

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 Police Sergeant 1506 Anthony John Bushell
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description J S Food and Wine 41 Moss Lane Leyland	
Post town Preston	Post code (if known) PR25 4XA

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

Number of premises licence or club premises certificate (if known) Prem 0013

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sergeant 1506 Anthony Bushell Lancashire Constabulary Southern Division Licensing Unit Chorley Police Station St Thomas Road Chorley Lancashire PR7 1DR
Telephone number (if any) 01772 312114
E-mail address (optional) anthony.bushell@lancashire.pnn.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 checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

The premises have failed a number of test purchases whereby alcohol has been sold to underage persons. The area of Leyland suffers from incidents of disorder and criminal damage. It is believed that many of these incidents involve young people who are under the influence of alcohol. The ability of young people to access alcohol will always have a major impact on the the licensing objectives. In particular crime and disorder, public nuisance and the protection of children from harm.

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

The police had received information that the owners of the premises were selling alcohol to underage persons. As a result of this information test purchase operations were conducted on the premises which resulted in two failures.

The Police have further concerns re the effective management of the premises by the Designated Premises Supervisor and have no confidence in her ability to manage the premises within the constraints of the Licensing Act 2003 and to operate them with a view to achieving the Licensing Objectives.

In view of this the Police make an application for a review and would ask for full revocation of the premises licence.

Documentary evidence on which the police will wish to rely is provided as disclosure with the application.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

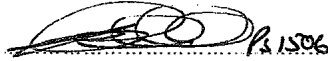
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date 14th August 2008

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) As above	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

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 **Anthony John Bushell**

URN

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Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **Police Sergeant**

This statement (consisting of 4 page(s) 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 in it, anything which I know to be false or do not believe to be true.

Dated the **12th** day of **August 2008**Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature



I am Police Sergeant 1506 of the Lancashire Constabulary currently based on the Licensing Unit stationed at Chorley Police Station.

I can say that on 23rd April 2008, two applications were received in the Licensing Unit one was to transfer the premises licence at JS Food and Wine, 41 Moss Lane, Leyland and the other was to vary the Designated Premises Supervisor.

The applicant in both instances was Santhakumary VALASINGAM.

On 29th April 2008 licensing officers visited the premises in order to interview VALASINGAM as is our normal practice, the applicant was able to produce a personal licence issued by Wigan Council licence number PL1675

At the conclusion of the interview the licensing officer expressed concerns that the applicant VALASINGAM had difficulty in speaking and understanding English and all the questions asked were answered by her partner who was present.

Signature



Signature witnessed by

Unfortunately the licensing act is quite specific in the reasons open to the police to object to a transfer of DPS and as there were no grounds to make a representation the application was allowed

However concerns remained as to the ability of VALASINGAM to effectively carry out her obligations in respect of her position.

A fundamental part of my current role is the enforcement of licensing legislation and one of the enforcement tactics we use is to carry out test purchases at licensed premises using young people of between 14 to 16 years of age.

The focus of these tends to be premises that have been highlighted through complaints or information that they are selling alcohol to persons underage.

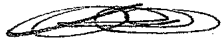
On Saturday 17th May 2008 I conducted a test purchase operation in the South Ribble area using two 15 year old child volunteers.

At 19 35 hours the same date I attended JS Food and Wine where a test purchase was carried out as a result the two volunteers were sold alcohol in the form of a bottle of Blue WKD

I entered the shop premises in company with Nicola Barrett and spoke to the male who had sold the alcohol.

He gave his name as Jasitharan SELVARATHAM D.O.B 29.05 75 and as a result of him admitting the sale he was given a fixed penalty notice of £80.

Signature



Signature witnessed by

I can say that during this operation we tested a total of 13 premises comprising both on and off licences which resulted 9 premises making sales and 4 refusing to sell

On 24th May 2008 information was received by the police that the new owners of the Off licence on Moss Lane, Leyland were selling alcohol to persons underage.

The informant who remained anonymous stated that they had seen on two separate occasions two groups of youths who were obviously under 18 enter the premises and emerge with alcohol.

In response to the sales made I arranged a further test purchase operation with a view to retesting those premises that had failed in May.

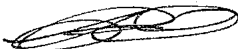
This operation took place on Saturday 21st June 2008 and again used two 15 year old child volunteers.

I can say that during this operation we retested JS Food and Wine and no sale was made, I cannot say who was working in the premises at this time.

As a result of this operation 13 premises were tested and 6 sales were made

On 2nd August 2008 the police received further information that the Off licence on Moss Lane was still selling to underage and that the informant had seen two 16 year old females leaving the shop with a bag that was filled with cans of alcohol.

Signature



Signature witnessed by

I am aware that on the evening of Friday 8th August 2008 a further test purchase operation was carried out by the police in conjunction with Nicola Barrett.

As a result of this operation a sale of alcohol was made to the child volunteers

At 10.45 hours on Monday 11th August 2008, PS Clitheroe and I met Nicola Barrett at Leyland Police Station in order to carry out an interview with the male who had sold alcohol the previous Friday

At the station I saw Jasitharan SELVARATHAM who had attended as a result of the sale, it was pointed out to me by Nicola Barrett that this was not the male who had sold alcohol on the night

Enquiries were made with SELVARATHAM as to the identity of the male who had been working in the shop, however he was very un co-operative and could only say the males name was Geevan and he had no other contact details for him.

Also present at the station was the DPS, VALASINGAM who is the partner of SELVARATHAM however she seemed completely oblivious to what was happening and was unable to answer any questions about the premises.

