



Visit <https://www.wycombe.gov.uk/councilmeetings> for information about councillors and email alerts for meetings

Queen Victoria Road
High Wycombe
Bucks HP11 1BB

Licensing Panel Hearing Agenda

Date: 16 January 2020
Time: 10.00 am
Venue: Council Chamber
District Council Offices, Queen Victoria Road, High Wycombe Bucks

Panel Members

Chairman: Councillor C B Harriss
Councillors: M Clarke and N B Marshall

Officers

Mr B Whittall (Licensing Officer)
Tel: 01494 421346 Email: brian.whittall@wycombe.gov.uk
Mrs K Khanna (Principal Solicitor)
Tel: 01494 421264 Email: Kiran.khanna@wycombe.gov.uk

Fire Alarm - In the event of the fire alarm sounding, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Please congregate at the Assembly Point at the corner of Queen Victoria Road and the River Wye, and do not re-enter the building until told to do so by a member of staff.

Filming/Recording/Photographing at Meetings – please note that this may take place during the public part of the meeting in accordance with Standing Orders. Notices are displayed within meeting rooms.

Agenda

Item

1 **Introductory remarks by the Chairman**

The Chairman of the Panel will outline procedures to be adopted in relation to the conduct of the meeting and will introduce the Members of the Panel and other persons present.

2 **Apologies for absence**

To receive apologies for absence.

3 **Declarations of interest**

To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an

interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

4 Best One Express, 8 Bridge Street, High Wycombe, HP11 2PT

To consider an application under s.51 of the Licensing Act 2003 for a review of the premises licence in respect of Best One Express, 8 Bridge Street, High Wycombe, HP11 2PT (application and report attached).

Report and Documentation

The following documents are attached:

- Report of the Licensing Officer with application documents and associated appendices.
- Supplementary documentation:
 - Procedure at oral hearings

For further information, please contact Democratic Services, 01494 421261, committeeservices@wycombe.gov.uk

Licensing Panel Hearing
16 January 2020 at 10:00
Council Chamber, Council Offices

Applicant(s): Thames Valley Police

Premises: Best One Express, 8 Bridge Street, High Wycombe, HP11 2PT

Ward affected: Abbey

DETAILS OF APPLICATION:

Premises History

The premises is located adjacent to the High Wycombe bus terminal, and is within a mixed commercial and residential area. The premises are located in close proximity to Desborough Road which has historically been an area associated with anti-social behaviour.

An application was received by the authority for a premises licence in March 2011 by the brother of the current licence holder. A licence was granted which was further amended August 2011 by the Licensing Sub-Committee further to receipt of a representation from the police in relation to a variation application.

The police subsequently requested a review of the premises licence in September 2011 for breach of licence conditions and following a Trading Standards test purchase operation in which alcohol was sold to an underage person. The decision of the Sub-Committee amended the condition of the premises licence.

On the 2 July 2014 the Designated Premises Supervisor (DPS) attached to the premises licence for Best One Express, Mr Kanakanayagam SURESHKUMAR pleaded guilty in the Wycombe Magistrates Court to 7 charges relating to section 136 offences in respect to another premises within the High Wycombe town centre.

In October 2014 an application was received to transfer the premises licence into the name of Mr Mr Kanaganayagam SHANTHAKUMAR, **Appendix A**. This application was granted.

On the 4 March 2015 Trading Standards applied under section 51 of the Act to review the premises licence. On the 24 February 2015 Trading Standard officers, in conjunction with HMRC officers, seized a quantity of alcohol products at Best One Express that had not had duty paid and was not intended for sale in the UK. The Licensing Sub-Committee decided that the premises licence should be suspended for a period of three months, **Appendix B**. As part of their decision, the Sub-Committee provided an informative within the Decision Notice to the licence holder that any further review applications may result in the revocation of the premises licence.

A formal warning was issued in March 2015 to Mr SHANTHAKUMAR for section 57 offences with a final warning issued for the same offence on the 13 May 2015, **Appendix C**.

In July 2015 an application was received by Mr SHANTHAKUMAR to appoint himself onto the premises licence as DPS, **Appendix D**.

On the 28 October 2016 a formal warning was issued to Mr SHANTHAKUMAR for a number of licence condition breaches, **Appendix E**.

Mr SHANTHAKUMAR has held a premises licence at another location within this authority, 8 Collins House, Desborough Road, High Wycombe, HP11 2PR. Our records show the following:

1. On the 8 December 2006 a test purchase was conducted by Trading Standards at Best One, Desborough Road. Mr Kanaganayagam SHANTHAKUMAR was on the premises at the time of this visit and sold alcohol to a 15 year old female without challenging her age. Mr Kanaganayagam SHANTHAKUMAR was questioned at the scene by police and a £80 fixed penalty ticket was issued with number 38/10351949. Following this incident the police applied to review the premises licence under s.51
2. The decision of the licensing authority was to amend the conditions attached to the premises licence.
3. In March 2015 Trading Standards applied to review the licence having found a number of non-duty paid alcohol on the premises. Following a hearing the Licensing Sub-Committee revoked the premises licence, **Appendix F**.

A copy of the current licence issued can be found, **Appendix G**.

Premises Licence Review Application

The applicant, Thames Valley Police, has applied under s.51 of the Licensing Act 2003 for a Review of the Premises Licence on the grounds of prevention of crime and disorder, **Appendix H**. The application was served on the Licence holder as required and it has been advertised both at the premises itself and the Council Offices for the regulatory 28 day period.

RELEVANT REPRESENTATIONS

Responsible authorities:

Police:	No additional representation received
Fire Officer:	No representations received
Health and Safety:	No representations received
Control of Pollution:	No representations received
Child Protection:	No representations received
Health Trust:	No representations received
Planning:	No representations received
Interested Parties:	No representations received

RELEVANT PARTS OF THE COUNCIL'S LICENSING POLICY AND OF THE NATIONAL GUIDANCE ISSUED UNDER S.182 OF THE ACT

In relation to prevention of crime and disorder the guidance states (p.6)

- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social

behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

In relation to the prevention of crime and disorder (page 9) the policy states that:

- 3.8 The Authority accepts that the legislation does not require the presence of either a personal licence holder or the Designated Premises Supervisor on the premises at all times when alcohol is sold. The Authority would recommend that personal licence holders give written authority to other staff for alcohol sales and clear guidance on whom alcohol may be sold to. Applicants are invited to provide details of how Personal Licence holders will authorise alcohol sales. In exceptional circumstances and upon receipt of a relevant representation, the Authority will consider whether a condition should be imposed requiring the presence of a Personal Licence holder on the premises at all times when alcohol is available for sale.
- 3.9 The Authority will expect prevention of crime and disorder measures to be appropriate to the type and location of premises e.g. the provision of door supervisors and CCTV are likely to be more appropriate in larger venues, dance venues and those in busy town centre locations.

