

# Public Document Pack

# Blackpool Council

13 June 2014

To: Councillors G Coleman, Doherty, Evans and Lee (Reserve)

The above members are requested to attend the:

## **LICENSING PANEL**

Monday, 23 June 2014 at 10.30 am  
in Committee Room A, Town Hall, Blackpool

## **A G E N D A**

### **1 APPOINTMENT OF CHAIRMAN**

To appoint a Chairman for the meeting.

### **2 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head of Democratic Services in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

### **3 PROCEDURE FOR THE MEETING**

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to 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. (This includes a party and any person assisting or representing a party)

**4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- WHITEGATE DRIVE FOOD AND WINE** (Pages 1 - 58)

- a. Application and Representations Submitted. To consider the attached report.
- b. Determination of the application for the review of a premises licence- Whitegate Food and Wine
- c. Announcement of the decision for the application for the review of a premises licence- Whitegate Food and Wine

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail [lennox.beattie@blackpool.gov.uk](mailto:lennox.beattie@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Decision or Item number</b>	<b>4</b>
<b>Relevant Officer:</b>	Sharon Davies, Principal Solicitor Licensing
<b>Date of Meeting :</b>	23 <sup>rd</sup> June 2014

## **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- WHITEGATE FOOD AND WINE**

### **1.0 Purpose of the report:**

1.1 To consider an application for the review of the Premises Licence for Whitegate Food and Wine submitted by Weights and Measures and the relevant representations.

### **2.0 Recommendation(s):**

2.1 Members will be requested to determine the application.

### **3.0 Reasons for recommendation(s):**

3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Licensing Panel.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, the application and the representations must be considered.

#### **4.0 Background Information**

##### **4.1 Application**

Whitegate Food and Wine, 99 Whitegate Drive, Blackpool has the benefit of a premises licence authorising the sale of alcohol for consumption off the premises 08.00 - 23.00 hours Monday-Saturday, 10.00 - 22.30.

On 25th April 2014, the licensing service received an application to review this licence on the grounds of protection of children from harm.

The licence holder and Designated Premises Supervisor is Gunaratnam Ketheeswaran

##### **4.2 Local policy considerations**

The Licensing Authority will view particularly seriously applications for the review of any premises licence where it involves the:

1. Underage purchase and consumption of alcohol
2. Continuous breaches or contraventions of licence conditions
3. Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
4. Where serious risks to children have been identified
5. Not operating the premises according to the agreed operating schedule

Underage sales - the licensing committee will view very seriously premises reviewed due to under age sales and although each review application will be determined on its own merits, licence holders will be expected to explain how the sales took place, and what measures have been put in place to minimise the risk of such sales taking place again.

##### **4.3 National policy considerations**

Where the licensing authority considers that action under its statutory powers are appropriate, it may take the following steps:

1. Modify the conditions of the premises licence
2. Exclude a licensable activity
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period not exceeding three months
5. Revoke the licence.

11.23 - It will always be important that any detrimental financial impact that may result from the decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether or not there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

#### 4.4 **Observations**

This premises is situated in Talbot ward, one of the four wards which form part of the off-licence saturation area.

The review application makes reference to the frequent change of ownership of the premises. The history is as follows:

27.07.05 - conversion application from Tracey Murgatroyd

20.03.07 - transfer and vary DPS to Thirugana Suthaskaran - withdrawn due to police objection

05.04.07 - transfer and vary DPS to Saraganamuthu Srirajeswaran

16.09.09 - transfer and vary DPS to Dilipkumar Arulanantham - transfer granted, vary DPS refused as applicant lived in London.

17.11.09 - transfer and vary DPS to Rasiah Arulanantham

08.11.11 - transfer and vary DPS to Mohanakumar Velauthapillai

10.07.12 - transfer to Jude Lawrence & Rasiah Arulanantham. Jude Lawrence to be DPS

15.01.13 - transfer to sole name of Rasiah Arulanantham, vary DPS to Celine Thiruchelvam

20.05.13 - transfer to Nimalaraja Jeganathan

17.02.14 - application to vary DPS to Santhamoorthy Subramaniam - refused

08.04.14 - transfer and vary DPS to Gunaratnam Ketheeswaran

Most of the DPS's have personal licences issued in London.

The licence is currently issued subject to the following conditions:

#### Annex 1 - Mandatory conditions

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b) On Sundays, other than on Christmas Day, 10 a.m. to 10.30 p.m.
- c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d) On Good Friday, 8 a.m. to 10.30 p.m.

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 force;

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

3 No supply of alcohol may be made under the premises licence -

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

4 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.

5 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. The policy must require individuals who appear to the responsible person to be under 18 year 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.

This licence has simply been converted from the old style Magistrates' Court licence therefore there are no additional conditions.

Does the information submitted include any exempt information?

No

**List of Appendices:**

Appendix 4a Application for review from Weights and Measures

Appendix 4b Representations from Social Services

Appendix 4c Representations from Health and Safety

Appendix 4d Representations from Lancashire Constabulary

**6.0 Legal considerations:**

6.1 Please see local and national policy in the background information.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

This page is intentionally left blank



NOT FOR PUBLICATION

Document is Restricted

This page is intentionally left blank

## Gareth Shaw

---

**From:** Ellison, Diane <Diane.Ellison@enwl.co.uk>  
**Sent:** 23 May 2014 10:44  
**To:** Gareth Shaw  
**Subject:** RE: checks please  
**Attachments:** ATT1757691.txt

Hi

We did attend 99 Whitegate Drive on 12/3/13. We did find interference, the photos are below....



