

NOTICE IS HEREBY GIVEN that a hearing of the **LICENSING SUB-COMMITTEE** will be held in **MEETING ROOM 1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **TUESDAY, 9 SEPTEMBER 2014** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

**A G E N D A**

**ITEM LED BY**

**APOLOGIES**

<b>1. ELECTION OF CHAIRMAN</b>	
<b>2. INTRODUCTION</b>	<b>Chairman</b>
<b>3. MEMBERS' INTERESTS</b>  To receive from Members, declarations as to disclosable pecuniary, non-disclosable pecuniary or non pecuniary interests in relation to any Agenda item. See Notes below.	
<b>4. LICENSING SUB-COMMITTEE PROCEDURE</b> (Pages 1 - 6)	<b>Chairman</b>
<b>5. REVIEW</b> (Pages 7 - 52)  To consider an application for a review of a premises licence made under Section 52(2) of the Licensing Act 2003 by the following: -  Time:            2pm  Applicant:      Cambridgeshire County Council - Trading Standards  Premises:       Mani's Convenience Store East Street St Ives PE27 5PD	<b>Mrs C Allison 388010</b>
<b>6. EXCLUSION OF PRESS AND PUBLIC</b>  To resolve:-  to exclude the press and public from the hearing during the determination of the application.	

## 7. DETERMINATION

Dated this 21 day of August 2014



Head of Paid Service

### Notes

#### 1. Disclosable Pecuniary Interests

(1) Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.

(2) A Member has a disclosable pecuniary interest if it -

- (a) relates to you, or
- (b) is an interest of -

- (i) your spouse or civil partner; or
- (ii) a person with whom you are living as husband and wife; or
- (iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) Disclosable pecuniary interests includes -

- (a) any employment or profession carried out for profit or gain;
- (b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);
- (c) any current contracts with the Council;
- (d) any beneficial interest in land/property within the Council's area;
- (e) any licence for a month or longer to occupy land in the Council's area;
- (f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or
- (g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

#### Other Interests

(4) If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.

(5) A Member has a non-disclosable pecuniary interest or a non-pecuniary interest where -

- (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- (b) it relates to or is likely to affect any of the descriptions referred to above, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association

*and that interest is not a disclosable pecuniary interest.*

## **2. Filming, Photography and Recording at Council Meetings**

*The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link - [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.*

**Please contact Mrs A Jerrom, Democratic Services, on Tel No. 01480 388009/e email: [Amanda.Jerrom@huntsdc.gov.uk](mailto:Amanda.Jerrom@huntsdc.gov.uk) if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.**

**Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.**

**Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.**

*Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (under Councils and Democracy).*

**If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.**

### ***Emergency Procedure***

*In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.*

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## HUNTINGDONSHIRE DISTRICT COUNCIL

### LICENSING SUB-COMMITTEE PROCEDURE

#### 1. Introduction

- 1.1 The following proceedings apply to the licensing sub-committees established by the Licensing Committee of the Huntingdonshire District Council acting as the Licensing Authority.

#### 2. Membership

- 2.1 Each licensing sub-committee shall comprise three Members appointed by the Licensing Committee from amongst its membership. A sub-committee shall elect a Chairman from amongst its members at each meeting, for the purpose of that hearing or meeting.
- 2.2 The quorum for hearings and meetings of a sub-committee shall be three members.
- 2.3 Members shall endeavour to be present throughout an individual hearing by a sub-committee. If a member of a sub-committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the period whilst that member is unavailable. Any member who is absent from a hearing for any reason whilst that hearing is taking place shall be precluded from commencing or continuing to take part in the matter under debate upon his arrival/return and from voting upon the matter at the conclusion of that item of business.
- 2.4 Where the Sub-Committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he has not attended that site visit.
- 2.5 A member will not take part in a hearing or meeting at which a matter is being discussed which relates to a premises licence, club premises certificate, temporary events notice or personal licence where either the premises or the person is resident in the ward which he represents.

#### 3. Notice of Hearings

- 3.1 Upon the date of a hearing of a sub-committee being arranged, notice shall be given to the parties to the hearing in accordance with the requirements of the Hearings Regulations. For the purposes of this procedure, a party is defined as an applicant for a licence or certificate, a person who has given a temporary events notice, a responsible authority or a person or business that has submitted relevant representations in respect of an application or applied for a review of a licence or certificate and, in certain additional instances, the Chief Officer of Police.
- 3.2 The notice of the hearing shall be accompanied by a copy of this procedure which sets out
  - the right of attendance at a hearing by a party and the right to submit representations etc.

- the consequences if a party does not attend or is not represented at a hearing
  - the procedure to be followed at the hearing
- 3.3 The notice of the hearing will also be accompanied by copies of the documents required by the Hearings Regulations and any particular points upon which the Sub-Committee considers that it will want clarification from a party at the hearing.
- 3.4 Where a hearing is to be held on more than one day, the hearing will be arranged so that it takes place on consecutive working days.

#### **4. Action Following Receipt of Notice of Hearing**

- 4.1 Upon receipt of a notice of a hearing, a party is required to give notice to the licensing authority whether
- he intends to attend or be represented at the hearing,
  - he wishes to request permission for any other person to appear at the hearing, accompanied by the name of the person and a brief description of the point(s) to be made by the person, and
  - he considers the hearing to be necessary.
- 4.2 A party should notify the licensing authority within the following timescales-
- 1 working day of the hearing in the case of a cancellation of an interim authority notice following police objections or a counter notice following police objection to a temporary events notice;
  - 2 working days of the hearing in the case of a review of a premises licence following a closure order or the conversion of an existing licence or club premises certificate or an application by the holder of a justices' licence for a personal licence; or
  - 5 working days of the hearing in all other cases.
- 4.3 Notice may be given to licensing authority by electronic means to the address [democratic.services@huntsdc.gov.uk](mailto:democratic.services@huntsdc.gov.uk) but upon sending the notice by this means, a party must also give the notice to the licensing authority in writing.
- 4.4 A sub-committee may dispense with the holding of a hearing if all of the parties have given notice that they consider a hearing to be unnecessary. Where the parties have agreed that a hearing is unnecessary in such circumstances, the Council shall give notice to the parties that the hearing has been dispensed with.
- 4.5 Where a hearing has been dispensed with, the matter which was to have been the subject of the hearing shall be determined at a meeting of the Sub-Committee.

#### **5. Withdrawal of Representations**

- 5.1 A party may give notice to the licensing authority no later than 24 hours before the commencement of the hearing that he wishes to withdraw his representations or he may do so orally at the hearing.

