



Licensing Act 2003
Premises Licence – Detail

Heath End News 97 Farnborough Road Farnham Surrey GU9 9AL	Licence number: WAV2006PREM/0721		
	Valid From: 17th October 2006		
	Valid until:		
	Telephone: 01252 321014		
Licensable Activities Authorised by the Licence and times these activities may be carried on:			
Activity (and area if applicable)	Description	Time From:	Time To:
Sale by Retail of Alcohol	Monday – Saturday Sunday	0800 1000	2300 2230
Non-standard Timings:	Good Friday 0800 - 2230 Christmas Day 1200 - 1500 and 1900 - 2230		

The opening hours of the premises:

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises: Off the premises

Name & (registered) address of holder of premises licence: Mrs Jyotsna Vara
97A Farnborough Road
Farnham
Surrey
GU9 9AL

Registered number of holder, for example company number, charity number (where applicable): N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mrs Jyotsna Vara

Whether access to the premises by children is restricted or prohibited: No restrictions

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence:

- At a time when there is no designated premises supervisor in respect of the premises licence.
- 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 or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the operating schedule

Supply of alcohol			The sale of alcohol to be for consumption	On The Premises	X
Standard days and timings				Off The Premises	
				Both	
Day	Start	Finish	Seasonal variations for the sale/supply of alcohol		
Mon	0800	2300	Good Friday 0800 - 2230		
			Christmas Day 1200 - 1500 1900 - 2230		
TUE	0800	2300			
WED	0800	2300			
THU	0800	2300	Non standard timings.		
			N/A		
FRI	0800	2300			
SAT	0800	2300			
SUN	1000	2230			

Name and Details of the individual whom specified on the licence as premises supervisor	
Name	Mrs Jyotsna Vara
Address Line 1	97 Farnborough Road
Address Line 2	
Town/City	Farnham
County	Surrey
Post-Code	GU9 9AL
Personal Licence Number (If Known)	WAV2006PER/0605
Issuing Licence authority(If Known)	Waverley Borough Council
Expiry Date	8.10.2016

Embedded Restrictions

1. Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 0800-2300
- b) On Sundays, other than Christmas Day, 1000-2230
- c) On Christmas Day, 1200-1500 and 1900-2230
- d) On Good Friday, 0800-2230

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

2. Alcohol shall not be sold in an open container or be consumed on the licensed premises.

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

N/A

Annex 4 - Plans

Attached

WAVERLEY BOROUGH COUNCIL

LICENSING ACT 2003

NOTICE OF APPLICATION TO REVIEW A PREMISES
LICENCE

HEATH END NEWS AND POST OFFICE,
97 FARNBOROUGH ROAD, HEATH END, FARNHAM,
SURREY, GU9 9AL

NOTICE IS HEREBY GIVEN that an application has been made to the Licensing Authority of WAVERLEY BOROUGH COUNCIL for review of a premises licence under Section 51 of the Licensing Act 2003. Details of the grounds of the application for review of the licence are as follows:

Mrs Jyotsna Vara and Mr Vinod Dhokia are the licence holders and Mrs Jyotsna Vara is the Designated Premises Supervisor for Heath End News. They have failed to comply with two of the four Licensing Objectives (Prevention of Crime and Disorder and Protection of Children from Harm). The Review seeks to resolve the failure to exercise proper management and control over the day to day running of the premises and the failure to promote the Licensing Objectives contained within the Licensing Act 2003 in relation to under-age alcohol sales.

Any responsible authority or interested party wishing to make representations on this matter must submit those representations in writing to Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR by not later than **Wednesday, 8th November 2010** stating the grounds on which the representation is made. Written representations may also be made by e-mail to: licensing@waverley.gov.uk.

Please note that it is an offence under Section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application for review and any person making such a statement shall be liable, on summary conviction, to a fine not exceeding level five on the standard scale (currently £5,000).

**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 Insp. Simon Dann

(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 Heath End News 97 Farnborough Road Farnham	
Post town Farnham	Post code (if known) GU9 9AL

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

Number of premises licence or club premises certificate (if known) WAV2006PREM/0721

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 Surrey Police Farnham Police Station Longbridge Farnham Surrey GU9 7QA
Telephone number (if any) 01483 637149
E-mail address (optional) 4260@surrey.pnn.police.uk

This application to review relates to the following licensing objective(s)
Please tick one or more boxes

- 1) the prevention of crime and disorder
- 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)
Surrey Police as a Responsible Authority apply for a review of the licence on the following grounds

1. The Premises Licence Holder and Designated Premises Supervisor is failing to exercise proper management and control over the day to day running of the premises.

