

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, PC Ian Pickett apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in part I below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Best One 16 Hawthorn Road	
Post town Sittingbourne	Post code (if known) ME10 1BB

Name of premises licence holder or club holding club premises certificate (if known)
Mr Roopesh Kapoor

Number of premises licence or club premises certificate (if known)
SIT/SWALE/189/0222

Part 2 – Applicant details

I am

Please tick yes

- 1) an interested part (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)

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

Please tick

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

Surname

First names

Please tick yes

I am 18 years old or over

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)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC Ian Pickett 12274 North Kent Licensing Team Medway Police Station Purser Way Gillingham ME7 1NE
Telephone number (if any) 01634 792276
E-mail address (optional) ian.pickett@kent.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 1)

Kent Police provide evidence of Best One, 16 Hawthorn Road, Sittingbourne failing to promote the licensing objectives relating to the prevention of crime and disorder and the protection of children from harm.

Kent Police will also evidence breaches of the premises licence.

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Please provide as much information as possible to support the application

(please read guidance note 2)

Best One, 16 Hawthorn Road, Sittingbourne is a convenience store, authorised to sell alcohol as follows:-

Monday – Saturday: 08:00 – 23:00

Sunday: 10:00 – 22:30

Good Friday: 08:00 – 22:30

Christmas Day: 12:00 – 15:00 & 19:00 – 22:30

The premises is situated in a residential area, with a barbers next door and is located a short walk from the town centre.

The Premises licence holder is Roopesh Kapoor and the designated premises supervisor is Vijay Kapoor.

The premises licence granted by Swale council has mandatory conditions, as well as conditions on the operating schedule as follows:-

Condition 1

(a) A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

(b) The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded on good quality videotape or digitally onto CD/DVD or other equivalent medium.

(c) Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be available, subject to compliance with the Data Protection legislation, to the Police or Officers of the Licensing Authority on request.

(d) The CCTV system will incorporate a camera covering the entrance door and the licensed areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with Police from time to time.

(e) The system will display, on any recording, the correct time and date of the recording.

(f) A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.

(g) The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.

(h) Appropriate signage informing customers CCTV is in operation to be displayed. Signage informing customers that they will be asked to produce age identification when purchasing alcohol to be displayed.

Condition 2

(a) A refusal/incident book will be kept with details of refusal, time, day and date of event.

(b) Challenge 21 shall be adopted and relevant signs displayed.

(c) The premises will be an active member of the Swale Safe radio system

This premises has had a number of reports of age restricted sales to persons under 18, however at this time, no confirmed sales have taken place from the premises prior to June 2023. There has also been unconfirmed reports of the premises, buying stolen products to sell within the store.

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Kent police received information regarding allegations of age restricted sales to persons under 18, with the premises licence holder given a written request in July 2023 to provide CCTV footage for 6 time periods over four different dates between 23th June and 4th July 2023.

Mr Kapoor, the premises licence holder subsequently informed Kent police that the CCTV hard drive recording system had not been working but had since been replaced the hard drive with a new system, with the old recording unit, being disposed of.

The premises licence holder assured Kent police that the new system was in full working order.

On 27th July 2023, Kent police, in company with Swale licensing officers and Trading Standards officer, attended the premises where a licensing visit was conducted. Upon entry, a male known to Kent police was present at the counter.

Mr Kapoor admitted during this visit that the DPS, Vijay Kapoor had retired and had not worked at the premises for several years. Condition 1 of the premises licence clearly states:

No supply of alcohol maybe made under this licence:-

- (a) At a time when there is no designated premises supervisor in respect of it or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Whilst Kent Police have not witnessed a sale of alcohol when visiting the premises, we can confirm that alcohol is displayed and available for purchase. Any sale of alcohol made since the retirement of the DPS several years ago would be a breach. Swale Council licensing dealt with this by issuing the premises licence holder with a S.19 notice, which was later rescinded after contact from Vijay Kapoor confirming he was resuming his previous role of DPS.

Trading Standards officer present seized a total of 86 illegal vape products, as well as identifying a product containing Isopropyl Nitrate which can be sold as a room odouriser, but is also used as a "popper", but advised that the product can have dangerous side effects if taken without appropriate guidance.

During the visit, Mr Kapoor could not operate the CCTV system correctly, allowing Kent police to see that the CCTV was recording as well as to confirm if any sales of age restricted products had occurred before our arrival. Also, with the knowledge of the male known to Kent police being present at time of our attendance, Kent police asked for footage to be provided. However Mr Kapoor then subsequently advised all footage prior to 5th August had been deleted accidentally.

During visits by Kent police in November 2022, March 2023 & July 2023 the premises licence holder presented the refusal book, which appeared to be have long periods where no refusals were made, entries where the premises was closed or entries had been filled in retrospectively.

Kent police currently have no faith in the premises licence holder that he will ensure that the licensing objectives are upheld. CCTV is a measure that Kent police would expect to be in working order and available for review at a premises of this type, and given the reasons of hard drive not recording and footage being deleted, Kent police are of the opinion that the premises had reason to not provide footage.

The premises licence holder has admitted that the DPS has not been working at the premises for several years, however the DPS advised after the joint agency visit on 27th July, he would be undertaking the role again, however despite Kent police attending on at least 4 separate occasions to the premises since 27th July, the DPS has not been in attendance at any time, leaving the

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premises in the hands of the premises licence holder, which as stated previously, Kent police do not have any faith in the premises going forward. It seemingly appears that Vijay Kapoor has not resumed the role of DPS and is not in day-to-day control of the premises, and the suggestion that he had resumed in that capacity was to satisfy the local authority and have the S.19 notice rescinded.

It is the understanding of Kent Police that Mr Roopesh Kapoor is currently undertaking the process of obtaining a personal licence with a view to becoming DPS. Kent Police have no faith in his ability to perform the role and promote the licensing objectives.

Kent police ask that the licensing sub-committee review the evidence provided, giving consideration to the seizure of illegal vapes found on the premises, to the alleged sales of aged restricted products to children at this premises and the reasons given by the premises licence holder for the lack of CCTV, the incomplete entries in the refusals book, the admissions made that the premises operated for a significant period without an active DPS and lack of evidence that DPS has been in the premises since resuming the role.

Kent police concerns regarding this premises would not be alleviated by a change of DPS or addition of premises licence condition and therefore seek revocation of the premises licence.

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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					

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

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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: PC Ian Pickett 12274
.....

Date: 17th August 2023
.....

Capacity: Licensing Officer, Kent Police.
.....

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