Thanks

Kind regards

**Diane Ellison**

This page is intentionally left blank

Blackpool Council Licensing Service

Representation made by a Responsible Authority  
In support of an application for the Review of an existing  
Premises Licence or Club Premises Certificate

**Responsible Authority making representation**

Name of Responsible Authority	<b>Social Services at Progress House</b>		
Name of Officer <i>(please print)</i>	David ARMER – Child Protection Licensing Officer		
Signature of Officer	<b>D Armer</b>		
Contact telephone number	<b>01253 477710</b>		
Date representation made	<b>07</b>	<b>05</b>	<b>14</b>
Do you consider mediation to be appropriate			NO

**Name of Responsible Authority / Applicant who requested a review of this Licence**

**Weights & Measures**

**Premises Details**

Premises Name	<b>Whitegate Food and Wine</b>
Address	99 Whitegate Drive
	Blackpool
Post Code	FY3 9BY

**Details of your representation in support of the review application**  
(Please reference & attach supporting any documentation)

The Blackpool Council Plan 2013/2015 attaches a high priority to protecting and keeping safe children and young persons

My role as Child Protection Licensing Officer focusses on managing the various risks that makes both children and adults unsafe; alcohol constituting a significant risk factor.

In the LACORS/ADSS Guidance for Social Services and Licensing Authorities, one of the risk factors identifies any DPS/Licence Holder, being found guilty of underage sales of alcohol. Control measures include persons under 18 not being admitted, together with evidence of appropriate and thorough staff training. Any age identification scheme should be rigorously followed

In the failing of 4 test purchases in a period of 22 months, the commitment of the premises licence holder to the licensing objective of the 'protection of children from harm' must be called into question. Particularly after a series of intervention meetings and the provision of relevant training materials

I firmly support Weights and Measures in their application for review  
*David ARMER*

This page is intentionally left blank

Blackpool Council Licensing Service

Representation made by a Responsible Authority  
In support of an application for the Review of an existing  
Premises Licence or Club Premises Certificate

**Responsible Authority making representation**

Name of Responsible Authority	<b>Health and Safety Enforcement</b>			
Name of Officer <i>(please print)</i>	Gareth Shaw			
Contact telephone number	01253 478315			
Date representation made	<b>21</b>	<b>05</b>	<b>14</b>	
Do you consider mediation appropriate			YES	NO

**Name of Responsible Authority / Applicant who requested a review of this Licence**

Weights and Measures

**Premises Details**

Premises Name	<b>Whitegate Food and Wine</b>
Address	99 Whitegate Drive
	Blackpool
Post Code	FY3 9BY

**Details of your representation in support of the review application**  
(Please reference & attach supporting any documentation)

This section would like to bring to the attention of the authorities the findings of a visit carried out on the 17<sup>th</sup> of January 2013. The detail which are shown in the pictures below.



1) Above shows dangerous electrical installations.





2) Cables trailing across walkways and under carpet and consumer units behind refrigeration.



3) Cluttered work area and blocked cellar entrance.



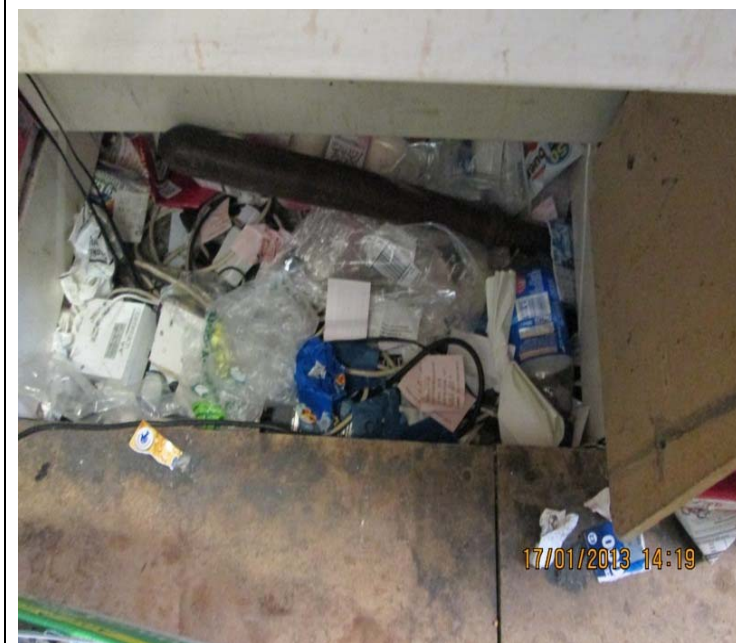
3) Damp ingress and extremely poorly maintained lighting and associated electrical systems.



4) Obstructed fire equipment.



5) Damaged socket and an old electrical fuse box left open.



6) Waste thrown under counter.



7) Poorly maintained floor areas.



8) Broken freezer equipment.



9) Collapsed ceiling exposing dangerous and poorly maintained electrical installations.



10) Flooded and very poorly maintained flooring areas.