In relation to a Review of a Premises Licence the guidance states (p.90)

- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

The Council Policy states in relation to a Review of a Premises Licence (p.20)

- 8.2 The importance of working in partnership to achieve the promotion of licensing objectives cannot be under-stated and responsible authorities will aim to give licensees early warning of any concerns identified at a premise. At any stage following the grant of a premises licence, however, a responsible authority, an interested party including a local Councillor may ask the licensing authority to

review the licence because of a matter arising at the premises in connection with one of the four licensing objectives. In addition, a review of the licence will normally follow any action to close the premises (for up to 24 hours) on the grounds of disorder or noise nuisance or as a result of a magistrates' court determination.

- 8.5 In order to successfully bring a review of a licence, evidence will be required of breaches of one of the licensing objectives. As a result it may assist interested parties to liaise with the relevant responsible authority prior to submitting an application for review (e.g. the police in cases of disorder or the Control of Pollution department in cases of noise nuisance). The person requesting the review is also required to notify the premises licence holder and all responsible authorities of their review application.
- 8.6 In cases where the crime prevention objective is being undermined it is expected that revocation of the licence (even in the first instance) will be seriously considered,

Powers of a licensing authority on the determination of a review (p.91 of the guidance)

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

OBSERVATIONS

The Panel is obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Panel is also obliged to have regard to national guidance and the Council's Licensing Policy. Should the Panel depart from either it must specify its

reasons for doing so. The Panel must also take into consideration all of the representations made and the evidence submitted, both written and orally at the hearing.

In promoting the licensing objectives the Panel can take any of the following steps in relation to the application:

- (a) modify the conditions of the licence;
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months;
- (e) revoke the licence.
- (f) take no further action or take informal action.

The Panel should also consider its responsibilities under the Human Rights Act when considering the fair balance between the interests of the applicant and the rights of local residents.

Any decision taken must be appropriate and proportionate to the objective being pursued. In particular the following should be taken onto consideration:

Article 6 - the right to a fair hearing

Article 8 - respect for private and family life

Article 1, First Protocol - peaceful enjoyment of possessions (which can include the possession of a licence)

The plan of the premises is attached **Appendix I**.

14/11. AM/04

1402174/LAPRET

Enviro: 21 OCT 2014
Passed to:.....

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 Karasanayagam Suresh Kumar
(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 168 / 5 PFM

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>Best One Express</u> <u>08 Bridge Street</u> <u>HIGH WYCOMBE</u> <u>HP11 2PT</u>	
Post town	Post code
Telephone number at premises (if any) <u>01494 44132</u>	

Please give a brief description of the premises
off Licence

Name of current premises licence holder
Karasanayagam Suresh Kumar

Part 2 - Applicant details

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

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership 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

Shantha Kumar

First names

Kanaganayasan

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

~~08 Bridge Street
High Wycombe
HP11 2PT~~ 14 HODGES MEWS
HIGH WYCOMBE
HP12 3JL.

Post town

High Wycombe

Post code

HP11 2PT

Daytime contact telephone number

01494 441122

E-mail address (optional)

m - (07717) 754633.

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

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) 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)

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

2	0	1	0	2	0	1	4
---	---	---	---	---	---	---	---

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

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 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 4 – 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

.....

Capacity

.....

For joint applicants signature of second applicant, second 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)	
Post town	Post Code
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 it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of premises licence holder to transfer

I/we SURESHKUMAR KANAKANAYAGAM
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 163/PRM
[insert premises licence number]

relating to

Best one EXPRESS 8 Bridge Street NP11-2F
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

163/PRM
[insert premises licence number]

to

SRANITHAKUMAR KANAKANAYAGAM
[full name of transferee]

signed

name
(please print)

dated

K.S
K. SURESHKUMAR
20-10-14

Environmental Health
21 OCT 2014
Passed to:.....



CUSTOMER SERVICE
CENTRE
20 OCT 2014
WYCOMBE DISTRICT COUNCIL

CUSTOMER SERVICES CENTRE

RECEIPT FOR DOCUMENTS PROVIDED

Name: Mr Kanakanyagam Shanthakumar
Address: 14, HODGES MEWS, HIGH WYCOMBE
BUCKINGHAMSHIRE HP12 3JL
Tel No: 07717754633
Service Area: Licencing
Reference No: Transfer premises licence

The council hereby acknowledge receipt of:

Application to transfer premises licence, cheque for £23.00 & original premises licence.

CRM No: 1288610
Received by: WYCOMBE\Avery
Date: 20 October 2014
Express Ticket: no

Please keep this receipt in a safe place. In the event of queries arising, it may not be possible to trace the document you have handed in unless you can produce this receipt.

WYCOMBE DISTRICT COUNCIL

LICENSING ACT 2003

Sections 51 and 52

GRANT OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE
WHERE RELEVANT REPRESENTATIONS WERE MADE

PREMISES: Best One Express, 8 Bridge Street, High Wycombe, HP11 2PT

TO:

The Applicant
The Licence Holder
Any Persons who made Relevant Representations
The Chief of Thames Valley Police

Take Notice

THAT following a review hearing of the Licensing Sub-Committee

ON Thursday 9th April 2015

WYCOMBE DISTRICT COUNCIL as the Licensing Authority for the Premises

RESOLVED TO SUSPEND THE PREMISES LICENCE FOR A PERIOD OF 3 MONTHS (12 WEEKS)

THE SUSPENSION SHALL TAKE EFFECT FROM THE END OF THE PERIOD GIVEN FOR APPEALING AGAINST THIS DECISION OR IF THE DECISION IS APPEALED AGAINST, THE DATE THE APPEAL IS DEPOSED OF.

SUSPENSION

The premises licence shall be suspended. The effect of this suspension is that no retail sale of alcohol activities may be undertaken for the period of the suspension period. Should the sale of alcohol be undertaken during the suspension period then this would be a criminal offence under s.136 of the Licensing Act.

Reasons for the Suspension

The panel considered the written and oral representation from the Trading Standards Officer. Significantly, they gave due consideration to the evidence provided and the acceptance by the licence holder that the given offences had been undertaken at the premises.

The panel considered that the presence of non-duty paid alcohol on the premises was a serious matter and was sufficient to prove a breach of the licensing objective in that it was a crime.

The licence holder was unable to provide credible evidence for the failings of the premises under his direct management control. His legal representative stated that a revocation was not appropriate as a further licence condition was giving offered by the licence holder to ensure no further offences were committed.

Due to the seriousness of the offences and taking into account paragraphs 11.24-11.28 of the Statutory Guidance issued by the Home Office pursuant to Section 182 of the Licensing Act 2003 which had been referred to the panel by the legal advisor; they gave serious consideration to the revocation of the premises licence. Additionally, the panel gave due consideration and weight to Wycombe District Council's own Statement of Licensing Policy 8.2 – 8.6.

