

3/4/15

APPENDIX A1

PROTECTIVE MARKING



TOTAL POLICING

Form 691

Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST
• Before completing this form please read the guidance notes at the end of the form.
• If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
• You may wish to keep a copy of the completed form for your records.

I DARREN RHODES PC194ZD
apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:
VTS MINI MARKET, 216 MITCHAM ROAD
Post town: CROYDON Post code: (if known) CR0 3JG
Name of premises licence holder or club holding club premises certificate (if known):
Mr. Jothymanohara Murugesu
Number of premises licence or club premises certificate (if known):
14/01244/LIPREM

Part 2 - Applicant details

I am:
Please tick Yes
1 an individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below) []
2 a responsible authority (please complete (C) below) [X]
3 a member of the club to which this application relates (please complete section (A) below) []

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

Mr Mrs Miss Ms Any other title (e.g. Rev.)

Surname: _____ First Names: _____

I am 18 years old or over

Current postal address if different from premises address: _____

Post town: _____ Post code: _____

Daytime Tel. No.: _____ Email: (optional) _____

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address: _____

Telephone Number (if any): _____

Email address: (optional) _____

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address: METROPOLITAN POLICE CROYDON, 71 PARK LANE, CROYDON, CR9 1BP

Telephone Number (if any): 020 8649 0172

Email address: (optional) Darren.Rhodes@met.police.uk

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

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

Please state the ground(s) for review: (please read guidance note 2)

This application is for the review of the premises licence 216 Mitcham Road, Croydon. The premises licence holder and DPS is Mr Murugesu and it is currently operating VTS Mini Market.

This premises came to the attention of Croydon Police licensing unit on Wednesday 19th August 2015 during a 'test purchase' operation on licensed premises along the Mitcham Road. At around 12.30hrs two(2) female volunteer police cadets aged 14yrs entered the premises. They selected a bottle of wine and presented it at the counter. The male behind the counter was suspicious that the girls were not 18 but one of the cadets said she was and lived in the local area. It was abundantly clear that these girls were under age. The male behind the counter spoke to another male on the shop floor and then told the girls to hand the money to the male on the shop floor. he in turn then handed it to the male behind the counter and the girls were instructed to wait outside. The male on the shop floor then took the alcohol out to the girls in a black bag and handed it to them. The girls then returned to the marked police van parked only feet away from the shop front. Having seen the girls go to the police van, the occupants of the shop locked the premises and ran away.

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Please provide as much information as possible to support the application: (please read guidance note 3)

On Thursday 20th August Pc's Garrod and Rhodes reattended the premises to speak to the owner and obtain CCTV. Nobody at the shop could operate the CCTV as per Contion 4 on Premises Licence number (2). The two members of staff from the day before could not be identified and there was no responsible person in charge of the premises and no written consent from an identified DPS for anyone to sell alcohol on his/her behalf. Eventually officers spoke to a male in Sri Lanka who claimed to be Mr Ganeshamoorthy the son of the previous premises licence holder.. The matter was resolved after officers told the persons on premises that alcohol was not to be sold. It must be covered up and removed from display until a responsible person who holds a personal licence and has a written consent from the DPS presented themselves to the police station. Mr Ganeshamoorthy was told that on Wednesday 26th August the DPS was to attend Croydon Police station with the two members of staff who made the underage sale. Nobody attended the policed station as directed.

On Thursday 27th August Pc Rhodes attended the premises again with officers from the Immigration Enforcement Team. On seeing police and immigration enter, two males ran out of the of the back of the shop. They were detained by Pc Rhodes after a short foot chase. They were returned to the shop and both males were spoken to by the immigration officers. On of the males had no rights to work in the UK. This same male was present in the shop on the 19th August. The other male was a failed asylum seeker and it is strongly believed that he was the same male who handed the alcohol to the police cadets. The CCTV at the premises is not to an acceptable standard and it does not comply with Condition 2 of Premises Licence (2). However based on the persons size, build, complexion and clothing officers believe it to be the same person. The male was arrested and is currently detained by the Immigration service pending his removal from the UK. Police again sought the whereabouts of the premises licence holder and left instructions with the staff that someone should contact the police urgently. On Friday 28th August Mr Ganeshamoorthy telephoned the police station making himself available on 7th September, this is not acceptable to the police.