## **6. Extension of Time**

- 6.1 The Sub-Committee may extend any of the time limits specified in this procedure where it considers it necessary to do so in the public interest and shall give notice of the extension of time and the reason for it to the parties to the hearing.
- 6.2 The Sub-Committee may adjourn the hearing or arrange for it to be held on specified additional days, where it considers this to be necessary to consider any representations made by a party. The parties to the hearing will be notified of the adjournment or rearrangement.
- 6.3 In considering any extension of time or adjournment, the Sub-Committee will not exercise its powers so that an application is deemed as granted or rejected in accordance with the transitional arrangements specified in the Act.

## **7. The Hearing**

- 7.1 The Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. The Sub-Committee will normally resolve to exclude the public from that part of the hearing during which the Sub-Committee determines the matter which is the subject of the hearing.
- 7.2 Subject to the above, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified
- 7.3 At the commencement of the hearing, the Chairman shall introduce the members of the Sub-Committee and any officers in attendance to support the Sub-Committee and shall ask the parties and any persons accompanying them to state their names and addresses or who they represent. The Chairman shall explain to the parties present that the hearing is subject to this procedure, copies of which will have been distributed to the parties with the notice of the hearing, and shall enquire of the persons present whether there are any questions of clarity or explanation about its contents.
- 7.4 The Sub-Committee shall consider any request from another person to appear at the hearing of which notice has been given but such permission shall not be unreasonably withheld.

### **Procedure in all cases other than an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence**

- 7.5 The Licensing Officer will present the application. The Chairman will then invite the applicant or his representative to address the Sub-Committee on his application, to respond to any point(s) upon which notice has been given that clarification is required by the licensing authority and to call any person(s) to whom permission has been granted to appear in support of his application.

The applicant will be allowed a maximum period of time of twenty minutes in which to address the Sub-Committee and call persons on his behalf.

- 7.6 The applicant or his representative or any person called on his behalf may then be asked any questions upon their presentation by any member of the Sub-Committee or by any of the other parties present at the hearing or their representatives.
- 7.7 The Chairman will then invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person(s) to whom permission has been granted to appear. Each party will be allowed a maximum period of time of twenty minutes in which to address the Sub-Committee and call persons on his behalf. The sequence in which each of the parties will be invited to address the Sub-Committee will be at the discretion of the Chairman but will normally be in the order of the Chief Officer of Police, the Fire Authority, the health and safety at work enforcing authority, the local planning authority, the local environmental health authority, the local weights and measures authority, the authority responsible for the protection of children from harm, a navigation or other authority responsible for waterways and any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee.
- 7.8 The party or his representative or any of his witnesses may be asked any questions upon their presentation by any member of the Sub-Committee or by the applicant or his representative or any of the other parties present at the hearing or their representatives.
- 7.9 Where relevant written representations have been received and the party submitting those representations has given notice of his intention not to attend the hearing, the parties present will be invited by the Chairman to indicate whether they wish to comment on the representations submitted. The Sub-Committee may take into account documentary or other evidence submitted by a party either in support of their application, notice or representations either before the hearing or, with the consent of all of the other parties present, at the hearing.
- 7.10 Where appropriate, the Chairman shall remind the parties that their representations should be relevant to the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Sub-Committee shall disregard any information given by a party or person permitted to appear which is not relevant to their application, notice or representations or to the licensing objectives. If, in his opinion, the Chairman feels that the representations being made are not relevant, he may, after first reminding the party of the need for relevance, advise the party that he will no longer be heard. Where in the opinion of the chairman, a party is being repetitious, vexatious or slanderous in his remarks, the Chairman may first warn the party and may then advise the party that he will no longer be heard. The ruling of the Chairman shall be final in such circumstances.
- 7.11 The Chairman may require any person who in his opinion is behaving in a disruptive manner at a hearing to leave the hearing and may refuse to permit that person to return or to return only upon complying with such conditions as the Chairman may specify. However any such person may submit any

evidence in writing that they proposed to give orally, provided that they do so before the end of the hearing.

- 7.12 After each party has addressed the Sub-Committee and after comments have been invited on written representations, the applicant or his representative will be invited by the Chairman to sum up his application for a time not exceeding two minutes but without introducing any new evidence to the proceedings.

**Procedure in cases relating to an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence**

- 7.13 In the case of such hearings, the above procedure shall be followed with the exception that the applicant for a review of a premises licence or a club premises certificate or the chief officer of police in the case of an objection notice where convictions have come light after the grant or renewal of a personal licence will be invited to address the Sub-Committee first and to call any person(s) to whom permission has been granted to appear.
- 7.14 After any questions have been dealt with the holder of the licence or certificate will be invited to address the Sub-Committee and to call any person(s) to whom permission has been granted to appear.
- 7.15 There shall be no right of reply for the applicant for a review of the licence or certificate or for the Chief Officer of Police.

**8. Determination of Applications**

- 8.1 At the conclusion of the hearing, the Sub-Committee will determine the application in accordance with the timescales specified in the Hearings Regulations but, in any event, will endeavour to do so as soon as practicable after the hearing has concluded.
- 8.2 Where a hearing has been dispensed with in accordance with paragraph 4.2 above, the application will be determined by the Sub-Committee within 10 working days of notice having been given to the parties that the hearing has been dispensed with.
- 8.3 The Licensing Authority will notify the applicant and parties of its decision forthwith upon the making of the decision.
- 8.4 A record shall be taken of the hearing by the licensing authority which shall be retained for six years after the date of the determination of the hearing or the disposal of an appeal against the determination.

**9. Meetings of the Sub-Committee**

- 9.1 Any meetings of the Sub-Committee, other than hearings described above, shall be subject to the proceedings adopted by the Licensing Committee for the conduct of its own business except where otherwise stated above.

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LICENSING SUB- COMMITTEE

9 September 2014

**LICENSING ACT 2003  
REVIEW OF PREMISES LICENCE  
MANI'S CONVENIENCE STORE, 17 EAST STREET, ST IVES PE27 5PD  
(Report by the Head of Community)**

**1. INTRODUCTION**

- 1.1 On the 21<sup>st</sup> June 2013, Huntingdonshire District Council granted a premises licence HDC/PRE00632 to Mani's Convenience Store under the Licensing Act 2003 ('the Act'). The premises had previously been operating as a convenience store, but did not sell alcohol.
- 1.2 Mr Moorthy Mani is the current premises licence holder. He has also been the Designated Premises Supervisor (DPS) since the grant of the licence in June 2013. Prior to becoming the DPS at Mani's Convenience Store, Mr Mani was the DPS for the Shell Garage, Fenstanton. Mr Mani has held a personal licence since 22 November 2011 HDC/PER01419.
- 1.3 The Act sets out the proceedings for reviewing premises licences, representing a key protection for the community where problems associated with the licensing objectives occur after the grant of a premises licence. Any responsible authority or other person may apply for the review of a licence if concerned about licensable activities at premises that are relevant to the promotion of one or more of the licensing objectives.

