responsible authority. The record of refusals will be retained for 12 months.
 - (6) (i) There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.
 - (ii) Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.
 - (iii) If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
 - (iv) 'Challenge 25' posters shall be displayed in prominent positions at the premises.
 - (7) (i) Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.
 - (ii) All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.
-

- (iii) All training records will be made immediately available for inspection by any responsible Authority upon request.
- (iv) Training records will be kept for a minimum period of two years.
- (v) Training records will be kept on the licensed premises to which they relate.
- (8) A suitable written policy on the control of patrons in the area directly outside the premises shall be developed. This policy shall be actively implemented and enforced at the premises and shall be reviewed, revised and updated as often as may be necessary.
- (9) Prominent, clear and legible notices must be displayed at all exits requesting patrons and staff to respect the needs of local residents and to leave the premises and area quietly.
- (10) Alcohol shall not be displayed alongside confectionary or other products of particular interest to children.
- (11) Spirits and cigarettes shall be located behind the main point of sale counter in an area accessible only to and/or physically and directly supervised by staff.
- (12) A written record of any incidents shall be maintained at the premises, and made available to responsible authorities on request.

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

None

Annex 4 – Plans

This licence permits the licensable activities stated at the premises addressed above and outlined below in accordance with the plan(s) attached and marked 14/00311/LAPRE – 9.



RUSHMOOR BOROUGH COUNCIL, Environmental Health Services,
Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU, Telephone: (01252) 398 398
Fax: (01252) 524 011 • Minicom: (01252) 371 233 • Email: licensing@rushmoor.gov.uk • DX 122250 FARNBOROUGH 2

APPLICATION TO TRANSFER PREMISES LICENCE

310 Fernhill Road, Farnborough

Application to transfer 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 AMARJEET KAUR MADDAAN

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

14/00311/LAPRE

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 310 FERNHILL ROAD	
Post town FARNBOROUGH	Post code GU14 9EE
Telephone number at premises (if any) 01276600038	

Please give a brief description of the premises (see note 1) OFF LICENCE AND CONVENIENCE STORE
--

Name of current premises licence holder PRITPAL SINGH

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- | | |
|--|---|
| | Please tick <input checked="" type="checkbox"/> yes |
| 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 please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) 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) an individual 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 respect of 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 Mrs Miss Ms Other title
(for example, Rev)

Surname
MADAAN

First names
AMARJEET KAUR

Date of birth 11-09-83
Nationality BRITISH

I am 18 years old or over

Please tick yes

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

Post town

Post code

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) <div style="background-color: black; width: 100px; height: 15px; margin: 5px 0;"></div>
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

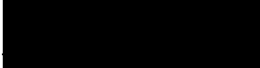
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 25-05-2017

Capacity DULY AUTHORISED AGENT

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) PERSONAL LICENCE COURSES LTD INFOTREE HOUSE NEWPORT ROAD	
Post town HAYES	Post Code UB4 8JX
Telephone number (if any) 020 8606 0558	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) info@personallicensecourses.co.uk	

Application to vary a premises licence to specify an individual as designated premises supervisor 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 AMARJEET KAUR MADAN

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

14/00311/LAPRE

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

310 FERNHILL ROAD

Post town

FARNBOROUGH

Post code (if known)

GU14 9EE

Telephone number (if any)

01276600038

Description of premises (please read guidance note 1)

OFF LICENCE AND CONVENIENCE STORE

Part 2

Full name of proposed designated premises supervisor KULRAJ SINGH MADAAN
Nationality BRITISH
Place of birth JALALABAD/AFGHANISTAN
Date of birth [REDACTED]

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any) 02113 – LONDON BOROUGH OF EALING
--

Full name of existing designated premises supervisor (if any) PRITPAL SINGH

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

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

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.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 25.05.2017

Capacity DULY AUTHORISED AGENT

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
PERSONAL LICENCE COURSES LTD
INFOTREE HOUSE
NEWPORT ROAD

Post town
HAYES

Post Code
UB4 8JX

Telephone number (if any) 020 8606 0558

If you would prefer us to correspond with you by e-mail your e-mail address (optional) info@personallicensecourses.co.uk

Consent of individual to being specified as premises supervisor

I KULRAJ SINGH MADAN
[full name of prospective premises supervisor]

of


[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

TRANSFER & VARY OF OPS.
[type of application]

by

ANARJEET KAUR MADAN
[name of applicant]

relating to a premises licence 14/00311/LAPRE.
[number of existing licence, if any]

for

310 FERNHILL ROAD
FARNBOROUGH
HAMPSHIRE
GU14 9EE

[name and address of premises to which the application relates]