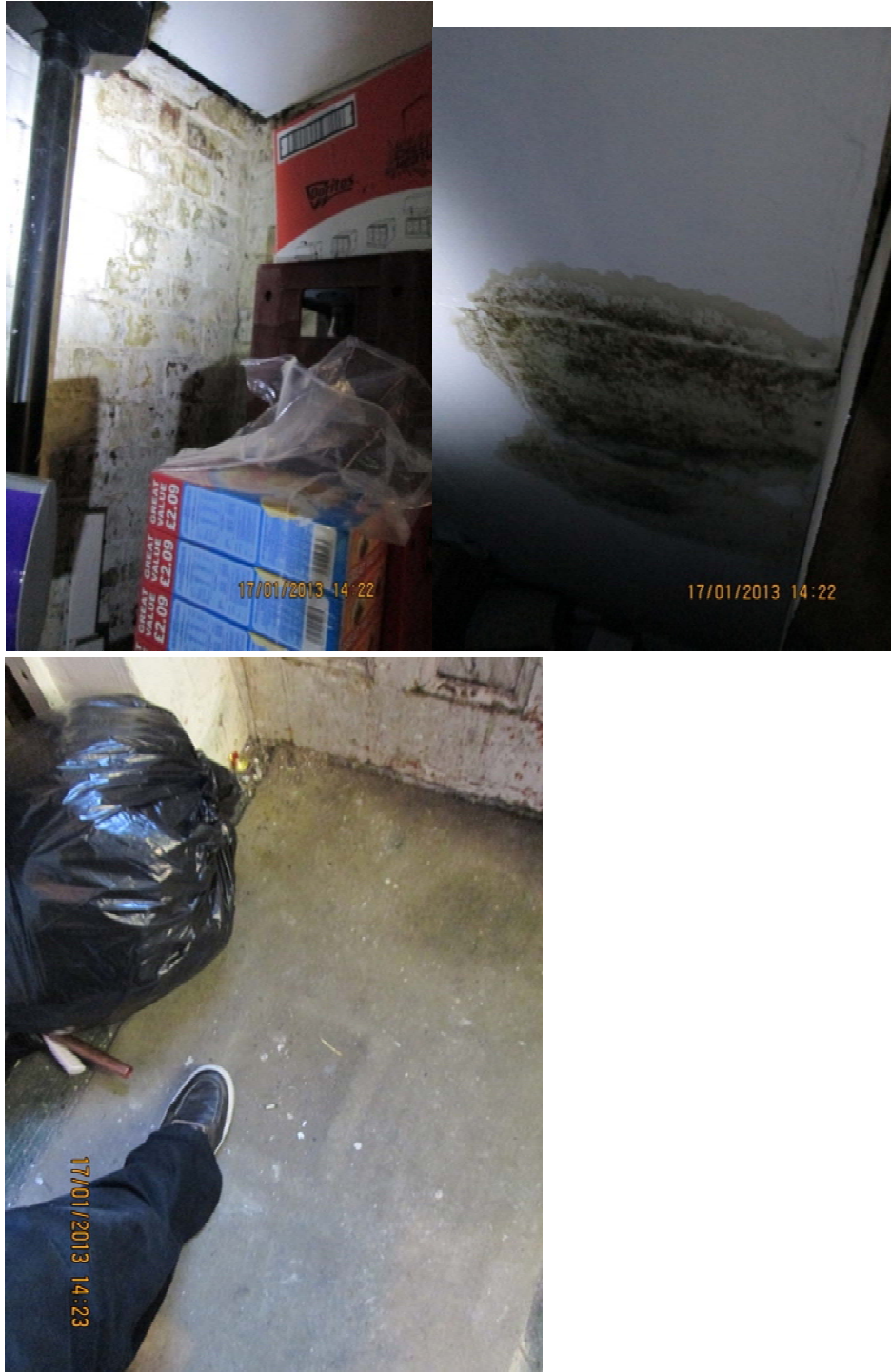
11) Damage ventilation fan exposing live electrical connections.



12) Broken light switch fixed with parcel tape.



13) Cluttered, poorly maintained and filthy hand wash facilities.



14) Damp is prevalent in most areas and left without any actions or plan to action.





15) Accumulation of waste.



16) Clutter yard area and overflowing waste bin.



17) Further poorly maintained flooring, lighting and also cluttered shop area.



18) Cabling across walkways waste accumulation, unsealed wooden floors, wedged fire separation doors and further cluttered storage areas to the rear.



Further to the above a prohibition notice was served in respect of a collapsing floor area and improvement notices in respect of electrical maintenance and gas safety certification.

. The electrical mains situation was reported to Electricity Northwest and they visited to make safe.

This page is intentionally left blank

Blackpool Council Licensing Service

Representation made by a Responsible Authority  
In support of an application for the Review of an existing  
Premises Licence or Club Premises Certificate

**Responsible Authority making representation**

Name of Responsible Authority	LANCASHIRE CONSTABULARY			
Name of Officer <i>(please print)</i>	P.C 3842 EVANS			
Signature of Officer				
Contact telephone number	01253 604005			
Date representation made	21	05	14	
Do you consider mediation to be appropriate				NO

**Name of Responsible Authority / Applicant who requested a review of this Licence**

**Blackpool Trading Standards**

**Premises Details**

Premises Name	Whitegate Drive Food&Wine
Address	99, Whitegate Drive
	Blackpool
Post Code	FY3 9BY

**Details of your representation in support of the review application**  
(Please reference & attach supporting any documentation)

I am in receipt of a review application submitted by Blackpool Trading Standards for the above premises and on behalf of the Chief Officer of Police wish to make a representation in support of that review

25<sup>th</sup> May 2012

Test purchase operation conducted using a 14 year old female volunteer. The volunteer was served alcohol by Rasiah Arulanantham and was issued with a PND for the offence. File note attached.

1<sup>st</sup> July 2012

Intervention meeting conducted with DPS at the time in relation to failed test purchase the person that attended had no idea about the premises and it was clear that he did not have the day to day running and was advised to come off as being the DPS. There was also no proof of age training. File note attached.