**2. GENERAL DUTY**

- 2.1 The Sub-Committee is reminded that the licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives which are –
  - (a) the prevention of crime and disorder,
  - (b) public safety,
  - (c) the prevention of public nuisance, and
  - (d) the protection of children from harm.
- 2.2 The licensing authority must also have regard to –
  - (a) its licensing statement, and
  - (b) any statutory guidance issued by the Home Office under Section 182 of the Act.
- 2.3 The Licensing Authority is bound by the Human Rights Act 1988. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

**3. APPLICATION FOR REVIEW OF LICENCE**

- 3.1 On the 16<sup>th</sup> July 2014, Andrew Fayers, Trading Standards Officer, acting on behalf of Cambridgeshire County Council, a responsible authority, submitted to the licensing authority an application for the review of the premises licence for Mani's Convenience Store. The review states there has been a clear breach of the licensing objective of the prevention of crime and disorder,

following the sale, or offering for sale counterfeit vodka, namely Selekt and Commissar. Trading Standards Officers consider that the premises do not have adequate systems and procedures in place to prevent the illegal supply of goods from the premises and that the sale of counterfeit vodka constitutes participation in crime and disorder. The review is requested in the interests of protecting innocent customers and consumers of goods originating from the premises. The application further requests that the licence is revoked. A copy of the application for review with supporting documents and the current licence are attached as Appendix A.

- 3.2 Between 17<sup>th</sup> July and 13<sup>th</sup> August 2014, the requisite public notice advertising the review was placed on the premises, at the offices of the licensing authority and on the licensing authority's website. A copy of the public notice is attached as Appendix B.

#### **4. REPRESENTATIONS**

- 4.1 During the period for the receipt of representations, one representation was received from a responsible authority, the Chief Officer of Police, Cambridgeshire Constabulary. The representation supports the County Council's review request owing to the clear breach of the licensing objective of the prevention of crime and disorder by the premises licence holder and DPS, permitting the sale of counterfeit vodka. The police express the view that by allowing the sale of illicit/counterfeit goods, the licence holder/DPS is contributing to crime and disorder. The representation states that the illicit manufacturing of alcohol has historical links to organised crime groups. Not paying the relevant duty, failing to keep records and agreeing to sell alcohol of unknown origins for personal gain is clearly putting members of the public who use this store at risk. The representation requests that the premises licence be revoked. The representation is attached in its entirety as Appendix C.

- 4.2 No other representations were received following public notice of the review.

#### **5. CONCLUSION**

- 5.1 Having considered the review application and representation contained and attached to this report and any other information presented at the hearing, the Licensing Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives –

- (a) to modify the conditions of the licence,
- (b) to exclude a licensable activity from the scope of the licence,
- (c) to remove the designated premises supervisor,
- (d) to suspend the licence for a period not exceeding three months,
- (e) to revoke the licence.

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.2 Government Guidance, paragraphs 11.16 – 11.23 cover the range of powers of the licensing authority on determining a review, where considered appropriate for the promotion of the licensing objectives.

- Paragraph 11.20 states that in deciding which powers to invoke, it is expected that the licensing authority 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.

- Paragraph 11.21 states licensing authorities should be alive to the possibility that the removal and replacement of the DPS may be sufficient to remedy a problem where the cause for concern directly relates to poor management decisions made by that individual.
- Paragraph 11.22 states that if poor management is a direct reflection of poor company practice, the mere removal of the DPS may be an inadequate response to the problems presented.
- Paragraph 11.23 points out that modifications of conditions and exclusions of licensable activities may be imposed permanently or for a temporary period of up to three months. It is 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. 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.

5.3 Government Guidance paragraphs 11.24 – 11.28 cover reviews arising in connection with crime.

- Paragraph 11.26 states that the licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- Paragraph 11.27 lists matters that should be treated particularly seriously.
- Paragraph 11.28 envisages that the responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authorities 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.

5.4 An appeal is available to the Magistrates' Court in respect of the decision of the Sub-Committee. An appeal may be made by the applicant for the review, the holder of the premises licence and any other person who has submitted a representation.

## **6. RECOMMENDATION**

6.1 The Sub-Committee is

### **RECOMMENDED**

To determine what action to take in respect of the premises licence after hearing the evidence from the applicant, Cambridgeshire County Council Supporting Business and Communities (Trading Standards) Service, the representation of Cambridgeshire Constabulary and any submissions on behalf of the licence holder.

## **BACKGROUND INFORMATION**

Licensing Act 2003.

Licensing Act 2003 (Hearings) Regulations 2005.

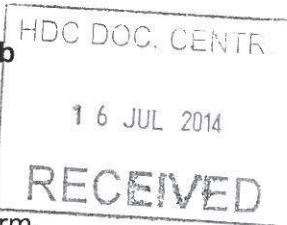
Guidance issued under section 182 of the Licensing Act 2003.

Huntingdonshire District Council Statement of Licensing Policy.

**Contact Officer: Christine Allison, Licensing Manager**  
**( 01480 388010**

F:\Licensing\Licensing Act 2003\Hearings\2014\Mani's Convenience Store

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 Andrew Fayers

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Mani's Convenience Store/Premier 17 East Street	
<b>Post town</b> St Ives	<b>Post code (if known)</b> PE27 5PD

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Moorthy Mani
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<b>Number of premises licence or club premises certificate (if known)</b> HDC/PRE00632
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Part 2 - Applicant details

I am

Please tick yes

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

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

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

**Please tick**

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

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Andrew Fayers Trading Standards Officer Cambridgeshire County Council PO Box 450 Cambridge City CB23 6ZR
Telephone number (if any) 01954 284622
E-mail address (optional) andrew.fayers@cambridgeshire.gov.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 type="checkbox"/>            |

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

This application for a review of the premises licence for Mani's Convenience Store is being submitted as Trading Standards Officers state there has been a clear breach of the prevention of crime and disorder licensing objective at the premises by virtue of the sale or offering for sale of counterfeit vodka, namely of Selekt and Kommissar brands.

Trading Standards Officers state that the premises clearly do not have adequate systems and procedures in place to prevent illegal supply of goods from the premises and that the sale of counterfeit vodka constitutes participation in crime and disorder. Therefore it is requested that the premises licence is reviewed in the interest of protecting the people of St Ives.