OBJECTION NOTICE

310 Fernhill Road, Farnborough, Hampshire, GU14 9EE



RESTRICTED

G89
Page 1 of 3

**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

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

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 3 days)
<input checked="" type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)
<input type="checkbox"/> 6: Minor variations	(Object within 10 working days)

Name of Applicant:	Amarjeet Kaur Madaan
Name of Proposed DPS:	Kulraj Singh Madaan

Details of relevant conviction (Personal Licence Applications ONLY)	

Postal address of premises:	310 Fernhill Road, Farnborough, Hampshire
Postcode:	GU149EE

Details of responsible authority applicant

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title /Rank:	PC
Surname:	Ladhams	First Names:	Steve		
Current postal address :	C/O Parklands, London Road, Basingstoke Hampshire				
Postcode:	RG21 4AH				
Daytime telephone number:	02380479572				
E-mail address: (optional)					

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

RESTRICTED



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

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

1)	The prevention of crime and disorder	<input checked="" type="checkbox"/>	<i>Please select one or more boxes</i>
2)	Public safety	<input type="checkbox"/>	
3)	The prevention of public nuisance	<input type="checkbox"/>	
4)	The protection of children from harm	<input type="checkbox"/>	



Please state the ground(s) for representation:

Hampshire Constabulary formally objects to the transfer of this premises licence and the proposed DPS variation of Kulraj Singh Madaan. The Police National Computer shows convictions for Fraud type offences related to running a business in 2013 at Winchester Crown Court where a 9 month suspended sentence was imposed. The convictions relate to offences that were taking place in June 2011 when the same shop was visited by HMRC and Trading Standards Officers where a quantity of Counterfeit and duty free alcohol and counterfeit DVDs were seized.

A van at the location was identified as being owned by Kulraj and a search revealed further quantities of counterfeit and duty free alcohol and a quantity of 'duty paid stamps'; A further search of a storage unit owned by Kulraj in Hawley Lane, Farnborough was searched after Kulraj unlocked it for officers, the storage unit was similar in size to a residential single garage and inside a further substantial quantity of counterfeit and duty free alcohol was discovered.

In total the quantity of counterfeit or duty free alcohol was as follows;

1206.75 ltrs of wine
888 ltrs of beer
671.70 litres of spirits

The estimated value of this seized alcohol was £16,500

Local RMS searches show intelligence relating to large quantities of Counterfeit Alcohol when Kulraj was the manager.

Prior to June 2011 Amarjeet had arranged a bank loan to purchase the shop for her husband Kulraj, this was confirmed during her interview following her arrest for the same offences though she was never charged with any offences.

In addition to this it is clearly stated on the premises licence of 310 Fernhill Road that 'Mr Kulraj Singh Madaan and Mr Harmon Singh Madhan (his brother) shall be excluded from any involvement in any licensable activity related to the business.' as stated in Annex 2 paragraph 3.

The Applicant for this transfer is Amarjeet Kaur Madaan who is the wife of Kulraj so it is clear that Kularaj will have significant influence in the complete running of the venue and it is the perfect outlet for counterfeit goods and other illegal activities with a ready made customer base.

There was also a Proceeds of Crime Act confiscation order attached to both brothers in 2011.



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

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. It is the belief of the Hampshire Constabulary that the conduct of the applicants for 310 Fernhill Road 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, refusal of this transfer.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)
 Reject application for transfer and variation of DPS

Signature of Officer Completing

Name	Steve Ladhams	Collar Number:	2373
Signature:	[Redacted]	Date:	31/05/2017

Signature of Authorising Officer

Name	[Redacted]	Collar Number:	[Redacted]
Signature:	[Redacted]	Date:	[Redacted]

APPENDIX E

RELEVANT CONSIDERATIONS

310 Fernhill Road

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

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

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

Section	Other Ref.	Paragraph(s)		Subject Matter	Page(s)	
		From	To		From	To
2	-	2.1	2.32	The licensing objectives	10	17
2	-	2.1	2.6	Crime and Disorder	10	11
4	-	4.1	4.67	Personal Licences	25	37
4	-	4.31	4.38	Specification of new designated premises supervisor	30	31
4	-	4.39	4.42	Police objections to new designated premises supervisors	31	32
8	-	8.1	8.108	Applications for a premises licence	52	69
8	-	8.97	8.100	Transfers of premises licences	66	67
9	-	9.1	9.45	Determining applications	70	78
9	-	9.31	9.41	Hearings	75	77
13	-	13.1	13.12	Appeals	105	107
13	-	13.10	13.10	Reasons for decision	106	106

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
12	Part L	12.1	12.16	Transfer of Premises Licence	36	37
12	Part L	12.7	12.8	Police objection to transfer of a premises licence	48	48
12	Part L	12.9	12.13	Relevant considerations to police objection(s)	48	49

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