17<sup>th</sup> January 2013

Multi agency visit conducted were by numerous breaches were found in relation to Health & Safety and Licence conditions breaches. File note attached.

12<sup>th</sup> March 2013

Health & Safety re-visit conducted at the premises in company with Gareth Shaw and whilst conducting checks it was discovered that the meter box had been tampered with and the electricity was turned off. File note attached.

9<sup>th</sup> May 2013

Test purchase operation conducted at the premises using a 16 year old volunteer. The female was served 2 bottles of Brothers Cider. The seller was Shahram Raissi and was issued with a PND for the sale.

29<sup>th</sup> November 2013

Test purchase operation conducted at the premises using a 16 year old volunteer. The female was served a bottle of Blossom Hill by the 17 year old seller. No training records were produced to me on the evening in relation to the seller and he also confirmed he had not had any. The DPS was not present and when asked where she was I was informed she had gone to London. File note attached.

11<sup>th</sup> February 2014

Intervention meeting arranged via letter from Trading Standards to the Premises Licence holder Mr Jeganathan and DPS Celine Thiruchelvam. On the day only Mr Jeganathan attended the meeting and stated the DPS wasn't well and had gone to London for a short time. Other things discussed during the meeting and concerns about the premises raised he was also advised to put in another DPS if the current DPS would not be returning. File note attached and a copy of Trading Standards letter following up from the meeting.

11<sup>th</sup> February 2014

Spoke with the DPS Celine on the phone and she confirmed to police that she had not been un-well and had left the premises in May 2013. I advised her to resign as the DPS. File note attached.

17<sup>th</sup> February 2014

New DPS for the premises received at the Council and the Police for Subramaniam Santhamoorthy. File note attached

21<sup>st</sup> February 2014

Test purchase operation conducted at the premises using a 15 year old female. The volunteer was served a bottle of WKD by the new DPS Santhamoorthy and was dealt with this offence by a Trading Standards caution. File note attached and a copy of the Trading Standards Caution.

The premises has over the past two years had two different Premises License holders and three different DPS and the premises has still failed four different test purchase operations along with poor staff training and several Health & safety issues. There is also a very high turn over of staff with some staff not having any training or the DPS not knowing the staffs identity. Taking all this into account the police have little confidence that the Licensing objectives are being upheld.

## Licensing File Note

**Premises** : WHITEGATE DRIVE FOOD&WINE  
**Information/Complaint:** FAILED TEST PURCHASE  
**Log/Crime Number** :  
**Date premises visited** : 29<sup>TH</sup> NOVEMBER 2013  
**Persons Spoken to** : ANTON JUDE

**Action Taken:** ON FRIDAY 29TH NOVEMBER 2013 A TEST PURCHASE OPERATION WAS CONDUCTED IN PARTNERSHIP WITH TRADING STANDARDS AND USING A 16 YEAR OLD VOLUNTEER. THE FEMALE ENTERED THE PREMISES AND ATTEMPTED TO PURCHASE A BOTTLE OF BLOSSOM HILL THE SELLER ANTON JUDE HAS THEN SERVED TO THE FEMALE. MYSELF AND A TRADING STANDARDS OFFICER HAVE THEN ENTERED THE PREMISES TO INFORM THE SELLER THAT HE HAD JUST COMMITTED AN OFFENCE. WHEN WE ENTERED WE WERE INFORMED THAT THE POLICE HAD BEEN CONTACTED AS JUST BEFORE THE TEST PURCHASER WENT INSIDE THE SHOP THERE HAD BEEN A COUPLE INSIDE BEING ABUSIVE TO THE STAFF AND THROWN SOME ITEMS ABOUT. THE SELLER REVELAED THAT HE WAS ONLY 17 YEARS OF AGE AND WHEN ASKED IF THE ALCOHOL HAD BEEN AUTHORISED TO BE SOLD BY THE OTHER STAFF MEMBER HE SAID IT HADNT AS HE HAD BEEN ON THE PHONE TO THE POLICE. I ALSO ASKED WHAT HE HAD SAID TO THE SELLER AND HE STATED HE HAD ASKED HER FOR I.D BUT SHE SAID SHE HAD NONE BUT ASKED HER FOR HER D.O.B AND THEN TOLD HER TO BRING IT IN NEXT TIME AND THEN CONTINUED TO SERVE HER THE ALCOHOL. I THEN ASKED JUDE HOW LONG HE HAD BEEN WORKING IN THE PREMISES FOR AND IF HE HAD RECEIVED ANY TRAINING WHICH HE STATED HE HAD BEEN WORKING FOR TWO WEEKS NOW AND HAD NOT BEEN GIVEN ANY TRAINING. AT THIS TIME NEITHER MYSELF NOR TRADING STANDARDS WERE SURE HOW BEST TO DEAL WITH THE SELLER DUE TO HIS AGE AND NOT BEING AUTHORISED BY THE OTHER MEMBER OF STAFF AND THAT WE WOULD BE BACK IN TOUCH WITH HIM IN DUE COURSE. I ASKED TO SPEAK WITH THE DPS BUT WAS TOLD SHE WAS NOT AVAILABLE AT THAT TIME AS SHE HAD GONE TO LONDON.