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

On 28th May 2014, Trading Standards received a complaint from a member of the public that Selekt vodka being sold from Premier in East Street, St Ives was counterfeit as he had purchased a bottle which he considered had tasted odd and the product froze in his freezer. On the 29th May 2014 Trading Standards Officers from the County Council and a police officer visited the premises. Trading Standards Officers found what they considered to be counterfeit vodka on sale. The brands were Selekt and Kommissar. Two formal food samples were taken of these brands. As there was only 3 Selekt bottles in the shop all 3 were used for the formal sample and 3 of the 14 bottles were taken for the Kommissar for the sample. The remainder of the Kommissar Vodka was taken from the shop. The 2 price tickets for these products were also taken. The reason why these were taken is that they clearly show that the products are not normal brands stocked by premier and therefore preprinted labels were not available. Photographs were taken of the alcohol and price tickets.

On the 11th June 2014 the Kommissar Vodka was confirmed as counterfeit by the brand holder.

The results came back from the Public Analyst on 24th June 2014 confirming that the alcohol content was significantly lower than genuine vodka and that therefore the product should not be called and labelled as vodka. The analysis of the Selekt vodka clearly indicated that the product is counterfeit.

An interview of Mr Mani under the Police and Criminal Evidence Act was requested and he attended on the 9th July. Mr Mani explained during interview that the vodka was purchased from a man in a white van and he paid cash. He did receive a receipt but has lost it.

This application for a review of the premises licence for Mani's Convenience Store/ Premier is being submitted as County Council Trading Standards Officers state there have been breaches of the licensing objectives at the premises - namely 'the prevention of crime and disorder' objective - by virtue of the sale or offering for sale of counterfeit vodka namely Selekt and Kommissar.

Trading Standards officers state that the premises clearly do not have adequate systems and procedures in place to prevent illegal goods being sold from the premises and that the sale of counterfeit vodka constitutes participation in crime and disorder. Therefore it is requested that the premises licence is reviewed in the interest of protecting innocent customers and consumers of goods originating from the premises.

The County Council Supporting Businesses and Communities (Trading Standards) Service request that the licence is revoked.

Witnesses:

Trading Standards Officer Andrew Fayers

Supporting Documents

S9 Statement of Andrew Fayers

S9 Statement of Kirsty Draycott

2 Public Analyst Certificates

S9 Statement of Mike Russell

Press articles with regard to counterfeit Vodka

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

Signature  .....

Date 11 July 2014 .....

Capacity Trading Standards Officer .....

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

**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.



Cambridgeshire County Council  
Trading Standards  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne, Cambridgeshire

Lab ref: 199774  
Client Ref: 674026  
Date: 24/06/2014  
**Opinion Unsatisfactory**  
Reported by Shayne Dyer



## REPORT OF ANALYSIS

Labelled as: **KOMMISSAR VODKA**

Location: **Mani's Convenience Store, ST IVES**  
Sampled by: **Kirsty Draycott**  
Date taken: **29/05/2014**  
Date submitted: **05/06/2014**

### Observations:

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 11.9% by volume. This difference is outside the permitted tolerance of 0.3% alcohol by volume prescribed in The Food Labelling Regulations 1996 for vodka.

The sample had an alcohol content of 11.6% volume less than the minimum permitted.

Determination	Result	Method
Alcohol % v/v	25.2	05.109
Ethyl acetate g/100L alc	< 0.10	55.009
Methanol g/100L alc	< 0.10	55.009
2-Methyl propan-1-ol g/100L alc	< 0.10	55.009
2-Methyl butan-1-ol g/100L alc	< 0.10	55.009
3-Methyl butan-1-ol g/100L alc	< 0.10	55.009
Propan-1-ol g/100L alc	< 0.10	55.009
Acetaldehyde g/100L alc	4.81	55.009

Shayne Dyer  
Technical Manager and Public Analyst



Opinions and interpretations expressed herein are professional observations and are outside the scope of UKAS Accreditation.

Unless you request otherwise the above sample will be disposed of 28 days from the date of this report.

Cambridgeshire County Council  
Trading Standards  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne, Cambridgeshire

Lab ref: 199775  
Client Ref: 674025  
Date: 24/06/2014  
**Opinion Unsatisfactory**  
Reported by Shayne Dyer



## REPORT OF ANALYSIS

Labelled as: **SELEKT VODKA**

Location: **Mani's Convenience Store, ST IVES**  
Sampled by: **Kirsty Draycott**  
Date taken: **29/05/2014**  
Date submitted: **05/06/2014**

### Observations:

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 13.7% by volume. This difference is outside the permitted tolerance of 0.3% alcohol by volume prescribed in The Food Labelling Regulations 1996 for vodka.

The sample had an alcohol content of 13.4% volume less than the minimum permitted.

Genuine Selekt brand vodka does not contain detectable levels acetaldehyde.

The results show the presence of acetaldehyde in the sample.

In my opinion the presence of acetaldehyde shows that the sample is not genuine Selekt brand vodka.

Determination	Result	Method
Alcohol % v/v	23.4	05.109
Ethyl acetate g/100L alc	< 0.10	55.009
Methanol g/100L alc	< 0.10	55.009
2-Methyl propan-1-ol g/100L alc	< 0.10	55.009
2-Methyl butan-1-ol g/100L alc	< 0.10	55.009
3-Methyl butan-1-ol g/100L alc	< 0.10	55.009
Propan-1-ol g/100L alc	< 0.10	55.009
Acetaldehyde g/100L alc	5.44	55.009

Shayne Dyer  
Technical Manager and Public Analyst



Opinions and interpretations expressed herein are professional observations and are outside the scope of UKAS Accreditation.

Unless you request otherwise the above sample will be disposed of 28 days from the date of this report.





**Statement of Witness Michael Anthony William Russell**

*(Criminal Procedure Rules, r27.1(1);*

*Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*



**Cambridgeshire  
County Council**

**/CONTINUATION Page Number 2**

**TRADING STANDARDS SERVICE**

opened by Andrew Fayers of Cambridgeshire Trading Standards in my presence. I examined the eleven filled labelled bottles which had front and back labels which had the KOMMISSAR name on it. The back label was not genuine as it had additional text to that authorised namely '& grain alcohols' and was self adhesive, whereas genuine bottles were labelled with wet glued labels. Also there was no visible lot code marking, had it been genuine the lot code would have been ink jetted onto the bottom of the cap. The quality of the vodka packaging and labelling was not acceptable for products produced for the company in the following respects. Inferior labelling, poor quality printing, not correctly labelled, not placed on the bottle correctly, no lot code to trace back the filling and to the vodka batch, which is a legal requirement. I can state that these products were not produced by, with the consent of, under the authority or, or on behalf of Nisa Retail Ltd., nor do they approve it in conformity with any type. These products if not genuine can cause customers or consumers to be misled or may cause problems to health. It harms the Company's reputation and also that of genuine retailers. In this case the Kommissar trade mark has been damaged which could lead to loss of revenue to the company and to the loss of jobs.