Through their deliberations, the panel accepted the licence holder's admission of the evidence before them and that he had offered an additional condition to his licence. The panel discussed the amount of non-duty paid alcohol found on the premises and took this into consideration. On balance the panel decided not to revoke the licence on this occasion and considered a three month suspension as appropriate and proportionate to promote the licensing objective of the prevention of Crime and Disorder. Additionally in making this decision the panel sent a clear message to the licence holder and all other premises within its authority that undermining the law in this way is a serious matter that will not be tolerated.

Informative:

The panel considers that any further review of the licence may result in a revocation of the premises licence.

Human Rights:

In reaching its decision the Panel has taken into account the relevant provisions of the Human Rights Act 1998, namely:

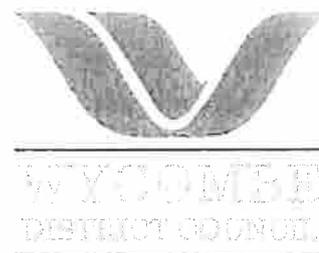
- Article 6 – the right to a fair hearing
- Article 8 – the respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Witan Gate East, Milton Keynes, MK9 2AJ.

Clerk to the Licensing Sub-Committee

Date: 10.04.15

Enquiries to: Brian Whittall
Email: brian.whittall@wycombe.gov.uk
Direct line: (01494) 421346
Our ref: 14/02177/LAPRET
Your ref: 168/PREM
Date: 10 March 2015



Mr Kanaganayagam Sureshkumar
14 Hodges Mews
High Wycombe
Buckinghamshire
HP12 3JL

Dear Mr Shanthakumar,

LICENSING ACT 2003

Best One Express, 8 Bridge Street, High Wycombe, HP11 2PT

Further to a routine visit to the above named premises on the 6th March 2015.

Both pages of the Licence Summary, or a certified copy must be prominently displayed in the premises. At the time of my visit the Licence Summary was not on display so that the public could see it as required by section 57(3) of the Licensing Act 2003. Additionally, the full premises licence was not available upon request, only an old licence that is no longer valid was on the premises.

This notice is a **formal warning** that you are committing an offence under the legislation by not prominently displaying the Licence Summary so that the public can see it. Please ensure that you comply with this requirement within the next 7 days.

The Premises Licence or a certified copy must be held on the premises to which it relates, by either the Licence holder or by a nominated individual. The Summary, or a certified copy, and a notice of the person responsible for the custody of the Licence, if not the Licence holder, must be prominently displayed in the premises.

The Licence is valid until it is either revoked, suspended or surrendered. The holder of this Licence may at any time apply for a variation of any of the terms of the Licence, although should the variation be deemed substantial a new application will be required.

If you wish to make any additional comments concerning this matter, then please submit these in writing within 14 days.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'B Whittall', written over a faint circular stamp.

Brian Whittall
Licensing Officer
Environment Service

Enquiries to: Brian Whittall
Email: brian.whittall@wycombe.gov.uk
Direct line: (01494) 421346
Our ref: 15/00481/LAPREV
Your ref: 467/PREM
Date: 13 May 2015



Mr Kanaganayagam Shanthakumar
14 Hodges Mews
High Wycombe
Buckinghamshire
HP12 3JL

Dear Mr Shanthakumar,

LICENSING ACT 2003

Best One Express, 8 Bridge Street, High Wycombe, HP11 2PT

Further to a routine visit to the above named premises on the 1st May 2015.

At the time of my visit only the first page of the full Premises Licence was available for inspection to authorised officers. It is your responsibility under section 57(2) to provide the Premises Licence on request and it is an offence not to comply with this. The legislation states:

The holder of the premises licence must secure that the licence or a certified copy of it and a list of any relevant mandatory conditions applicable to the licence are kept at the premises in the custody or under the control of—

(a) the holder of the licence, or

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

You have been previously notified of this statutory requirement on the 10th March 2015. Therefore, this notice is a **final warning** that you are committing an offence under the legislation by not prominently displaying the Licence Summary so that the public can see it.

The Premises Licence or a certified copy must be held on the premises to which it relates, by either the Licence holder or by a nominated individual. The Summary, or a certified copy, and a notice of the person responsible for the custody of the Licence, if not the Licence holder, must be prominently displayed in the premises.

If you wish to make any additional comments concerning this matter, then please submit these in writing within 14 days.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B Whittall', is written over the signature line.

Brian Whittall
Licensing Officer

For further information, please contact the Licensing Officer, High Wycombe

Wycombe District Council, Queen Victoria Road, High Wycombe, Bucks HP11 1BB

Tel: 01494 461000 DX 4411 High Wycombe -1 www.wycombe.gov.uk Twitter: @wycombedc

Wycombe
Application to vary a premises licence to specify an individual as designated premises supervisor
Licensing Act 2003

For help contact
licensing@wycombe.gov.uk
 Telephone: 01494 421222

required information

Section 1 of 4

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

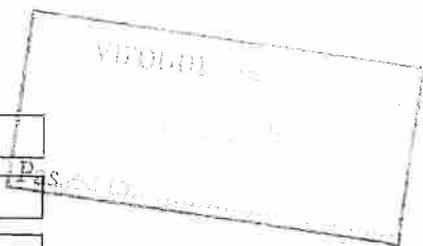
* First name

* Family name

* E-mail

Main telephone number

Other telephone number



Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	<input type="text" value="14"/>
* Street	<input type="text" value="Hodges Mews"/>
District	<input type="text"/>
* City or town	<input type="text" value="High Wycombe"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="HP12 3JZ"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Puthrasingam"/>
* Family name	<input type="text" value="Sivashankar"/>
* E-mail	<input type="text" value="office@compliancedirectltd.com"/>
Main telephone number	<input type="text" value="07879473696"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
 A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number	<input type="text" value="8832658"/>
* Business name	<input type="text" value="Compliance Direct Ltd"/>
* VAT number	<input type="text" value="GB"/> <input type="text" value="204915133"/>
* Legal status	<input type="text" value="Private Limited Company"/>
* Your position in the business	<input type="text" value="Director"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

* Building number or name	52
* Street	Roxeth Green Avenue
District	
* City or town	Harrow
County or administrative area	
* Postcode	HA2 8AF
* Country	United Kingdom

Section 2 of 4

PREMISES DETAILS

I/we 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	168/PREM
---------------------------	----------

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Address

* Building number or name	Best One Express
* Street	8 Bridge Street
District	
* City or town	High Wycombe
County or administrative area	
Postcode	HP11 2PT
* Country	United Kingdom

Contact Details

E-mail	office@complianceirectltd.com
Telephone number	07879473696
Other telephone number	

Describe the premises. For example, what type of premises it is

Convenience Store with Off Sales

Continued from previous page...

Section 3 of 4

SUPERVISOR

Full Name Of Proposed Designated Premises Supervisor

* First name

* Family name

Personal licence number of proposed designated premises supervisor

Issuing authority of that licence

Full Name Of Existing Designated Premises Supervisor

First name

Family name

* Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?

Yes No

* Will the premises licence or relevant part of it be submitted with this application?

