

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

25th 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.

1st 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.

17th January 2013

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

12th 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.

9th 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.

29th 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.

11th 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.

11th 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.

17th February 2014

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

21st 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 : 29TH 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 11TH 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 : 11TH 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 : 17TH 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:	1527537
OFFENDER'S SURNAME: FORENAME(S):	SUBRAMANIAM SANTHAMOORTHY
NATIONAL INSURANCE No.:	NW 39679B
ADDRESS:	Flat Above 2 MANOR ROAD, BLACKPOOL FY1 4EB
DATE of BIRTH:	23rd December 1963

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

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 28th 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 28th 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 9th 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**

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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 9th 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



Signature witnessed by

Continuation of Statement / Interview of Lisa Evans

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



Signature witnessed by