I then informed both parties that as a result of the two failures, the lack of co-operation and concerns re the ability of the DPS to manage the premises that I would be applying for a review of the premises licence.

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 **Nicola Ruth Barrett**

URN

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Age if under 18 (if over 18 insert "over 18"). Occupation **Licensing Enforcement Officer**

This statement (consisting of 3 page(s) 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 in it, anything which I know to be false or do not believe to be true.

Dated the **11th** day of **August 2008**

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

Signature 

My name is Nicola Ruth Barrett and I am employed by South Ribble Borough Council as the Licensing Enforcement Officer, a post I have held since December 2005. My duties include monitoring the trading activities of premises providing licensable activities, to check that they are operating in accordance with the provisions of the Licensing Act 2003.

On Saturday 17th may 2008 I was working with Southern Division Police Officers on a test purchase operation. At approximately 19:30, the 15 year old child volunteers were able to buy a bottle of WKD blue at the premises known as J S Food and Wine, 41 Moss Lane, Leyland, PR25 4XA. I entered the shop with PS1506 Bushell and spoke to the man who sold the alcohol. He gave his name as Jasitharan SELVARATHAM, D.O.B 29.5.75 and having admitted making the sale, was issued with an £80 Fixed Penalty by PS1506 Bushell.

On Friday 8th August 2008 I was working with Southern Division Police Officers on another test purchasing operation. At approximately 17:15 I photographed the two child volunteers who had agreed to take part in the operation. I can confirm that they did not alter their appearance in any way once the photographs were taken.

At 20:35 the child volunteers went in to J S Food and Wine, 41 Moss Lane, Leyland, PR25 4XA. This was the 14th premises visited that night and the girls had been refused service at all 13 premises visited up to that point.

A short time later they emerged from the shop with 2 cans of stella artois. PC707 Duerden, who had been inside the shop for the duration of the test purchase, advised me that the man behind the counter, without glasses, had sold 2 cans of 500ml Stella to the child volunteers without challenging them at all about their age

Signature



Signature witnessed by

I walked passed a young man drinking from a bottle of alcopop directly outside the shop and entered with PC2246 Gaskell approximately 20:45. There was a young Asian male with full beard behind the counter and an older Asian male with glasses, sat on a stool to the side of the counter.

I identified myself to the man behind the counter and asked if he recalled serving the two girls in the photograph I produced. He denied that he had. I advised him that I had a statement from another officer who witnessed the sale and asked again if he remembered serving the girls and he replied that he didn't.

I asked for his name and he replied Jasitharan SELVARATHAM, which was the same name as the recipient of the £80 on the spot fine issued in May at this shop.

As the man behind the counter claimed he did not recall serving the child volunteers I advised him that a fixed penalty could not be issued and that he would need to attend the Police Station on Monday for interview. I asked if he was available on Monday morning and he agreed so I asked what time would be convenient and he agreed 11:00. We then left the store.

As we drove back up Moss Lane towards Preston Road we passed the older Asian man who was walking away from the shop. Colleagues who were present on the operation said that this man had come out of the rear of the shop a short time after myself and PC Gaskell had gone in through the front door.

I spoke to PS 1506 Bushell on Monday 11th August 2008 about the incident and arranged to meet him and PS1287 Clitheroe at 10:45 at Leyland Police Station.

When I arrived at the Police Station there was an Asian couple sitting in the reception. At this point I recognised the man as being the Jasitharan SELVARATHAM who had received a fixed penalty notice in May from PS1506 Bushell. This was not the same gentleman who had sold alcohol in the shop on Friday evening.

I asked SELVARATHAM who the man was in the shop and he was very evasive. I told him that we needed to identify this man, as he had committed a criminal offence by selling alcohol to a child and asked again for his name address or other contact details. SELVARATHAM said that he couldn't keep hold of him. He said that the man had told him that the Police went into the shop and wanted to see him on Monday at 11am but would not give any other information.

Signature



Signature witnessed by

SELVARATHAM eventually said that he only knew the man as Geevan and had met him in a restaurant in London. He remained adamant that he did not have another name or address for him. I asked who the elderly man was in the shop and he said 'a visitor', he would not give any further details of this mans identity either.

Miss Santhakumary VALASINGAM the premises licence holder and designated premises supervisor was invited into the room to speak to Sergeants Bushell, Clitheroe and myself. She did not say anything at all and SELVARATHAM indicated it was because her English was poor. PS Clitheroe asked how she had managed to pass an exam if her English was so poor, she did not respond.

I asked SELVARATHAM to ask VALASINGAM to produce her personal licence which she did. The licence was referenced PL 1675 and had been issued by Wigan Metropolitan Council with an expiry date of 29.1.2018. It showed her home address as 37 Marlborough Ave, Spring View, Wigan, I asked if this was still current and SELVARATHAM indicated it was. PS Bushell asked where she had taken the BIIB exam and SELVARATHAM replied in Tooting, London with Abbey Training.

PS Bushell then advised both VALASINGAM and SELVARATHAM that because the premises had failed 2 test purchases and the Police had other information about selling to underage, along with their lack of co-operation, he would be making application to the Licensing Authority for a review of the premises licence.

I checked the complaints log for this premises going back to the 30th April 2008, when the current management took over. A telephone complaint was made to the Licensing Authority on 7th May 2008. The gentleman who rung wished to remain anonymous and reported that on 6th May, at about 19:30, he had seen youths who all looked underage buying alcohol from the shop. He said that one of the youths took a can of beer out of a carrier bag that they already had, opened it and then went into the store. He then came out of the store with what the caller described as a crate of beer.

Signature



Signature witnessed by