Yes No

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Electronically, by the proposed designated premises supervisor

As an attachment to this variation

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'

Section 4 of 4

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

< Previous 1 2 3 4 Next >

Environmental Health
11 AUG 2015
Passed to:

Consent of individual to being specified as premises supervisor

I Kanaganagan Shanika Kumar
[full name of prospective premises supervisor]

of 14 Hodges Mews
High Wycombe
HP12 3JL

[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

DPS Variation
[type of application]

by

Kanaganagan Shanika Kumar
[name of applicant]

relating to a premises licence 168/PREM
(number of existing licence, if any)

for Best 1 Express
8 Bridge Street
High Wycombe

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

and any premises licence to be granted or varied in respect of this application made by

Kanaganayagam Shanthakumar
[name of applicant]

concerning the supply of alcohol at

Best 1 Express
8 Bridge Street
High Wycombe

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

06/0630
[insert personal licence number, if any]

Personal licence issuing authority

Wycombe DC.
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

[Signature]

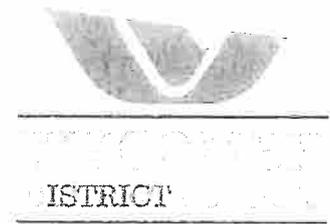
Name (please print)

Kanaganayagam Shanthakumar

Date

1 Aug 2015

Enquiries to: Brian Whittall
 Email: brian.whittall@wycombe.gov.uk
 Direct line: (01494) 421346
 Our ref: 15/01520/LAPRED
 Your ref: 168/PREM
 Date: 28 October 2016



Mr Kanaganayagam Shanthakumar
 14 Hodges Mews
 High Wycombe
 Buckinghamshire
 HP12 3JL

Dear Mr Shanthakumar,

Licensing Act 2003 – Premises Licence

Re: Breach of Section 136

Best One Express, 8 Bridge Street, High Wycombe, HP11 2PT

Following an enforcement visit by Licensing Officers to the above premises on Thursday 27th October 2016, investigations would indicate a number of breaches of the Licensing Act 2003 have been made.

The premises were visited at approximately 14:50 hours and were open to the general public. Officers identified themselves with their warrant cards to Mr Jeevaneethan MURUGANANTHARJAH who gave his address as 14 Hodges Mews, High Wycombe. Mr MURUGANANTHARJAH was the only member of staff on the premises at the time of this visit and he stated he worked 1 day a week at the store.

A full audit of the licence conditions was undertaken and the following licence breaches were noted by officers

- All staff shall attend the recognised BIIAB Level 1 – Award in Responsible Alcohol Retailing training or a suitable equivalent training scheme as approved in advance by the Licensing Authority's Licensing Officer. Such training shall be undertaken by all existing employees within 6 weeks of the decision notice. Any new employees shall also undertake BIIAB Level 1 or equivalent training within 6 weeks of employment. The training records shall be made immediately available for inspection by an authorised officer

[Officers could find no evidence in the training record book that employees Kanagaras KUKAUANNAN and Kirubakaran GNANASATHYAN had completed the minimum BIIAB level 1 course]

- A log book is to be completed recording all incidents of crime and disorder / public nuisance at the premises. The log should include details of the date and time of the incident, persons witnessing the incident and action taken. All records must be made in English. The log book must be made available for inspection by an authorised officer of the Licensing Authority or a Police Officer
- A refusals book must be completed and kept up to date and made available for inspection by an authorised officer of the Licensing Authority or a police officer. All records must be made

in English. Refusal data shall include the date and time of the incident, brief description of refusal, and the name of the member of staff making the record

[Officers noted that it took some time for Mr MURUGANANTHARJAH to locate this record book and officers noted only 1 record in the log book in the last 20 months. This was a refusal and no record of any other incidents was noted]

- No staff to pay for or accept deliveries of goods without the written approval of the Premises Licence Holder

[Upon request no written evidence could be provided to show officers that deliveries received had been authorised]

- Signage for customers to leave quietly shall be displayed in a prominent position on the premises at all times
[Officer did not see any signage on display as required]

Additionally, but not considered a breach at this time, officers had some concerns regarding the compliance with the following condition:

- As a deterrent to anti-social behaviour in the area, no single cans of cider, beer or lager to be dispensed

[Officers noted that there are a large number of single cans of alcohol available for sale. There are no notices informing customers of the licence condition to prohibit single can sales]

Following a routine enforcement visit with the police licensing officer on the 21st October, concerns were raised with you in a telephone conversation that same day regarding your compliance. In a subsequent email to your legal representative on the 24th October I reiterated the advice given to you on the 21st October regarding section 136 of the Licensing Act and the penalties for breaching your licence.

I note from my records that you have had a number of warnings regarding failure to comply with your licence conditions at the above named premises. It would appear that these recent breaches are of a continuing nature given that you are aware of your legal responsibilities. As a result, further offences would be committed should sales of alcohol continue to be made at the store. I would therefore put you on notice of this and advise that no further licensable activities should take place at or from the store until all licence conditions are being complied with. **You are hereby given 5 days to ensure full compliance** (1st November 2016).

As you are no doubt aware, breach of licence conditions is an offence under section 136 of the Licensing Act 2003, which states:

(1) A person commits an offence if—

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be so carried on.

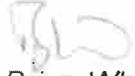
(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Should the premises be considering any licensable activity, for which it is not authorised, then I would advise that this activity does not take place. Should an activity be required by the premises then the Licensing Act makes provision for the current licence to be amended or for a Temporary Event Notice to be applied for.

This notice is a **formal warning** to you not to allow unlicensed activity to take place from the above named premises. Following this warning, should evidence of further breaches of the Licensing Act be witnessed then a prosecution under s136 of the Licensing Act shall be considered.

If you wish to make any additional comments concerning this matter, then please submit these in writing within 14 days.

Yours sincerely,



Brian Whittall
Licensing Officer

Cc *Licensing, Thames Valley Police*
Shankar Sivashankar, Compliance Direct

WYCOMBE DISTRICT COUNCIL

LICENSING ACT 2003

Sections 51 and 52

**GRANT OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE
WHERE RELEVANT REPRESENTATIONS WERE MADE****PREMISES:** Best One, Collins House, High Wycombe, HP11 2PR**TO:**

The Applicant
The Licence Holder
Any Persons who made Relevant Representations
The Chief of Thames Valley Police

Take Notice**THAT** following a review hearing of the Licensing Sub-Committee**ON** Thursday 9th April 2015**WYCOMBE DISTRICT COUNCIL** as the Licensing Authority for the Premises**RESOLVED TO REVOKE THE PREMISES LICENCE**

THE REVOCATION SHALL TAKE EFFECT FROM THE END OF THE PERIOD GIVEN FOR APPEALING AGAINST THIS DECISION OR IF THE DECISION IS APPEALED AGAINST, THE DATE THE APPEAL IS DISPOSED OF. THE CONDITIONS OF THE LICENCE ARE AS SET OUT IN THE LICENCE DATED 1ST MARCH 2007.