Signed .....

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement.

If statements are typed double spacing must be used.

Investigations/14-09-2009/FM-0019





STATEMENT OF WITNESS

(Criminal Procedure Rules, r27.2)

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT of : Kirsty Jane Draycott

Age of Witness : Over 18

Occupation of Witness : Trading Standards Officer

TRADING STANDARDS SERVICE

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 11th day of July 2014.

(Signed) K. Draycott

(Witnessed) .....

being unable to read the above statement

of

I, read it to him before he signed it.

Dated the day of 20

(Signed) .....

I am employed by Cambridgeshire County Council's Trading Standards Service, Shire Hall, Castle Hill, Cambridge, CB3 0AP as a Trading Standards Officer. I am an authorised officer for the purposes of the enforcement of legislation, including the Food Safety Act 1990, the Trade Marks Act 1994 and the Consumer Protection from Unfair Trading Regulations 2008. On the 28th May 2014 we received a complaint from a Mr Lee who lives in St Ives. He purchased a bottle of Selekt vodka from a store on East Street, St Ives. He drank some of the vodka and thought that it tasted funny so he decided to put it in the freezer and it froze. On the 29th May 2014 myself along with my colleague Andrew Fayers who is also a Trading Standards Officer visited the Premier Store, 17 East Street, St Ives. PC Kelly, collar number 0276 accompanied us. We entered the premises at approximately 14.15 hours. I produced my credentials and introduced myself to the man behind the counter. I explained that this service had received a complaint from a member of public about

Signed K. Draycott

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement. If statements are typed double spacing must be used.



/CONTINUATION Page Number 2

TRADING STANDARDS SERVICE

some Selekt vodka that he had purchased from this shop. The complainant felt that the vodka tasted funny and froze when he put it in the freezer. The cashier introduced him self as Murugan Vaithiyathan and informed us that the owner Mr Moorthy Mani was in London that day. He also informed us that the trading name for the store was 'Mani's Convenience Store'. There were three 70cl bottles of Selekt Vodka on the shelf. I completed a Notice of Powers and Rights and gave a copy of this to Murugan. I produce a copy of this document and identify it as KJD/1. I used the three bottles of Selekt vodka to take a formal food sample. Each bottle was placed in a clear plastic bag, with a sample label and then sealed with a unique seal. The bottle sealed with C0007273 was chosen by Murugan as the sample to be retained by the shop owner. The analyst sample was sealed with C0007271 and the sample that was to be retained was sealed with C0007272. Whilst looking at the other products in the shop we noticed another brand of vodka called Kommissar which didn't look quite right. The labelling said it was a product produced for Nisa Stores. I called Nisa Stores and spoke with Mike Russell who is their Head of Quality Assurance. I described the bottle to him and from that description he concluded that it was counterfeit. I took three bottles as a formal food sample. Each bottle was placed in a clear plastic bag, with a sample label and then sealed with a unique seal. The bottle sealed with C0007263 was chosen by Murugan as the sample to be retained by the shop owner. The analyst sample was sealed with C0007264 and the sample to be retained was sealed with C0007265. There were a further eleven bottles of Kommissar vodka on the shelf which I seized under the Trade Marks Act 1994 and the Consumer Protection from Unfair Trading Regulations 2008. The shelf labels for the Selekt and Kommissar vodka were handwritten whereas all of the other shelf labels were printed with a barcode. I also seized the two shelf labels. I provided Murugan with a receipt for the items seized. The receipt

Signed K. Draycott

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement.

If statements are typed double spacing must be used.



**Statement of Witness Kirsty Jane Draycott**

*(Criminal Procedure Rules, r27.1(1);*

*Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*



**Cambridgeshire  
County Council**

/CONTINUATION Page Number 3

**TRADING STANDARDS SERVICE**

number was 1494. I produce a copy of this receipt and identify it as KJD/2. I explained that we would submit the two bottles to the Public Analyst to check what they contain as well as the alcoholic strength. I also advised him that I would be in contact with Mr Mani as soon as I knew more. The samples and the items seized were transferred to our secure evidence store. On the 4<sup>th</sup> June 2014 I submitted the Selekt vodka and Kommissar vodka to the Public Analyst at Hampshire Scientific Services. On the 24<sup>th</sup> June 2014 I received the results from the Public Analyst. I then wrote to Mr Mani inviting him to attend an interview on the 9<sup>th</sup> July 2014. Mr Mani did attend the interview. Mr Mani claimed to have purchased the Selekt vodka and the Kommissar vodka from a man who arrived at his shop in a white van. He paid cash for the vodka. Mr Mani said that he did receive an invoice for the vodka but he could no longer find it. *K. Draycott*

Signed *K. Draycott*

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement.

If statements are typed double spacing must be used.

Investigations/14-09-2009/FM-0019





STATEMENT OF WITNESS

(Criminal Procedure Rules, r27;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT of : Andrew Roger Fayers
Age of Witness : Over 18
Occupation of Witness : Trading Standards Officer
Address and Telephone Number:

TRADING STANDARDS SERVICE

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 10 day of July 2014.

(Signed) Andrew Fayers

(Witnessed)

being unable to read the above statement

of

I, read it to him before he signed it.

Dated the day of 20

(Signed)

I am employed by Cambridgeshire County Council's Trading Standards Service, Shire Hall, Castle Hill, Cambridge, CB3 0AP as a Trading Standards Officer, I am an authorised officer for the purposes of the enforcement of legislation, including the Trade Marks Act 1994, Food Safety Act 1990 and Consumer Protection from Unfair Trading Regulations 2008. On the 29 May 2014 I accompanied Kirsty Draycott a Trading Standards Officer also employed by Cambridgeshire County Council to a shop named Premier, 17 East Street, St Ives, Cambridgeshire. We entered the premises accompanied by PC Kelly, collar number 0276, at approximately 14.15 hours. Kirsty Draycott introduced herself to the man behind the counter and explained that the service had received a complaint from a member of the public about

Signed Andrew Fayers

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement. If statements are typed double spacing must be used.