It is very unclear as to who is operating the premises licence. Mr Murugesu is the responsible person but he has been uncontactable despite several police visits. Mr Ganeshamoorthy is the person making contact with police yet he has no official involvement in the business.

The written Home Office guidance under Section 182 of the Licensing Act 2003 (11.27) makes reference to certain criminal activities connected with licensed premises which should be treated particularly seriously. Two of those relate to A) the illegal purchase and consumption of alcohol by minors and B) knowingly employing a person who is unlawfully in the UK or who cannot be lawfully employed as a condition of that persons leave to enter.

This premises licence has eight(8) conditions under Annex 2 - non of which are being complied with at this moment in time.

The Metropolitan Police therefore request that the premises license is REVOKED based on the evidence above and in support and promotion of the Prevention of Crime and Disorder and the Protection of Children from Harm licensing objectives.

If however the licensing sub committee are not of a mind to take this course of action the Metropolitan Police request that the premises licence be suspended until the holder can demonstate full compliance with conditions 1 - 8 and that the conditions below are applied to the premises liuence in addition to all existing ones.

- 1. The holder of a personal licence issued under the licensing act 2003 must be present at the premises at all times that licensable activity is taking place
- 2. Any person employed at the premises must attend annual training supplied by Croydon Trading Standards in relation to age restricted products. Those records will be kept at the premises and be made available for inspection by police or authorised council official
- 3. Copies of Immigration documents will be kept at the premises of every person who works or helps at the premises detailing their right to do so in the UK. The DPS will conduct regular checks to establish that the entitlement is current.

A1

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

If you have made representations before relating to this premises please state what they were and when you made them:

PROTECTIVE MARKING

Please tick Yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.

I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature: *D Rhodes 19420*

Date: 3rd September 2015

Capacity: Responsible Authority

Contact name (where not previously given) and postal address for correspondence associated with this application: (please read guidance note 6)

Licensing Office - Croydon Police Station

Post town: Croydon

Post code: CR9 1BP

Telephone Number (if any):

020 8649 0167

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of:

Adetokunbo Abibu

Age: (if over 18, put "Over 18") Over 18

Over 18

Occupation:

Immigration Officer

This statement (consisting of: 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false or do not believe to be true.

Signature:



Date:

27/08/2015

Tick if witness evidence is visually recorded *(supply witness details on rear)*

I am the above named Immigration Officer, from the South London Immigration, Compliance and Enforcement based at LUNAR HOUSE CROYDON. On the 27th August 2015, I was duty in full personal protective equipment and conducting operational visits with the Croydon Licensing Police. I was the officer in charge of the visit and the other officers present were IO RICHARD FOX and IO RACHEL SULLIVAN. We were briefed by the police officer in charge that we were to attend VTS MINI MARKET, 216 MITCHAM ROAD CR0 3JG. Entry to the above Mini market was gained with the consent of Mr SENTHIVADIVELU. Mr Senthivadivelu was on the shop floor with his friend when we entered the shop. There was another male at the back of the shop. The male is now identified as NAGARATNAM THILLAINATHAN. Mr Thillainathan disappeared to the back as soon as he saw us. He was later brought back into the shop with another Male (BASKER GAUSHAN. IND National) by PC RHODES who present with me at the time of entry. Mr Thillainathan claims he was not working but stated he was only helping. He admitted he has been helping at the shop for about three days filling shelves. He said he was asked to help in the shop by his friend, the owner (Mr Ana). He stated he is given food in return. He helps there from 9am to 11am any day he is required. Mr Thillainathan has been observed, on previous visits to the address, working. Mr Thillainathan was escorted off the premises as he has no permission to work in the United Kingdom. Mr BASKER GAUSHAN was arrested as a person liable to be detained and transported to Lunar House where he was initially detained. The manager or owner was not present at the time of visit. We left the premises at approximately 1230hrs. Referral Notice was served by post.

Signature:



Signature witnessed by:

.....

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of CADET 1 URN: [] [] [] []

Age if under 18 14 (if over 18 insert 'over 18') Occupation: Student

This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: CADET 1 Date: 19/08/2015.....

Tick if witness evidence is visually recorded [] (supply witness details on rear)

On Wednesday 19th August 2015 I was part of the Croydon Cadets, volunteering to participate in a Test Purchasing operation. This was working alongside Croydon Licensing Department. I was in plain clothes.