## Licensing File Note

**Premises** : WHITEGATE DRIVE FOOD&WINE

**Information/Complaint:** INTERVENTION MEETING

**Log/Crime Number** :

**Date premises visited** :

**Persons Spoken to** : MR JEGANATHAN

**Action Taken:** AFTER THE RECENT TEST PURCHASE FAIL TRADING STANDARDS WROTE TO THE PREMISES LICENCE HOLDER MR JEGANATHAN AND THE DPS CELINE THIRUCHELVAM AND ASKED THEM TO ATTEND THE TRADING STANDARDS OFFICE FOR AN INTERVENTION MEETING ON TUESDAY 11<sup>TH</sup> FEBRUARY.

PRESENT ON THE DAY OF THE MEETING WAS MYSELF, LOIS PEERS, SHAUN MCKINNEY(TRADING STANDARDS) AND MR JEGANATHAN. DURING THE MEETING I ASKED MR JEGANATHAN WHY THE DPS HAD NOT ATTENDED THE MEETING AND HE STATED THAT SHE WAS CURRENTLY UNWELL AND HAD GONE BACK TO LONDON FOR A SHORT TIME UNTIL SHE GETS BETTER, I ASKED IF SHE WAS STILL LIVING IN THE FLAT UPSTAIRS AND HE SAID AT THE MOMENT YES BUT HE THINKS THAT SHE WANTS TO MOVE BACK TO LONDON PERMENTLY AND IS UNSURE IF SHE WILL BE RETURNING TO THE SHOP, AT WHICH POINT I HAVE ASKED FOR CELINES CURRENT CONTACT NUMBER TO SPEAK WITH HER AND HE SAID HE WOULD BE ABLE TO GET IT FOR ME. THE TRAINING RECORDS WERE SHOWN HOWEVER THEY WERE OF POOR STANDARD AND NOT ALL THE STAFF HAD A RECORD.

WE HAVE THEN DISCUSSED WHO IS CURRENTLY WORKING INSIDE THE PREMISES AND WAS GIVEN AFEW NAMES HOWEVER WHEN TRADING STANDARDS WENT TO DO A VISIT RECENTLY THEY SAID THERE WAS FIVE DIFFERENT MEN WORKING AT THE SHOP. MR JEGANATHAN STATED THEY WOULD HAVE BEEN FRIENDS HOWEVER IT WAS STATED THAT THEY WERE ALL CONDUCTED SOME KIND OF WORK INSIDE. WHEN WE LOOKED AT YOUR REFUSALS RECORD I ASKED YOU WHO HAD SIGNED THE REFUSALS REGISTER AND YOU COULD NOT IDENTIFY THE STAFF MEMBER WHICH MAKES ME THINK THAT YOU DO NOT KNOW WHO IS WORKING AT THE PREMISES.



I INFORMED YOU THAT I HAD CONCERNED ABOUT THE BUISNESS AND THAT THIS WAS THE THIRD FAILED TEST PURCHASE WITHIN A YEAR. I ASKED WHEN THE DPS WOULD BE RETURNING AND YOU STATED YOU WERE UNSURE AND IF SHE WAS GOING TO RETURN ATALL THEREFORE I TOLD YOU THAT HE WOULD NEED TO PUT ANOTHER DPS IN PLACE AT THE PREMISES WHO HAD A CURRENT PERSONNEL LICENCE WITH NO RELEVANT OFFENCES. I WAS ASSURED THAT THIS WOULD BE DONE EXPEDITIOUSLY.

**Officer:** PC 3842 EVANS

**Further Action Required** Yes

**If 'Yes' Indicate details** RE-VISIT

## Licensing File Note

**Premises** : WHITEGATE FOOD&WINE  
**Information/Complaint:** FOLLOW ON FROM INTERVENTION  
**Log/Crime Number** :  
**Date premises visited** : 11<sup>TH</sup> FEBRUARY  
**Persons Spoken to** : CELINE THIRUCHELVAM

**Action Taken:** AFTER THE INTERVENTION MEETING WITH THE PREMISES LICENCE HOLDER MR JEGANATHAN HE CONTACTED ME WITH A CONTACT NUMBER FOR THE DPS WHO I RANG AND SPOKE WITH. CELINE CONFIRMED TO ME THAT SHE HAD LEFT THE SHOP IN MAY 2013 AND MOVED OUT OF THE FLAT ABOVE AND BACK TO LONDON AS SHE WASN'T HAPPY.

I ASKED CELINE IF SHE HAD BEEN SICK RECENTLY AND SHE STATED SHE HAD NOT BEEN ILL AND SOUNDED ABIT SURPRISED BY MY QUESTION. SHE INFORMED ME THAT MR JEGANATHAN WAS AWARE SHE HAD LEFT.

I EXPLAINED TO CELINE THAT SHE WAS STILL SHOWING AS THE DPS FOR THE PREMISES AND NEEDED TO RESIGN HER POSITION AND SERVE THIS ON THE COUNCIL AND ALSO TO ME JEGANATHAN WHICH SHE DID SO THAT DAY.