2. The Premises Licence Holder and Designated Premises Supervisor is failing to promote the Licensing Objectives contained in the Licensing Act 2003.

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

Heath End News is a small convenience store situated in a residential area on the outskirts of Farnham. It incorporated a Post Office up until 2008. It is owned and managed by Mrs VARA and her brother Mr Vinod DHOKIA. Mrs VARA is the Premises Licence holder and Designated Premises Supervisor. They have owned the premises since 2006.

On 12th October 2006 the Police Licensing Officer visited the premises and spoke with Mrs Vara and Mr Dhokia when they took over the running of the business. They were given advice regarding the need to display the summary of the premises licence and have the detailed part of the licence on site available to be produced. They were also given advice regarding the need for an age policy, a written authority to sell and written staff training records to prove due diligence.

On 21st April 2010 the Police Licensing Officer together with an officer from Trading Standards visited the premises. Mrs Vara was not on site but they spoke with Mr Dhokia. There was no summary of the premises licence displayed and no detailed licence available to be produced. There was no written authority to sell in place and there were no staff training records available. Mr Dhokia stated that he had not received any training but he was a joint owner of the premises.

On 28th April 2010 the Police Licensing Officer again attended the premises and spoke with Mrs Vara regarding the visit on 21st April. She stated that the premises licence had been lost when the Post Office closed and they made alterations. She was again given advice regarding the summary and detailed premises licence. She was also given further advice regarding the need for a written authority to sell, staff training records, an age policy and the keeping of a refusals book. She was also advised regarding test purchase operations and the procedure for reviewing premises licenses.

On 18th June 2010 police on mobile patrol stopped a 16 year old youth in Alma Lane, Farnham. The youth was carrying seven cans of lager which he stated he had purchased from Heath End News. The officer went to the premises and spoke to Mr DHOKIA who was working at the premises on his own. He admitted selling the alcohol to the youth without asking for any identification. He was given a chance to accept a Police Notice for Disorder, which he did.

On Friday 27th August 2010 Police and Trading Standards carried out a test purchase operation at the premises and again Mr DHOKIA, who was working at the premises on his own, sold a bottle of white wine to two 16 year old female volunteers without asking for any identification.

This is the second under age sale in three consecutive months.

Mrs VARA, the Premises Licence Holder was interviewed at Farnham Police Station on 24th September 2010. She was unable to provide any written training records to prove that staff had been trained in the sale of alcohol.

Trading Standards are making follow up enquiries and considering prosecution for the second sale of alcohol and the offence of persistently selling alcohol.

Heath End News only displays and sells a small quantity of alcohol each week.

It is believed that the premises is failing to promote the licensing objective of protecting children from harm and the concern is that alcohol may be regularly being sold to underage.

Despite numerous visits and advice the premises does not appear to have sufficient measures in place to prevent sales to underage.

We recommend that the Premises Licence 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

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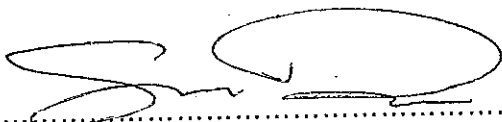
If you have made representations before relating to this premises please state what they were and when you made them
N/A

- 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  105P 4266

Date 8th October 2010
.....

Capacity Waverley Neighbourhood Inspector
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Peter Hathaway (Licensing Officer) Cranleigh Police Station Horsham Road Cranleigh	
Post town Cranleigh	Post Code GU6 8DR
Telephone number (if any) 01483 639512	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) 10378@surrey.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.



SURREY
COUNTY COUNCIL

TRADING STANDARDS
Mid Surrey Area Office
Bay Tree Avenue
Kingston Road
Leatherhead
Surrey
KT22 7SY

Tel: 01372 371686
Fax: 01372 371704
Email: steve.playle@surreycc.gov.uk
General Enquiries: 01372 371700
www.surreycc.gov.uk/tradingstandards

Paul Hughes
Licensing Manager
Waverley Borough Council
The Burys
Godalming, Surrey
GU7 1HR

WAVERLEY B.C.	
CHIEF EXECUTIVE'S OFFICE	
PRM	
DATE	15 OCT 2010 REC'D
DATE ACK:	
PASS TO FOR ATTN:	
ACK. CODE:	
FILE No:	

13th October 2010

Dear Mr Hughes,

Re: Heath End News, Farnham

I write in relation to the above premises and the licence review that has been initiated by Surrey Police.