REVOCATION

The Premises Licence is revoked.

The effect of this decision is that the licensable activities, namely the sale by retail of alcohol, **MUST NOT** be carried out.**Reasons for the Revocation**

The Licensing Authority took into account the following matters:

1. The application by Buckinghamshire Trading Standards for a review of the premises licence due to the premises not upholding the crime and disorder objective of the Licensing Act 2003 and written and oral representations from

the Trading Standards Officer. In particular, the Panel noted that both non-duty-paid tobacco and a non-duty paid alcohol were available for sale at the premises.

2. The large volume of non-duty paid alcohol throughout the store including items on display, behind the counter and in the store room.
3. The non-duty paid tobacco had been concealed behind the counter and was not openly on display with other tobacco products in the store.
4. The representations made on behalf of the Licence Holder and the additional condition offered to ensure that no further offences were committed in the future.
5. The Licence Holder confirmed that, as the DPS and Licence Holder of the premises, he was wholly responsible for the management of the premises and that he had full confidence in his staff and knowledge of his stock but was unable to explain his management failings.
6. The Licence Holder was not able to provide credible evidence as to the presence of the non-duty paid tobacco and the large quantity of non-duty paid alcohol under his control at the premises.
7. The Licence Holder provided conflicting evidence to the Panel regarding the Notice given to him by HMRC.

Under s.4 of the Licensing Act 2003, the Licensing Authority had a clear statutory duty to promote the Licensing Objectives, including the Prevention of Crime and Disorder. The Panel took account of both the volume of the non-duty paid alcohol and the presence of non-duty paid tobacco, which is also a criminal offence and the Panel considered the only option open to them was to revoke the licence.

In reaching their decision the Panel took into account all the evidence offered at the Review Hearing, the Licensing Act 2003, the Guidance issued under Section 182 of the Licensing Act 2003, in particular paragraphs 11.24 to 11.28 and the Council's Statement of Licensing Policy, in particular paragraphs 8.2 to 8.6.

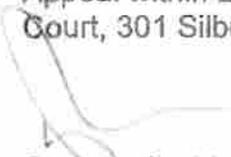
The Licensing Authority felt it appropriate to revoke the Premises Licence instead of imposing a suspension in view of the fact that the Premise Licence Holder had received warnings and advice in respect of other breaches of licence and was unable to provide a credible explanation for the presence of the non-duty paid alcohol and tobacco on the premises. In the light of these management failings the Panel felt that the situation was so serious that no other steps would ensure promotion of the licensing objectives.

Human Rights:

In reaching its decision the Panel has taken into account the relevant provisions of the Human Rights Act 1998, namely:

- Article 6 – the right to a fair hearing
- Article 8 – the respect for private and family life
- Article 1, First Protocol – peaceful enjoyment of possessions

Any Party aggrieved by the Decision given in this Notice may make a written Appeal within 21 days to the Clerk to the Justices, Milton Keynes Magistrates Court, 301 Silbury Boulevard, Witan Gate East, Milton Keynes, MK9 2AJ.



Clerk to the Licensing Sub-Committee

Date: 21.04.15



Enquiries to: Alaka Thomlinson
Email: alaka.thomlinson@wycombe.gov.uk
Direct line: 01494 421253
Our ref: AT / 003241
Your ref:
Date: 21st April 2015

Mr Kanaganayagam Shanthakumar
Best One
No 8 Collins House
Desborough Road
High Wycombe
Buckinghamshire
HP11 2PR

Dear Sir/Madam,

Best One, 8 Collins House, Desborough Road, High Wycombe, HP11 2PR

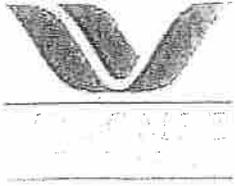
I refer to the above Hearing and now enclose for your attention the Decision Notice.

Please note that any party aggrieved by the Decision given in the Notice can make a written Appeal within 21 days to the Wycombe and Beaconsfield Magistrates Court. The address of the Court is contained in the attached Decision Notice.

Should you have any legal questions in connection with this decision, please do not hesitate to contact me on the above telephone number.

Yours faithfully,

Alaka Thomlinson
Solicitor
Litigation, Contract and Property Section



Licensing Act 2003 Premises Licence

Reference Number

15/01520/LAPRED

Premises Licence Number

168/PREM

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Best One Express
8 Bridge Street
High Wycombe
Buckinghamshire
HP11 2PT

Telephone number

01494 440769

Licensable activities authorised by the licence

Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Every Day

10:00 - 00:00

The opening hours of the premises

Every Day

06:00 - 00:00

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

The Licence authorises the supply of alcohol off the premises only

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

Kanaganayagam Shanthakumar
14 Hodges Mews
High Wycombe
HP12 3JZ
Tel: 07717 75463

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

Kanaganayagam Shanthakumar
14 Hodges Mews
High Wycombe
HP12 3JZ

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

Ref: 05/0574/PERSON

Issued by: Wycombe District Council

Date: 11th August 2015

Signed: 

Authorised Officer

Annex 1 – Mandatory conditions

For the purposes of this schedule;

"the Act" means the Licensing Act 2003;

"Anti-Social Behaviour" has the meaning given in section 36 of the Anti-social Behaviour Act 2003;

"Disability" has the meaning given in section 1 of the Disability Discrimination Act 1995;

"Relevant Premises" has the meaning given in paragraphs (a) and (b) of the definition in section 159 of the Act;

"Responsible Person" has the meaning given in paragraphs (a) and (b) of the definition in section 153(4) of the Act (the relevant parts of which are attached to this licence)

Mandatory Condition – s19 of the Licensing Act 2003

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.

Every supply of alcohol under the premises licence must be made authorised by a person who holds a personal licence

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010 AS AMENDED BY THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014:

Mandatory Condition 1

(1) 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.

(2) In this paragraph, 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 premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (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
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(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;

(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;

(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;

(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)

Mandatory Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Mandatory Condition 3

(1) 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

- (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

Mandatory Condition 4

The responsible person must ensure that—

(a) 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—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) 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."