**Statement of Witness Andrew Roger Fayers**

*(Criminal Procedure Rules, r27.1(1);*

*Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*



**Cambridgeshire  
County Council**

/CONTINUATION Page Number 2

**TRADING STANDARDS SERVICE**

alcohol that he considered to be counterfeit as it tasted odd and the product froze when placed in a freezer. The product in question, Selekt vodka, was on sale in the shop with 3 bottles on the shelf. From information I had with me I suspected the product was not genuine Selekt Vodka. I contacted the manufactures of the vodka and spoke to Liz Maguire of G&J Distillers & Bottlers Ltd who confirmed that from the description I had given that the Selekt vodka was not a genuine product. Kommissar Vodka which was situated on a shelf close to the Selekt vodka looked suspicious and Kirsty Draycott contacted the brand holder who confirmed that from the description she had given it was not genuine. A formal food sample was taken of both Selekt and Kommissar vodka. I checked the storeroom and there was no vodka in the storeroom. As there were only 3 bottles of Selekt Vodka all were taken as the food sample. 3 bottles of Kommissar vodka were taken as a food sample. The remaining 11 bottles on the shelf were placed in a plastic bag and sealed with seal C0007266 and the 2 hand written price indication tickets for the these two vodka products were placed in a plastic bag and sealed with seal C0007261. Kirsty Draycott issued a receipt. The other products on sale had price labels which were printed. This can be seen in the photographs of the vodka taken by me in the shop. I produce these photographs and identify them as ARF/1. On the 11 June 2014 I unsealed the Kommissar bottles, seal number C0007266 in order for a representative of the Trade Mark holder to be able to examine the bottles. I took photographs of the labelling and marking under the filler cap, I

Signed .....

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement.

If statements are typed double spacing must be used.

Investigations/14-09-2009/FM-0023

**Statement of Witness Andrew Roger Fayers**

*(Criminal Procedure Rules, r27.1(1);*

*Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*



**Cambridgeshire  
County Council**

/CONTINUATION Page Number 3

**TRADING STANDARDS SERVICE**

	<p>produce these photographs and identify them as ARF/2. I resealed the 11 bottles with seal number C0007275. On the 9 July Mr Mani attended an interview under the Police and Criminal Evidence Act conducted by Kirsty Draycott and I. When questioned as to where the vodka had come from he stated that he had purchased it for cash from a man who had a white van who had arrived at his shop. We also informed by Mr Mani that he had lost the invoice for the purchase. <i>Andrew fayer</i></p>
--	---

Signed ..... *Andrew fayer* .....

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement.

If statements are typed double spacing must be used.

Investigations/14-09-2009/FM-0023







**SELEKT VODKA**  
**£9.99** ONLY



**V-KAT DRY SCHNAPPS**  
70CL  
**£6.79**



**GLEN'S VODKA 70cl**  
**£13.99**







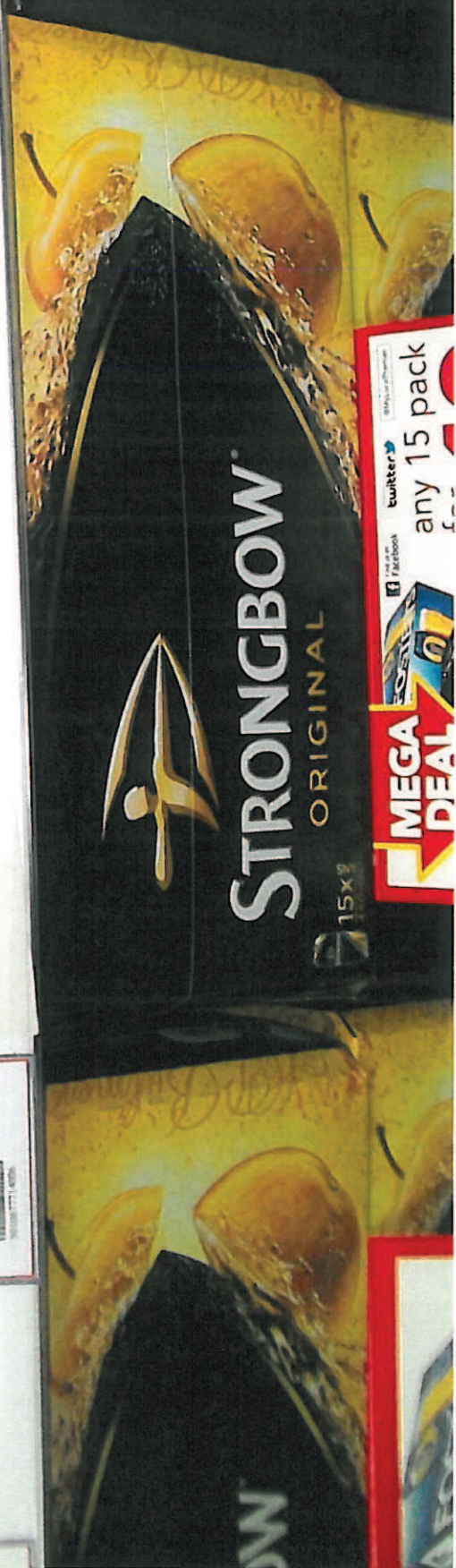




KOMMISSAR  
VODKA  
£6.99



BOMBAY DRY GIN 70CL  
£22.99









STRONG  
40 ROLLS  
EXTRA  
Tire

BRAND  
tmints  
40 ROLLS

48 x  
Refreshers  
023274065594

48 x C  
No. 1  
MINT  
BRAND  
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FORMAL / RECEIPTAL / COMPLAINT SAME  
SELEKT IMPERIAL  
PURCHASED / TAKEN FROM  
MINI'S CONVENIENCE S  
EAST STREET, ST IV  
QUANTITY 3 x 75 cl | PRE-PAKED  
DATE (incl. expiry dates)  
D / FANCY NAME: SELEKT

Please drink responsibly  
www.drinkmore.co.uk



4025  
LD  
15 15  
15 15







**KOMMISSAR**

CHARCOAL  
FILTERED

**VODKA**



37.5%VOL

35CL e

**IMPERIAL**





## SFW Express in Leytonstone has had its licence to sell alcohol revoked by the council's licensing committee



3:06pm Wednesday 4th June 2014 in Waltham Forest

By Zoie O'Brien, Reporter



More than 150

bottles of vodka were seized from the shop

A supermarket has had its licence to sell alcohol revoked after Trading Standards officers found illicit booze and tobacco on the premises.

During a sweep of the shop in November last year 242 bottles of wine and spirits along with tobacco were seized from SFW Express in Church Lane, Leytonstone.