At around 12:30 hrs myself and CADET 2 (who is also a Croydon Cadet) entered VTS mini market, 216 Mitcham Road. We made our way to the alcohol section within the shop and Ashley selected 1 bottle of lambrini. Ashley took this bottle and placed it on the counter. I offered to pay for the bottle and on this the man, stood behind the counter, asked me how old I was. I told him we were 18. He then asked us both for identification, we told him we didn't have any. On this the male looked at us both as if he didn't believe we were 18. He told us we had to be 18 to buy the bottle of drink, I said I lived in the local area and said please. On this the male stood behind the counter began to speak in a language I did not understand to another male who was stood at the back of the store. Another man wearing a baseball cap came from the back to the front of the store and then stood behind us both. He then started talking to the man behind the counter, again in a language I did not understand, after a short time the man stood behind the counter said it would be ok and told us to pay the man in the baseball cap stood behind us. I gave the man wearing a baseball cap stood behind myself and Ashley a £2 coin. The man with the baseball cap then gave the man stood behind the counter the £2 coin. Then the man in the baseball cap said he would give us the bottle outside the shop. Myself and Ashley made our way out of the shop, we stood around 3 metres from the front door and the man in the baseball cap came out of the shop and gave us the bottle of lambrini which had been put in a black plastic bag.

It appeared to me that all three men worked in the store as two of men entered the shop floor from what I would describe as a store room at the back of the shop with the other man stood behind the counter when we entered the shop. I would recognise all three men if seen again. At no point did either of us produce any identification.

Signature: CADET 1 Signature witnessed by:

PREMISES LICENCE

Premises licence number

14/01244/LIPREM

Part 1 – Premises details**Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code**VTS Mini Market
216 Mitcham Road
Croydon
CR0 3JG**Telephone number**

020 8689 0298

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The sale by retail of alcohol.

The times the licence authorises the carrying out of licensable activitiesThe sale by retail of alcohol –
Monday to Sunday 0700 hours until 2300 hours

The opening hours of the premises

Monday to Sunday 0700 hours until 2300 hours

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off

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

Mr. Jothymanohara Murugesu

07435 185164

Registered number of holder, for example company number, charity number (where applicable)

N/a

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

Jothymanohara Murugesu

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcoholLB Lewisham
LEW 0401**Date Original Licence Issued: 10.01.2015****Date This Licence Effective: 10.01.2015**Trading Standards and Licensing Manager
Development & Environment DepartmentLicence No: 14/01244/LIPREM
Date Effective from: 10.01.2015

Annex 1 - Mandatory conditions

This licence is granted subject to the terms of the Licensing Act 2003

1. No supply of alcohol may be made under the premises licence a) at a time when there is no designated premises supervisor in respect of the premises licence, or b) at a time when the designated premises supervisor does not hold a personal licence or his 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. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) 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.
 (3) 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.

*Responsible person is defined as:

- (a) In relation to licensed premises:
 - (i) The holder of a premises licence in respect of the premises,
 - (ii) The designated premises supervisor (if any) under such a licence, or
 - (iii) Any individual aged 18 or over who is authorised for the purposes of section 153 (4) of the Licensing Act 2003 by such a holder or supervisor,
- (b) 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 him to prevent the supply in question

In respect of the condition governing age verification, there are specific duties relating respectively to the holder of the premises licence or club premises certificate and designated premises supervisor.

Annex 2 - Conditions consistent with the Operating Schedule

The premises licence holder shall –

1. Provide training, at least every 3 months, for all staff who are responsible for the supply of alcohol in line with the National Certificate for Personal Licence Holders, with particular emphasis on the four licensing objectives. Records of such training shall be kept, including the dates of such training.