MANDATORY CONDITIONS SPECIFIED BY THE LICENSING ACT 2013 (MANDATORY CONDITIONS) ORDER 2014:

Mandatory Condition 5

1. 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

2. For the purposes of the condition set out in paragraph 1—

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- (b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (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
 - (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;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (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
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b)

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this 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

4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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

(2) 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

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

Prevention of Crime & Disorder

- All alcohol offered for sale shall be labelled with a sticker showing the shop name
- All staff shall attend the recognised BIIAB Level 1 – Award in Responsible Alcohol Retailing training or a suitable equivalent training scheme as approved in advance by the Licensing Authority's Licensing Officer. Such training shall be undertaken by all existing employees within 6 weeks of the decision notice. Any new employees shall also undertake BIIAB Level 1 or equivalent training within 6 weeks of employment. The training records shall be made immediately available for inspection by an authorised officer
- From 2300 hours until the premises closes to members of the public there shall be a minimum of two BIIAB Level 1 trained staff on the premises at all times
- The Premises Licence Holder will maintain a register under which staff will record the date and supplier of every item of alcohol and tobacco stock cross referenced against the receipt for the item purchased.
- Goods will not be accepted by staff unless the receipt displays the preprinted name, address, contact number and VAT number of the supplier.
- All receipts for purchases of alcohol and tobacco purchased in the preceding 12 months will be kept at the premises and be available for inspection upon request of an authorised officer so as to be able to identify from where any items of alcohol or cigarettes were purchased.
- If boxes are damaged or have previously been opened items of alcohol or tobacco will not be accepted by staff.
- No alcohol or tobacco is to be stored under the counter.
- All staff are to be trained in the above procedure and a training record kept which will be available for inspection by a Licensing Officer.
- No staff to pay for or accept deliveries of goods without the written approval of the Premises Licence Holder

Annex 4 – Plans

See plans with ref# 11/00457/LAPREN

2003

17/12

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, **Andy Dean**, on behalf of the Chief Constable of Thames Valley Police,

(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

Best One Express, Bridge Street

Post town High Wycombe

Post code (if known) HP11 2PT

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

Shanthakumar Kamaganayagam

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

0168 / PREM

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)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current address

Post Town

Postcode

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

Thames Valley Police
Thames Valley Police Headquarters South
Oxford Road
Kidlington
OX5 2NX

Telephone number (if any)

01865 846597

E-mail address (optional)

licensing@thamesvalley.pnn.police.uk

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

Tick one or more boxes



1) the prevention of crime and disorder



2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

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

Crime and disorder – selling to intoxicated persons, breach of conditions, non-compliance with the Licensing Act

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

In 2015 Trading Standards visited the shop and located illegal cigarettes and alcohol following which they applied for a Review of the licence.

On 18th October 2019 Thames Valley Police licensing officer (Andy Dean) along with the licensing manager from Wycombe District Council licensing attended the premises as part of a wider licensing enforcement evening. It was found that a number of conditions were not being met. These included;

1. Only Page 1 of the Summary was on display when two pages should be displayed
2. The incident log presented was not completed
3. There were no training records on site to prove that the member of staff claiming he had a personal licence but couldn't provide it
4. The records are also used to show that all staff have at least completed a BiiAB Level One course as per their conditions
5. There were cans of 'K' Cider (a white cider) in the fridge display again in contravention of their licensing conditions.

ON the 27th October 2019, plain clothes officers (PS Hoskin and another) were on duty in the area looking at other matters when Sgt Hoskin noticed two local street drinkers staggering down Bridge Street towards them one physically holding the other up. Outside the premises the one being held up stepped away from his friend and staggered into the shop and he asked for a couple of cans which were duly collected from the fridge by the staff member and sold to him for cash, placing them in a black plastic carrier bag, the male then staggered back outside where once again his friend took hold of him and they staggered off. An on duty PCSO was approached by PS Hoskin to try to locate the males and check in the bag as to what had been sold – this was done and she could only see the top of the cans not

what they actually were. This was fed back to PS Hoskin who entered the shop and spoke with the staff member who stated he had asked the male if he was drunk to which the response was similar to 'no I'm not'.

The incident was reported to Andy Dean (Thames Valley Police – licensing officer at Wycombe) via a Gen 40 (Licensed Premises Incident Report) see APPENDIX A.

This incident was then reported the matter to WDC licensing who requested CCTV from the premises but were unable to view what was provided. The CCTV was passed to Andy Dean (TVP licensing) who has downloaded it on to a DVD and it is available for viewing should the panel require it.

The PCSO at the time has provided a statement (See APPENDIX B) identifying the party involved and the level of intoxication of him which was Level 4 (see APPENDIX C).

Although these two incidents don't necessarily amount to an ongoing problem in their own right they are breaches of conditions and criminal offences for which the DPS / Licensee has had no believable explanations for. He seems not to know the conditions on his licence and it appears that history is almost repeating itself; – 8th April 2015 – joint TVP / WDC licensing check – no licence summary displayed, staff member stated not trained to BiiAB Level One.

Thames Valley Police licensing try to work closely with their licensees and will try to educate them so that conditions are not breached or criminal offences committed. However in this particular case we do not believe that this Licensee / DPS has listened to the advice offered and therefore does not properly manage his licence effectively and therefore we feel that our only option is to request it be revoked.

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

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 (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature A. P. Dean

Date 19/11/2019

Capacity Licensing Officer – Thames Valley Police

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

Andy Dean, Police Station, Queen Victoria Road

Post town
High Wycombe

Post code
HP11 1BE

Telephone number (if any)

01865 309 275

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

Andy.Dean@thamesvalley.pnn.police.uk

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

Submitting Officer		
Shoulder No/Name: P1030 James Hoskin	Station: High Wycombe	LPA: Wycombe

Incident References			
Premises Name/Location: Best 1 Express, Bridge St, High Wycombe			
Incident Date:	27/10/19	Incident Time:	18.15
Command & Control URN:	N.A	Crime Report(s):	N.A
CCTV Seized?	No		
Sources of Information:	Police Office reporting		

Nature of Incident – what happened?

Officer was in plain clothes and in an unmarked vehicle, while observing an unrelated incident, Officer observed a well known street drinker, being supported by his friend as he walked along Bridge Street, High Wycombe. The individual appeared to be intoxicated. The friend then let the male go, he then entered the shop mentioned above. Moments later, the male came out of the shop carrying a black plastic bag which he did not have when he entered. The male then leaned on his friend again and the pair walked away towards Desborough Road. The pair were seen to enter a Church hall on West End Street, as an event was taking place. Officer reported returned to the shop. He spoke to a member of staff who produced photographic identification, with the details of Mr Mohanananeethan Muruganantharajah, date of birth 29/04/96. This male stated that he was an employee for the store. I explained to the male that I believed that he just served a male who was intoxicated, I described the male in question to him (Shaun Barratt) and he remembered the male, he stated that he had sold him to cans of lager. The male said that he asked Barratt if he was drunk but he said he wasn't. The member of staff also stated that he had been told that Barratt had a bad back and had been in hospital. The member of staff then said "I am in trouble now?" I explained that I would be in touch.

Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?

The member of staff was compliant with me and answered my questions.



Police Response – what action was taken? Please identify the main officers who dealt with the incident.

Police attended and located the male who had been served. A statement will be completed by PCSO De Vita describing how Barratt was intoxicated.
For information, if the CCTV is viewed, Barratt is wearing a black coat with the hood up. He has a large beard,

Persons Involved - to add more rows click into the final cell of this table

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
Mohanananeethan Muruganantharajah	29/04/96	Member of staff		
Male seen entering store	re dacted	intoxicated male		

--	--	--	--	--

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

WITNESS STATEMENT

(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)

		URN	
Statement of	Oriana De Vita		
Age if under 18	Over 18	Occupation	PCSO
This statement (consisting of 1 page(s)) 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.			
Signature	O. De Vita PCSO 9870	Date	19/11/2019

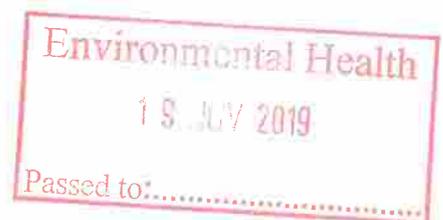
This statement is in relation to a conversation that I had with an intoxicated male (name redacted).