**Officer:** PC 3842 EVANS

**Further Action Required** No

**If 'Yes' Indicate details**

## Licensing File Note

**Premises** : WHITEGATE FOOD&WINE  
**Information/Complaint:** NEW DPS  
**Log/Crime Number** :  
**Date premises visited** : 17<sup>TH</sup> FEBRUARY 214  
**Persons Spoken to** :

**Action Taken:** NEW DPS FOR WHITEGATE DRIVE FOOD&WINE RECEIVED  
IN THE NAME OF SUBRAMANIAM SANTHAMOORTHY.

**Officer:** PC 3842 EVANS

**Further Action Required** Yes

**If 'Yes' Indicate details** DPS VISIT REQUIRED

## Licensing File Note

**Premises** : 99 WHITEGATE DRIVE  
**Information/Complaint:** FAILED TEST PURCHASE  
**Log/Crime Number** : LC-20140220-1105  
**Date premises visited** : FRIDAY 21ST FEBRUARY 2014  
**Persons Spoken to** : SANTHAMOORTHY SUBRAMANIAM SELLER

**Action Taken:** PREMISES VISITED ON TEST PURCHASE OPERATION FRIDAY 21ST FEBRUARY 2014 BY PC WEST 533 ALONGSIDE TRADING STANDARDS. FEMALE VOLUNTEER AGED 15 05/09/1998 SOLD ALCOHOL. SELLER SANTHAMOORTHY SUBRAMANIAM TO BE DEALT WITH BY WAY OF TRADING STANDARDS INTERVENTION.

**Officer:** PC 533 WEST

**Further Action Required** No

**If 'Yes' Indicate details**

**BLACKPOOL COUNCIL**  
**SIMPLE CAUTION (INDIVIDUAL)**  
HOME OFFICE CIRCULAR 16/2008

CASE REFERENCE:	<b>1527537</b>
OFFENDER'S SURNAME: FORENAME(S):	<b>SUBRAMANIAM SANTHAMOORTHY</b>
NATIONAL INSURANCE No.:	<b>NW 39679B</b>
ADDRESS:	<b>Flat Above 2 MANOR ROAD, BLACKPOOL FY1 4EB</b>
DATE of BIRTH:	<b>23<sup>rd</sup> December 1963</b>

DATE of OFFENCE(S):	<b>21<sup>st</sup> February 2014</b>
PLACE of OFFENCE(S):	<b>Whitegate Food &amp; Wine, 99 Whitegate Drive, Blackpool.</b>
BRIEF CIRCUMSTANCES of OFFENCE(S):	<b>Sold a bottle of WKD (green) alcopop to a 16 year old female (under 18 years old)</b>  <b>Contrary to Section 146 of the Licensing Act 2003</b>

Please read the declaration below and make sure you understand it before you sign.

- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution.
- 5 If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue me with a licence.
- 6 If I already work in a job which is included in the list of notifiable occupations (these are jobs where you are in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), you might tell my employer about this simple caution. (I can ask you for a copy of the full list of notifiable occupations.)
- 7 If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (CRB check), you might give my new employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)
- 8 I understand that accepting this simple caution may mean that some countries will not allow me to live there

permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).

**DECLARATION**

I have read and understand all this information.  
I hereby declare that I **SANTHAMOORTHY SUBRAMANIAM**

admit the offences described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME (Block capitals) S. SUBRAMANIAM SIGNED: [Signature]

DATED THIS 28<sup>th</sup> DAY of FEB 2014

AFTER A SIGNATURE HAS BEEN ADDED ABOVE, AN OFFICER OF BLACKPOOL COUNCIL WILL COUNTERSIGN AND RETURN A COPY.

NAME (Block capitals) GWA HEINIX SIGNED: [Signature]

DESIGNATION: [Signature]

DATED THIS 28<sup>th</sup> DAY of FEB 2014

# Lancashire Constabulary

OFFICER REPORTING **P.C 3842 EVANS**DATE **09/05/13**DIVISION **A - Western** SECTION **Licensing**TELEPHONE **404005**REPORT RE **POSITIVE TEST PURCHASE: Whitegate Food&Wine**

Regarding the above I report as follows:

EXAMINED

At 17:20 on 9<sup>th</sup> May 2013, a test purchase for alcohol was conducted at Whitegate Food&Wine, 99 Whitegate Drive, Blackpool. A positive purchase was made to a 16 year old female volunteer, being 2 bottles of Brothers Cider value £4:28. The seller was Shahram RAISSI 40 Dickson Road, Blackpool. RAISSI was issued with a PND reference 0048036006139116 accordingly.

SERGEANT

SUBMITTED

CHIEF INSPECTOR

**Witness Statement**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Lisa Evans**

URN

--	--	--	--

Age if under 18 **018** (if over 18 insert "over 18"). Occupation **Police Constable**

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

Dated the **9th** day of **May 2013**Tick if witness evidence is visually recorded   
(supply witness details on rear)

Signature



I am PC 3842 EVANS of Lancashire Constabulary, currently attached to the Nightsafe and Licensing Department at Blackpool Central Police Station.

The Nightsafe and Licensing Department enforces licensing legislation contained within the Licensing Act 2003, particularly with regard to the four key licensing objectives:

- a) Prevention of crime and disorder.
- b) Protection of children from harm.
- c) Public safety.
- d) Prevention of public nuisance.

The Licensing Act 2003 regulates licensable activities; this includes public houses, nightclubs and takeaways.

On Thursday 9<sup>th</sup> May 2013, I was on uniformed duty as part of a joint Police and Blackpool Council Trading Standards operation. Whereby two 16 year old girls were to be a Test Purchaser, they were to enter pre-determined premises with alcohol licenses to attempt to purchase alcohol.

Signature



Page 46

Signature witnessed by



Section 152(4) Subsection (1) of the Licensing Act 2003 allows a person under the age of 18 to attempt to purchase alcohol if they are sent by a constable acting in the course of their duty.

At 17:40 the Test Purchasers entered Whitegate Food&Wine, 99 Whitegate Drive, Blackpool.

The test purchasers exited the premises after being sold two bottles of Brothers Cider £4.28

I've entered the premises with Trading Standards and spoken to the shop assistant who sold the alcohol who I now know to be Shahram RAISSI 24/07/73.