Trading Standards officers, a representative from the International Federation of Spirit Producers and HMRC found the shop was selling counterfeit alcohol and had avoided paying tax.

In total 154 bottles of vodka were seized along with 63kg of shisha tobacco and other items.

Officers estimated that 10 per cent of the entire stock was counterfeit or had not had legitimate tax paid on it.

Samples of the alcohol were sent to manufacturers who confirmed that it was fake.

The shop's owner Mohammed Yasser Akram claimed that the shop's manager Mohammed Kasim Akram had purchased the alcohol.

However the shop manager claimed that an employee had bought the booze.

Licensing officer Marc Witham said the safety of customers had been compromised.

He said: "Whilst in this case it appears that the wine products did not contain any harmful material, it is highly unlikely that the licence holder was aware of the contents.

"Trading Standards are still awaiting the test results of the Smirnoff Vodka, however, as it has been confirmed all the packaging is counterfeit it is inconceivable that the spirit inside will be genuine.

Leytonstone councillor Clyde Loakes welcomed the decision. He said: "This family has run the shop for 30 years, they know the ropes.

"Selling under the counter booze fuels criminal and gang activity. I am very pleased with the decision."

SFW Express has 21 days to appeal the decision made by the council's licensing committee today.



# Alcohol licence revoked after fake vodka swoop on Sheffield shop

Spar shop in Richmond Road, Handsworth.

Published on the 04 September  
2013  
11:11

Published 04/09/2013 11:11

## **A convenience store owner has been stripped of his alcohol licence after being fined by magistrates for selling poisonous fake booze.**

Thalib Hussain, who runs the Spar shop on Richmond Road, Richmond, was found to have 570 bottles of counterfeit vodka when police raided the premises after a member of the public had become suspicious.

The bottles of Selekt and Kommissar vodka were found to contain industrial chemicals including chloroform, isopropranol and tertiary-butanol. Isopropranol can be fatal in large quantities while chloroform is a known carcinogen.

Coun Clive Skelton, chairman of Sheffield Council's licensing board, said: "Our decision to revoke Mr Hussain's licence sends a clear message to anyone tempted to sell counterfeit alcohol.

"Mr Hussain admitted he bought the fake vodka without paying VAT. He said that because he didn't drink alcohol, he did not know what was in it.

"There were industrial contaminants present and the quantities were not known until the bottles were tested after the police raid."

The quantities of industrial chemicals were not found to be high enough to cause serious harm - and Mr Hussain was fined £200 plus £382 costs at Sheffield Magistrates' Court prior to the council licence review hearing.

He had pleaded guilty to selling the counterfeit goods.

Mr Skelton added: "Mr Hussain can continue to trade but can no longer sell anything requiring a licence.

"My message to other traders tempted to purchase counterfeit items is 'don't'.

"When people sell illicit alcohol, they put people's lives at risk. Our committee is there to keep people safe from harm and we don't feel that's what was happening with Mr Hussain. He didn't show any remorse."

During the licensing hearing, Mr Hussain said he had bought the alcohol from a man claiming to be a supplier for the Nisa chain - although he admitted no VAT was paid in the transaction.

He said the vodka would only have caused a ‘mild stomach ache’.

Sheffield Council said 2,282 bottles of illegal alcohol had been confiscated in raids around the city in the last five months alone – more than 450 each month and a 58 per cent increase on the total seizures for 2012-13.

In 2012-13, there were 17 raids at 14 retailers in which 1,444 bottles of illegal booze were found. Three of the stores were hit twice.

The council has taken on a dedicated enforcement officer to tackle the problem, which has led to stores being prosecuted and action taken against licensees.

Coun Jack Scott, Sheffield Council cabinet member for environment, said: “We are determined to crack down on the sale of these illegal goods.

“Be warned – we will find offenders and prosecute them. We are tackling the illegal sale of alcohol head on.

“The public’s safety is at risk when consuming these products, either binge drinking or responsibly on a regular basis.”

# Schedule 12

## Part A

### Premises Licence



**Premises Licence Number**

HDC/PRE00632

#### Part 1 – Premises Details

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

**Mani's Convenience Store  
17 East Street  
St Ives  
PE27 5PD**

Telephone number

Where the licence is time limited the dates: **Not Applicable**

This licence comes into effect on: **21.06.2013**

The annual fee is due with effect from: **20.06.2014** and each year thereafter.

Licensable activities authorised by the licence

**Supply of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Monday to Sunday (7 days) 06:00 - 22:00**

The opening hours of the premises

**Monday to Sunday (7 days) 06:00 - 22:00**

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

**Alcohol supplied for consumption OFF the Premises**

#### Part 2

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

**Mr Moorthy Mani  
5 Foxglove Close  
Yaxley  
Peterborough  
PE7 3GW  
TEL 07931 114440**

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

**N/A**



# Schedule 12

## Part A

### Premises Licence



**Premises Licence Number**

HDC/PRE00632

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

**Mr Moorthy Mani**  
**5 Foxglove Close**  
**Yaxley**  
**Peterborough**  
**PE7 3GW**  
**TEL 07931 114440**

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

**Licence Number: PER1419**

**Issuing Authority Huntingdonshire District Council**

#### ANNEX 1 – MANDATORY CONDITIONS

1. No supply may be made at a time when there
  - a. is no designated premises supervisor in respect of the premises licence; or
  - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended;
2. every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
4. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark. A
5. responsible person in relation to a licensed premises means the holder of the premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

#### ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. The Licence holder will adhere to the Change 21 protocol, seeking identification from everyone who appears to be under the age of 21, to prove they are over the age of 18 years, prior to the sale of alcohol. Acceptable forms of ID are Passport, Photo card driving licence, A proof of age card with the holders photograph complying with the PASS approved identification scheme and bearing the PASS hologram.
2. A refusals book is to be maintained and staff are required to complete it when sales are refused to persons under the age of 18 years, or those to those who fail to provide sufficient evidence of their age. The refusals book must be regularly checked, signed and dated by the Designated Premises Supervisor and made



**Schedule 12  
Part A**

**Premises Licence**

**Premises Licence Number**

HDC/PRE00632

available to any visiting enforcement officer on request.