On Sunday 27th OCTOBER 2019 at approximately 19:45 I was asked by SGT HOSKIN P1030 to welfare check a male who appeared to be intoxicated. I was given his name as Shaun BARETT. As I engage with this male on a regular basis I know that he is an alcoholic who loiters in the town centre, He had gone KINGS CHURCH WEST END ROAD HIGH WYCOMBE for a homeless meal.

As I entered into the church I saw (male) using a chair to hold him up. I asked him if he was feeling ok and he laughed stating that he was his usual self. As there was a strong smell of alcohol coming from his person I asked him if he had had a lot to drink today. He replied "OF COURSE I HAVE I'M AN ALCHOLIC" I then asked him why he was holding the chair to help him stand up. "I AM A LITTLE TIPSY THAT'S WHY" he responded. He informed me that he will be going to hospital this evening to get himself checked as he was feeling unwell but he wanted to eat first. I told him that he would need to sober up before going to the hospital.

I believe (male) to have been level 4 intoxication. He had an inability to stand, slurred speech, disorientation. He had loss of bladder as he smelt of urine and had wet trousers. Although I converse with him almost daily on my shifts he appeared quite fearful. (Male) is 53 years old. He has balding hair and a long white beard. He is approximately 6ft. He has blue eyes. (Male) was wearing a Black coat with a hood up. He had a black bag in his possession with cans of larger in. I was with (Male) for less than 5 minutes and he was brought to my attention for a welfare check.

Completed and signed by O De Vita PCSO9870.



Signature:	Signature of Witness: O De Vita	Witnessed by: N/A
------------	--	--------------------------

LEVELS OF INTOXICATION

Level 1 (Euphoria)	Lowered inhibitions More talkative Mild euphoria Increased self-confidence Diminished attention, judgment and control
Level 2 (Excitement)	Dulled senses (impaired perception, judgement, memory and comprehension) Poor co-ordination, Slow reaction time Impaired balance Slightly slurred speech Drowsiness
Level 3 (Confusion)	Disorientation Exaggerated emotions (fear, rage, grief etc) Staggering gait, Slurred speech Increased pain threshold Impaired vision
Level 4 (Stupor)	Inability to stand, walk or communicate Vomiting Loss of bladder/bowel control Decreased response to stimuli General inertia/apathy Impaired consciousness
Level 5 (Coma)	Complete unconsciousness Shallow breathing Slow pulse Low body temperature Unresponsive



Brian Whittal

From: Dean Andy (Licensing) <Andy.Dean@thamesvalley.pnn.police.uk>
Sent: 19 November 2019 11:14
To: Brian Whittal; 'WDC-SBDCfiresafety@bucksfire.gov.uk'; Andrew Collinson; Control of Pollution; Planning; 'egranville@buckscc.gov.uk'; 'tsd@buckscc.gov.uk'; 'publichealth@buckscc.gov.uk'; 'alcohol@homeoffice.gsi.gov.uk'
Subject: Application to Review Best One Express - High Wycombe
Attachments: 19-11-14 review application.docm; 19-10-27 intoxication sales - redacted.docx; 19-11-19 PCSO De Vita MG11 readcted.docx; Intox levels. doc - 2.doc

Dear Licensing Authority and Relevant Authorities,

Please find attached an application to Review the premises licence of Best One Express, 8 Bridge Street, High Wycombe under the Prevention of Crime and Disorder

Kind regards

Andy

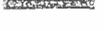
Andy Dean C2915 - Licensing Officer (Wycombe);
Address – Police Station, Queen Victoria Road, High Wycombe, Bucks HP11 1BE
Telephone - (Ext) 01865 309275, (int) 312 6077
Headquarters – 01865 542 059
(Hours – Mon – Thurs 0700 – 1530, Fri 0700 – 1500)
NOT RESTRICTED



Thames Valley Police currently use the Microsoft Office 2007 suite of applications. Please be aware of this if you intend to include an attachment with your email. This communication contains information which is confidential and may also be privileged. Any views or opinions expressed are those of the originator and not necessarily those of Thames Valley Police. It is for the exclusive use of the addressee(s). If you are not the intended recipient(s) please note that any form of distribution, copying or use of this communication or the information in it is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to: informationsecurity@thamesvalley.pnn.police.uk and to the sender. Please then delete the e-mail and destroy any copies of it. Thank you.

Click [here](#) to report this email as spam.

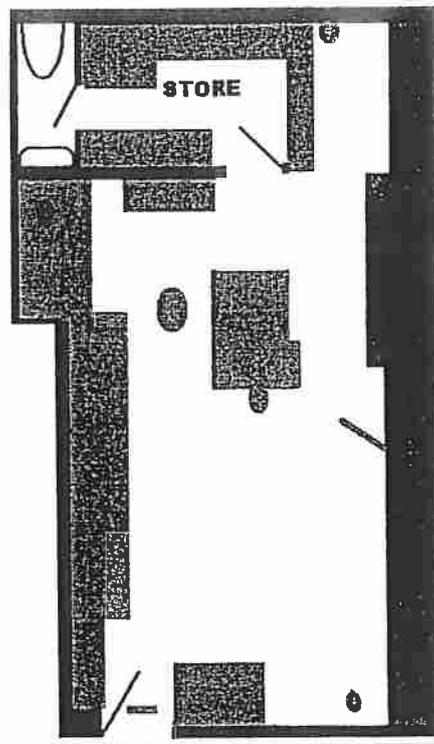
PREMISES: BEST ONE EXPRESS, 8 BRIDGE STREET, 1
BUCKINGHAMSHIRE, HP11 2PT

-  ALCOHOL DISPLAY
-  ALCOHOL, CIGARETTES AND GENERAL,
COUNTER
-  CCTV
-  EMERGENCY LIGHTING,
-  STORE SHELVING
-  FIRE EXTINGUISHER 3KG POWDER
-  GENERAL GOODS
-  SMOKE DETECTOR
-  SECURITY DOOR
-  SECURITY SHUTTERS
-  RAISED PLATFORM