The circumstances of the sale to the Test Purchaser were given to RAISSI who fully accepted the incident had occurred stating that he thought they were of age due to her having dyed hair.

I informed RAISSI that he had committed an offence of selling alcohol to a person under 18, contrary to S146 (1) & (7) Licensing Act 2003 and cautioned him to which no reply was made.

I issued RAISSI with a fixed penalty notice, reference 0048036006139116 following obtaining his personnel details.

I had no further dealings.

Signature



Page 47 Signature witnessed by

This page is intentionally left blank

## Licensing File Note

**Premises:** WHITEGATE DRIVE FOOD&WINE, WHITEGATE DRIVE,  
BLACKPOOL

**Information/Complaint:** RE-VISIT AND NEW DPS

**Action Taken:** RE-VISIT CONDUCTED ON THE PREMISES WITH GARETH SHAW TO CHECK EVERYTHING NOW AIO AND A NEW DPS VISIT CONDUCTED.  
RAN THROUGH THE DPS FORM AND SHE IS HAPPY WITH THE CONDITIONS AND SINCE THE WARNING LETTER HAS GOT THE ISSUES REVOLVED HOWEVER STILL NO PROOF OF AGE TRAINING AS THE PAPERWORK REGARDING THIS AHD NOT BEEN RECEIVED FROM TRADING STANDARDS I HAVE SINCE SPOKEN TO TRADING STANDARDS AND THAT INFORMATION WILL BE HAND DELIVERED THIS WEEK. ALL ISSUES RAISED BY HEALTH&SAFETY HAD ALSO BEEN RECTIFIED HOWEVER A KNEW ISSUE WAS FOUND IN REGARDS THAT THE ELECTRICITY BOXES LOOKED TO HAVE BEEN TAMPERED WITH. ELECTYRICITY NORTHWEST ATTENDED AND CONFIRMED THAT THIS WAS THE CASE AND THAT ONE OF THE BOXES WAS ALSO A STOLEN BOX FROM ANOTHER PREMISES THEREFORE BOTH BOXES REMOVED FOR EVIDENTIAL PURPOSES AND ELECTRICITY TURNED OFF. THE OWNERS WILL THEN NEED TO CONTACT THE ELECTRIC COMPANY TO GET A NEW BOX INSTALLED.

**Officer:** PC 3842 EVANS

**Date** 12/03/2013

**Further Action Required** No

**If 'Yes' Indicate details**

## Licensing File Note

**Premises:** WHITEGATE FOOD&WINE, WHITEGATE DRIVE, BLACKPOOL

**Information/Complaint:** MULTI AGENCY VISIT

**Action Taken:** ON THE 17TH JANUARY 2013, A MULTI AGENCY VISIT WAS CONDUCTED WITH GARETH SHAW HEALTH & SAFETY AND LOIS PEERS TRADING STANDARDS, GEORGE PRESTON LANCASHIRE FIRE SERVICE AND LEE WORJOWSKI FROM THE FOOD STANDARDS AGENCY DURING WHICH THE CONDITIONS OF THE PREMISES LICENCE WERE DISCUSSED WITH THE DPS CELINE THIRUCHELVAM AND THE LICENCE HOLDER RASIAH ARULANANTHAM ALSO PRESENT WAS NIMALARAJAH JEGANATHAN WHO STATED HE WAS TO BE THE NEW JOINT LICENCE HOLDER AND SUBRAMANIAM THIRUCHELVAM WHO IS THE HUSBAND OF THE DPS.

NUMEROUS BREACHES WERE FOUND THE PREMISES LICENCE WAS NOT ON DISPLAY BUT I WAS INFORMED THIS WAS DUE TO YOU WAITING FOR IT FROM THE COUNCIL. NO PROOF OF AGE TRAINING AND NO AUTHORISATION OF SALES.

THERE WAS ALSO A MALE SERVING ALCOHOL BEHIND THE COUNTER WHO THE DPS DID NOT KNOW THE DETAILS OF NOR DID THE LICENCE HOLDER AND I WAS UNABLE TO GET HIS DETAILS AS HE HAD LEFT. HEALTH AND SAFETY FOUND NUMEROUS ISSUES WITH THE ELECTRICS AND THE FLOOR HAD ALSO SUNK CAUSING IT TO BE DANGEROUS, THE ELECTRIC WAS SHUT AND THE PREMISES HAD TO CLOSE UNTIL THE ELECTRIC WERE SORTED AND A VALIED ELECTRIC DOCUMENT WAS PROVIDED.

WARNING LETTER HAS BEEN SENT TO DPS AND LICENCE HOLDER

**Officer:** PC 3842 EVANS

Date 26/09/2012

**Further Action Required** Yes

**If 'Yes' Indicate details** RE-VISIT IN 28 DAYS TO CHECK ALL BREACHES  
HAVE NOW BEEN SORTED.

Nightsafe Department  
Blackpool Central Police Office  
Bonny Street  
Blackpool  
Lancashire  
FY1 5RL  
26th January 2013

Dear Mrs Thiruchelvam

**Re: Whitegate Drive Food&Wine, Whitegate Drive,Blackpool .**

I refer to my visit to your premises on 17<sup>TH</sup> January 2013, in company with Gareth Shaw Health & Safety and Lois Peers Trading Standards, George Preston Lancashire Fire Service and Lee Worjowski from the Food Standards Agency during which the conditions of your Premises Licence reference **PL0106** were discussed with yourself and the licence holder Rasiah Arulanantham, I would make the following observations regarding the conditions as outlined below:

**1) "Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personnel licence"**

At the time of our visit there was no authorisation in place for any of the staff serving alcohol and therefore meaning that they are not allowed to sell alcohol until this is rectified.