3. In addition to any other training all staff are to be trained to maintain the refusals book and monitored to ensure their training is put into practice. A written record is to be kept of all staff training.
4. The Premise Licence Holder shall ensure all electronic tills automatically prompt the seller to check the age of the buyer when alcohol products are entered for sale into the till.
5. The digital closed circuit television system shall be compatible with the requirements of Cambridgeshire Constabulary. All entry and exit points will be covered to enable frontal identification of every person entering the premises in any light condition.
6. The CCTV system shall continually record whilst the premises is open for licensable activities and during times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with a date and time stamping. Recordings shall be made available immediately upon request to the DPS by Police of Authorised Officer throughout the preceding 31 days.
7. A staff member from the premises who is knowledgeable with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised officer recent data or footage with absolute minimum delay when requested.

**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**  
N/A

**ANNEX 4 – PLANS**

For plan see attached

**Licence valid from: 21.06.2013**

**Date of Issue: 02.08.2013**

**Signed:**



**Head of Legal and Democratic Services**



# LICENSING ACT 2003

## NOTICE OF THE REVIEW OF A PREMISES LICENCE

Notice is given that on the 16 July 2014 Huntingdonshire District Council as the Licensing Authority has received a request for a review of the Premises Licence for

**Mani's Convenience Store/ Premier, 17 East Street, St Ives, PE27 5PD**

On the grounds of

### **THE PREVENTION OF CRIME AND DISORDER**

Anyone wishing to make representations concerning this application should do so in writing to:

**Huntingdonshire District Council, Licensing Section,  
Pathfinder House, St.Mary's Street, Huntingdon,  
Cambs PE29 3TN**

Representations in respect of this application must reach the Licensing Authority by **Wednesday 13<sup>th</sup> August 2014**

Persons wishing to inspect the register or the record of this application may do so by attending the office of the Licensing Section, during office hours, Monday to Friday inclusive. It is an offence knowingly or recklessly to make a false statement in connection with an application, the maximum fine for which on summary conviction is £5000.

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Creating a safer  
**Cambridgeshire**

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

Cambridgeshire Constabulary is a responsible authority and wish to apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described below

1: Grant for a personal licence	(Object within 14 days)
2: Grant for a temporary event notice (TEN)	(Object within 48 hours)
3: Transfer of a premises licence	(Object within 14 days)
4: Variation of designated premises supervisor	(Object within 14 days)
5: Grant/Variation of a premises licence/club premises certificate	(Object within 28 days)

Name of Licence Holder:	Mr Moorthy Mani
Name of DPS:	Mr Moorthy Mani

Details of relevant conviction (Personal Licence Applications ONLY)

**Postal Address of the Premises to be reviewed:**

Mani's Convenience Store  
17 East Street  
St Ives  
PE27 5PD  
HDC PRE00632

**Details of responsible authority applicant**

Name: <b>Kevin Kelly</b>	Rank: PC
Current Postal address: <b>Licensing Officer (Huntingdonshire Intervention Team) Cambridgeshire Constabulary Huntingdon Police Station Ferrar's Road Huntingdon Post Code: PE29 3DQ</b>	
Daytime telephone number: 101 ext 2901 Mobile : 07734331137	
Email address: kevin.kelly@cambs.pnn.police.uk	

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

**New Grant or Variation of Premises Licence  
Or Club premises Certificate  
Form for representations from Cambridgeshire Constabulary.**

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

- 1) The Prevention of Crime and Disorder

*Delete where necessary*

Please state the ground(s) for representation:  
(Refer to Guidance under Section 182 Licensing Act 2003)

On the 28<sup>th</sup> of May 2014 I received a call from Trading Standards Officer Mr Andrew Fayers that a complaint had been received about vodka purchased from the Mani's /Premier Store in East Street in St Ives. On the 29<sup>th</sup> of May 2014, I attended the location in the company of Trading Standards Officers – Andrew Fayers and Kirsty Draycott. Whilst at the location it was identified by Trading Standards that two brands of Vodka on sale in the location were considered to be counterfeit and a number of bottles of the brands were seized for further examination and testing. The brands were Kommissar Vodka and Selekt Vodka.

I have since been made aware by Trading Standards that the Vodka seized by them was indeed counterfeit.

This application supports the call for a review of the Premises Licence for Mani's Convenience Store/Premier by the County Council Trading Standards Officers as there has clearly been a breach of the licensing objectives namely "the Prevention of Crime and Disorder" by the DPS permitting the sale of counterfeit Vodka. The Police's view is that by allowing the sale of illicit/counterfeit goods the Licence Holder and Designated Premises Supervisor is contributing to crime and disorder. Illicit manufacturing of Alcohol has historical links to Organised Crime Groups, and by not paying the relevant duty, failing to keep records and agreeing to sell alcohol of unknown origins is clearly putting the members of the public who use his store at risk – for personal gain.

**Location and History**

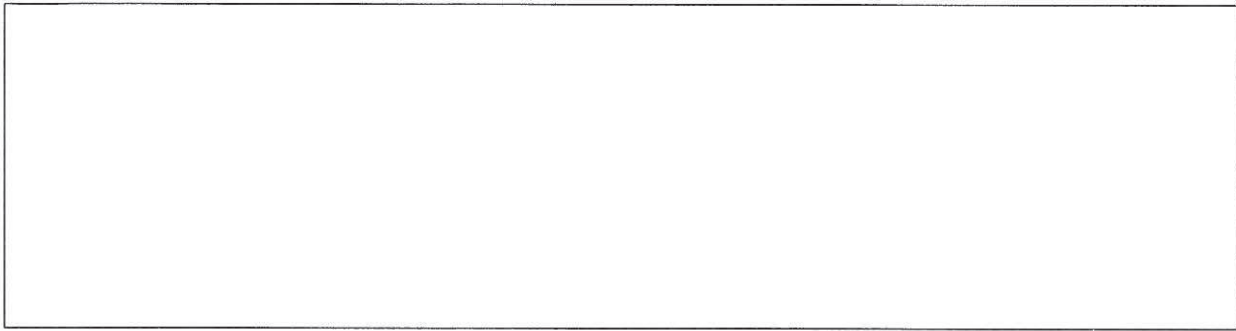
**17 East Street, St Ives.**

**The premises applied for an Alcohol Licence for Off Sales in June 2013. Previous to that it was a general convenience store supplying the local population.**

**It is understood that the DPS and Premises Licence Holder (Mr Moorthy) is or has been the manager of other Licensed Premises and may hold the position of Designated Premises Supervisor for a number of other outlets outside of the Huntingdonshire District.**

**Police Recommendations (including any conditions)**

The Cambridgeshire Constabulary request that the Premises Licence is revoked.



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

Signature of Officer Completing

Name: Kevin Kelly  
Signature

Collar number: 0276  
Date: 16/07/14

Signature of Authorising Officer

Name:  
Signature

Collar number: 1278  
Date: 21/7/14

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