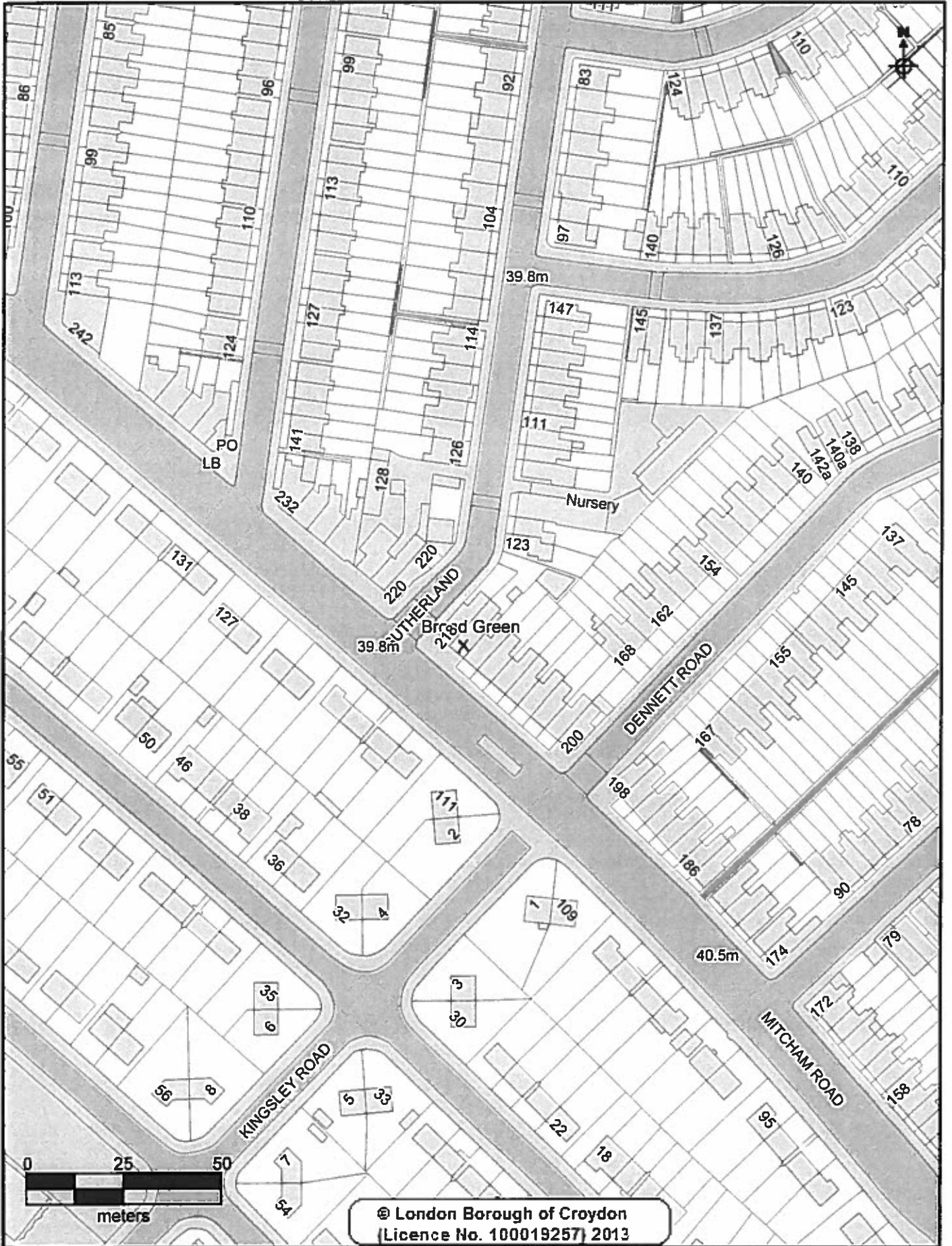
2. Ensure an approved closed circuit television (cctv) system is installed inside the premises with recording kept for a minimum of 31 days. The system needs to comply with BSEN 50132 (Part 7) 20009 and be capable of capturing facial image recognition of all persons either entering or exiting the premises.
3. Ensure cctv cameras shall cover the whole of the inside of the premises and recordings be made available to Police or authorised Council officers, in a useable format, on request.
4. Ensure there is one member of staff on duty at the premises at all times who is capable of operating the cctv system and retrieving images.
5. Ensure that if the cctv system is not operative, alcohol shall not be sold at the premises.
6. Ensure a refusals register is maintained at the premises to record when sales of alcohol are refused.
7. Ensure an incident book is maintained at the premises to record details of any incidents the nature of which may have compromised any of the licensing objectives under the Licensing Act 2003. CCTV recording dates & times shall be linked to incident book entries.
8. Ensure a Challenge 25 policy is in place at the premises, whereby anyone attempting to purchase alcohol who looks under 25 years of age shall be asked to provide identification proving they are over 18 years of age.

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

N/a

Annex 4 – Plans

Attached



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Scale 1:1250

06-Oct-2015



X = 216 MITCHAM ROAD