**2)" 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. The policy must require individuals who appear to the responsible person to be under 18 year 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."**

At the time of our visit you could not show me any Proof of age training for any of the staff and to be honest you did not understand what Proof of age training was this gave me cause for concern. You need to apply for an up to date training package from Trading Standards and get all staff to conduct the training and sign to evidence when this was conducted. There was also no posters around the store showing customers what your Challenge of age policy is you need to also obtain some posters and place them up around the store.

There was No incident book or Refusals book for selling to drunks and under age this is not a condition but is this is best practice to be done in case you are test purchased and fail and can show evidence of past refusals.

At the time of my arrival there was a male serving behind the counter and whilst we were there I witnessed that male serve a customer alcohol however he then left the shop and did not return. When I asked you for the males details you did not know

who the male was that was serving and I also asked the licence holder and he to could not provide me with the males details this also gives me great cause for concern that you do not know who is serving alcohol in your store and with no training record. Please can all staff be recorded with full names, addresses and date of birth for any future enquiries.

At the time of the visit various issues were raised by Health & Safety and I know they had to turn your electric off and this could not be turned back on until an electrician had been and sorted the issues I am sure that Health & Safety will have wrote to you as well highlighting the issues.

I will advise that in accordance with section 136(1) of the Licensing Act 2003 "a person commits an offence if a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than in accordance with an authorisation, b) he knowingly allows a licensable activity to be so carried on."

The maximum penalty for this offence is six months imprisonment and/or a fine not exceeding £20,000."

***Please be aware that until the conditions of the Premises Licence are being fully adhered to, any licensable activity is conducted other than in accordance with a licence. I intend to re-visit the premises within 28 days from the date of this correspondence. If at the time of my visit, these issues are not rectified, I will report the appropriate parties for prosecution.***

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,

  
P.C 3842 Lisa Evans  
Blackpool Licensing Department tel: 01253 604005



## Licensing File Note

**Premises:** WHITEGATE DRIVE FOOD&WINE, 99 WHITEGATE DRIVE .

**Information/Complaint:** INTERVENTION WITH DPS AFTER FAILED TEST PURCHASE.

**Action Taken:** INTERVENTION CONDUCTED WITH DPS VELAUTHAPILLAI MOHANAKUMAR AT BLACKPOOL COUNCIL IN COMPANY WITH GLEN PHOENIX (TRADING STANDARDS) AIM OF THE MEETING TO DISCUSS THE RECENT TEST PURCHASE FAIL AND TO SEE IF ANY INTERVENTION NEEDED. MOHANAKUMAR ATTENDED THE MEETING IN COMPANY WITH A SIVATHASAN SIVAKUMAR 29/11/86 AND IT APPEARED FROM THE OUTSET THAT MR MOHANAKUMAR DOES NOT HAVE AN ACTIVE ROLE IN THE BUISNESS HE LIVES IN HARLOW AND FROM ASKING HIM THE FIRST INITIAL QUESTIONS EVERY TIME HE LOOKED AT MR SIVAKUMAR WHO ANSWEREDTHE QUESTIONS. I ASKED MR MOHANAKUMAR WHEN HE HAD LAST BEEN TO THE PREMISES AND HE STATED A MONTH AGO I HAVE THEM CHALLENGED HIM IN RELATION TO HIS ROLE IN THE COMPANY AND THAT I BELIEVED THAT HE HAD NO ACTIVE ROLE AND THAT HIS NAME WAS JUST BEING PLACED ON THE LICENCE TO COVER THE SHOP TO TRADE. THIS WAS NOT DISPUTED BY EITHER MALE. THE MALE IN QUESTION ON THE EVENING OF THE FAILED TEST PURCHASE WAS RASIAH ARULUNUNTHAM WHO IS THE UNCLE OF MR SIVAKUMAR WHO IT WOULD APPEAR IS RUNNING THE SHOP BUT AFTER CHECKS HE CANNOT BE THE DPS DUE TO HIS PREVIOUS ON PNC. THERE IS NO PROOF OF AGE TRAINING IN RELATION TO THE STORE.

I HAVE SINCE VISITED THE SHOP AND SPOKE WITH MR SIVAKUMAR ABOUT MY CONCERNS IN RELATIONTO NO ACTIVE DPS AND STATED THAT I WANT A NEW DPS PUT INTO PLACE ASAP HE IS IN AN ACTIVE ROLE I HAVE BEEN ADVISED THAT THIS IS ALREADY IN PROCESS.

**Officer:** PC 3842 EVANS

**Date** 01/07/2012

**Further Action Required** Yes

**If 'Yes' Indicate details** WHEN THE NEW DPS IS PUT INTO PLACE A FULL LICENCE VISIT O BE CONDUCTED.

## Licensing File Note

**Premises:** WHITEGATE FOOD AND WINE - 99 WHITATE DRIVE

**Information/Complaint:** UNDER AGE TEST PURCHASE OPERATION

**Action Taken:** CONDUCTED TEST PURCHASE OPERATION. FAILED  
SERVING ALOCHOL TO 14 YEAR OLD GIRL. PND RASIAH  
ARULANANTHAM 11/01/62

**Officer:** PC 3224 HILL

Date 25/05/2012

**Further Action Required** No

If 'Yes' Indicate details

This page is intentionally left blank