This Department, along with Surrey Police, has recently conducted a test-purchasing exercise on this premise on the 27th August 2010, which resulted in a sale of alcohol to two female volunteers both aged 16 years.

Heath End News first came to our attention when I was asked to visit the premises with Waverley Borough's Police Licensing Officer Mr Pete Hathaway. Surrey Trading Standards visited Heath End News with Surrey Police on the 21st April, with the view to giving them advice around preventing under age sales to youngsters. It appeared during our visit that there was not much of a system in place regarding under age sales of any age-restricted products. Mr Dhokia who was working at the time was given considerable advice and also a Trading Standards under age sales advice pack to forward onto the DPS for further staff training.

I wish to inform the committee hearing this review that the test purchase was attempted after receiving intelligence from Surrey Police alleging the premises had been selling alcohol to under 18's. The Intelligence received was the payment of an £80 penalty notice for disorder (PND) by a Mr Dhokia who admitted selling alcohol to a 16-year-old youth without checking for proof of age on the 18th June 2010. This Service acted upon this information and arranged with Surrey Police to test purchase Heath End News on Friday 27th August 2010.

The circumstances of the test purchase were as follows. At approximately 17.53 hours on 27th August 2010, Trading Standards Officer Robert Towers sent two young female volunteers, aged 16 years of age into Heath End News, once inside they were then authorised to attempt to buy alcohol. At this point, a member of the Licensing Team from Waverley Borough Council was already positioned inside the premises to witness any potential sale. Heath End News was not busy and there was only Mr Dhokia behind the sales counter and he sold a bottle of 75cl bottle of Silver Bay Point British White Wine. Mr Dhokia again did not ask for proof of age from either of the volunteers.

This operation successfully identified that the intelligence was correct and that Heath End News were not complying with Section 146 of the Licensing Act 2003. After the test purchase failure Mr Dhokia advised Mr Towers that he had not received any further training on his roles and responsibilities under the Licensing Act from the Designated Premises Supervisor. Mr Dhokia

simply stated that he paid his £80 PND previously and was told verbally not to do it again by the Designated Premises Supervisor. It appeared to Mr Towers after this conversation and after this recent test purchase failure that there was no evidence of a system being in place to prevent illegal alcohol sales, and the DPS is ultimately responsible for that.

Trading Standards have now got an ongoing criminal investigation looking into this second alleged under age sale of alcohol to a minor. Specifically this investigation will be focused on the Premises Licence Holder and we will be looking to prosecute under section 147A Licensing Act 2003 (persistently selling alcohol to children)

It is worth bringing to the attention of the committee that whilst dealing with the test purchase failure in August, a number of counterfeit bottles of Vodka & Brandy were discovered and these have recently been analysed and the final decision on further criminal charges has yet to be decided.

Heath End news is not promoting the objective of protecting children from harm and despite considerable advice and help from this service; they will continue to sell alcohol to underage children. With the discovery of counterfeit alcohol as well, this gives further evidence that the licenced premises is not being run or managed properly.

Should the application for a licence review by Surrey Police be successful, Surrey County Council Trading Standards Service would like the committee to consider revoking the premises licence in full.

I hope this information assists the licence review process. If I can be of any further assistance then please do not hesitate to contact me.

Yours sincerely,



Steve Playle

Trading Standards Safer and Stronger Communities Team Manager



Waverley Borough Council
 The Bury, Godalming, Surrey
 GU7 1HR
 Telephone: 01483 523333
 Fax No: 01483 523118



Heath End News, 97 Farnborough Road

Scale 1/1250 Date 12/11/2010

Centre = 484749 E 149447 N

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11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 The Regulations allow applications for reviews to be made electronically, as long as the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via businesslink or the licensing authority's electronic facility.
- 11.4 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.5 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention (see paragraph 8.15 above). Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.6 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.7 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.9 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common

aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

11.10 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

11.11 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

11.12 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.15 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary 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 warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like 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 concerns, licensing authorities should not merely repeat that approach.

11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to 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;

- to 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);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.19 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 which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.20 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.

11.21 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 which impact upon the licensing objectives.

11.22 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 a necessary 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 necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority

to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. 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 holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the

licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 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. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review. The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.