ii/01488/LAPRE

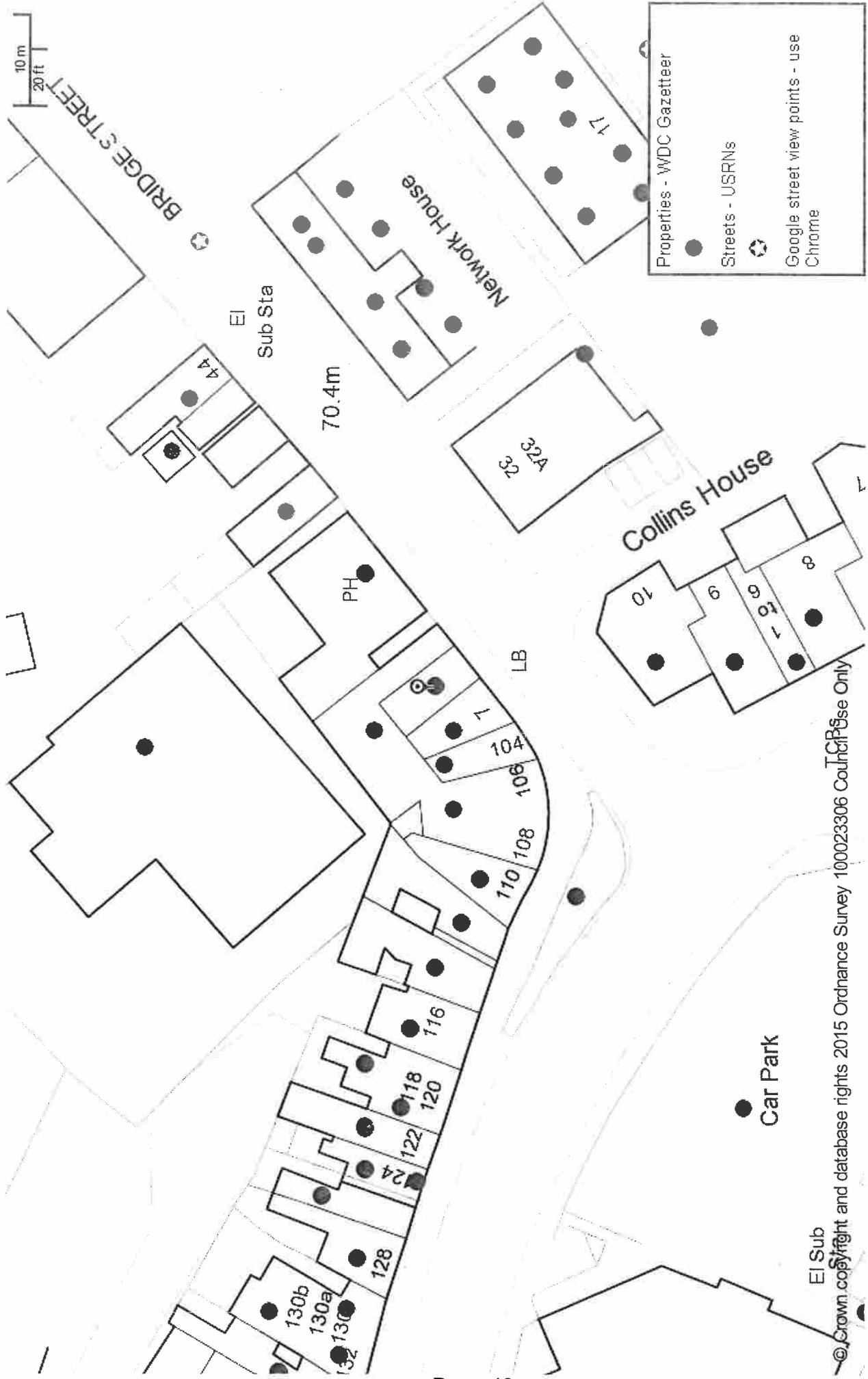
STAFF
ONLY W.C.

WHOLE OF SHOP FLOOR TO
BE LICENSED FOR
ALCOHOL DISPLAY



ENTRANCE AND
FIRE EXIT 80CM
WIDTH

SCALE 1:100



Properties - WDC Gazetteer ●

Streets - USRNs ○

Google street view points - use Chrome ○



© Wycombe District Council

© Crown copyright and database rights 2015 Ordnance Survey 100023306 Council Use Only

iShare printing

Scale: 1:567

Printed on: 23/12/2019 at 9:24 AM

This page is intentionally left blank

LICENSING PANEL HEARING (REVIEW) CHAIRMAN'S NOTES

INTRODUCTION

Good (*morning/afternoon*) ladies and gentlemen and welcome to Wycombe District Council

I just want to introduce myself and the rest of the Panel and explain briefly the procedure for today's hearing.

But before I do so, I would ask you all to switch off your mobile phones. Also, in the event of the alarm going off please evacuate the room in an orderly manner, follow me and assemble in the front of the Council offices.

I am the Chairman of the panel today and my name is Cllr.....

I am accompanied by Cllr..... and Cllr

You should all have a copy of the Council's Procedure to be followed today and we have spare copies should anyone need one. I would like to draw your attention particularly to point 13, which deals with the order of oral presentations. This is the order that will be followed today:

Order of Oral Presentations

- a. The Licensing Officer will present the report on the application and outline any objections received. He/she will refer in particular to objections and representations where a party has chosen not to attend the hearing.
- b. Any party may question the Licensing Officer.
- c. The Panel may question the Licensing Officer.
- d. Any Responsible Body/Applicant having made a written representation may present their case.
- e. Any other person may question a Responsible Body/Applicant.
- f. The Panel may question a Responsible Body/Applicant.
- g. Any other person, having made a written representation, may present their case.
- h. Any other party may question a person who has made a written representation.
- i. The Panel may question the person who has made a written representation.

I would remind those making representations and any person speaking on their behalf that the purpose of this hearing is to amplify and expand upon written representations which have been made as part of the application process. Speakers *must* therefore stick to these issues, as new evidence or information cannot be heard at this stage. Oral presentations should be to the point and should not be used as a means to make long speeches. I would remind all parties that the Chair retains the right to conclude oral presentations that drift onto those matters not applicable to the Licensing Act, or that include matters not relevant to this hearing and its jurisdiction.

If any parties want to appoint a spokesperson, please let me know now before we commence the hearing.

Additional points

You should also have been provided with the Council's statement of licensing policy and a plan of the relevant area.

- At this stage before the hearing begins, as part of procedural matters, may I ask the Applicant if there are any amendments or changes to be considered by the Panel or if the Application is to stand as submitted to the Council?
- Are there any other procedural matters that we need to resolve before we begin the hearing?

I would like to start by going around the room so that everybody can introduce themselves and the capacity in which they are here.

Unless there are any urgent questions we will now proceed with the hearing.

We will start by formally opening the Panel with the Agenda in front of you:

- Apologies for Absence
- Declarations of Interest
- Introductory Remarks

Will the Licensing Officer now please present his/her report on behalf of the licensing authority?

CLOSING

We have now heard all of the representations and unless anyone has anything further to add we will now go into private session so that the Panel may consider the application in light of what we have heard and read. The legal advisor and clerk will accompany us whilst a decision is reached.

The Legal Advisor will endeavour to notify you of our decision in writing forthwith, but in any case no later than 7 days, if there is to be a delay the Licensing Officer will inform you of this.

Thank you all for attending.