MEDWAY COUNCIL

Licensing Unit, Civic Centre, Strood, Kent, ME2 4AU



Serving You

Premises Licence

Premises Licence Number

Medway-05-PREM-0366

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Costcutters 6 Kestrel Road Lordswood Chatham

Kent ME5 8TH

Telephone Number 01634 686414

Where the licence is time limited the date

Not Applicable

Name, (registered) Address, Telephone Number and email (where relevant) of the holder of this premises licence, registered number or charity number (where applicable)

Mr Thiagalingam Rageevan

42 Kestrel Road

Chatham

Kent ME5 8TH

01634 867243 / 07715013630

Name, Address and Telephone Number of designated premises supervisor where the premises licence authorises the supply of alcohol:-

Mr Thiagalingam Rageevan

42 Kestrel Road

Chatham

Kent ME58TH

01634 867243 / 07715013630

Council: Gravesend Borough Council / Number: GM/PER/0506/0371

Mandatory Conditions

- 1. No supply of alcohol maybe made under this licence:
 - a) At a time when there is no designated premises supervisor in respect of it or b) At a time when the designated premises supervisor does not hold a personal

licence or his/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Embedded Conditions

Not Applicable

Conditions consistent with the 'Operating Schedule'

- 2. CCTV cameras installed and maintained with an incorporated recording facility. Recordings to be stored for one month. The CCTV system to be fully operationally 24 hours a day. Recordings to be made available to Police and Local Authority on request.
- 3. Refusal/Incident book to be kept on the premises and available to Police and Licensing Authority.
- 4. No advertisement, posters on front window of the premises which obstruct the view to immediate vicinity of the front premises.
- 5. All staff to be trained to BIIAB level. Records of training to be made available on request to Police and Local Authority Officers.
- 6. Staff will be trained to operate a 'Challenge 21' policy, ask those who look under 21 for identification and only accept a photo driving licence or a valid passport.

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Licensable activities authorised by the licence and times the licence authorises the carrying out of the licensable activities.

Opening Hours

Opening nou	115
Monday	08:00 to 23:00
Tuesday	08:00 to 23:00
Wednesday	08:00 to 23:00
Thursday	08:00 to 23:00
Friday	08:00 to 23:00
Saturday	08:00 to 23:00
Sunday	10:00 to 22:30
Seasonal	Good Friday 08:00 to 22:30 / Christmas Day 12:00 to 15:00 & 19:00 to 22:30.
Non Standard	Not Applicable *
Other	The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.

Sale of Retail of Alcohol

Sale of Retail o	AICOHOI	the state of the s
Activity takes place	ON the premises - NO	OFF the premises - YES
Monday	08:00 to 23:00	
Tuesday	08:00 to 23:00	
Wednesday	08:00 to 23:00	
Thursday	08:00 to 23:00	
Friday	08:00 to 23:00	
Saturday	08:00 to 23:00	
Sunday	10:00 to 22:30	
Seasonal	Good Friday 08:00 to 22:30 / Chris	stmas Day 12:00 to 15:00 & 19:00 to 22:30.
Non Standard	Not Applicable	
	<u> </u>	

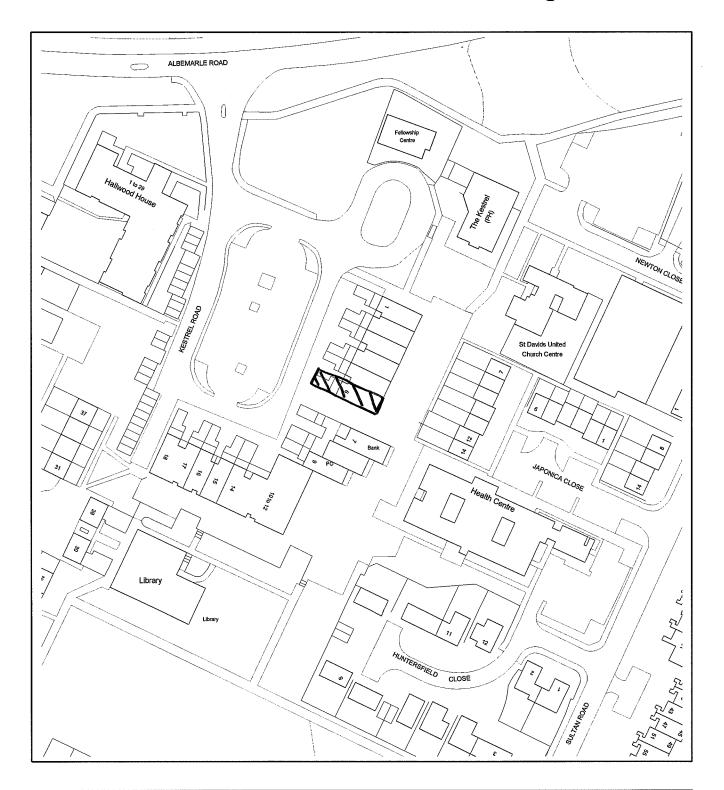
Signed and Dated on behalf of Medway Council Licensing Authority

Licensing Manager

27 March 2008

Dated

NORTHGATE SE GIS Print Template



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<u>Application for review of the Premises</u> <u>License.</u>

Cost Cutters. 6 Kestrel Road, Lordswood, ME5.

Appendices

- 1. Application for review of Premises Licence.
- 2. Copy of CCTV from Cost Cutters Lordswood.
- 3. Penalty Notice Disposal Mr Muthuramal.
- 4. Copy of Licensing Visit (15/09/2010) Costcutters (Lordswood).
- 5. Costcutters Customer Refusal Book from Costcutters (Lordswood).
- 6. Trading Standards Refusal Book from Costcutters (Lordswood).
- 7. Trading Standards Training Records from Costcutters (Lordswood).
- 8. Email and signed copy of agreed conditions dated October 2007.

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 you're 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.

$I_{\mbox{\scriptsize f}}$ Chief Superintendent 9412 Corbishley on behalf of the Chief Officer of Police

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

Po	stal address of promises or if non-	and an	
Co	stal address of premises or, if none stCutter.	e, oranance survey map reference	e or description
	Kestrel Road,		
	rdswood,		
Ke	nt. ME5 8TH		
Pos	st town Chatham	Postcode (if known) ME5 8TH	
Na Mr	me of premises licence holder or cl Thiagalingam Rageevan	lub holding club premises certifi	cate (if known)
Nu Me	mber of premises licence or clu dway-05-PREM-0366	b premises certificate (if kno	wn)
Par	rt 2 – Applicant Details		
I an	n,		
1	An interested party (please complete		Please tick yes
	a) a person living in the vicinity of theb) a body representing persons living	e premises in the vicinity of the premises	
	 c) a person involved in business in the d) a body representing persons involved premises 		
2	A responsible authority (please comp	lete (C) below)	X
3	A member of the club to which this a (A) below)		

(A) Details of Individual Applicant (fill in as applicable) Please tick Ms Other title (eg, Rev) Miss Mr Mrs First names Surname Please tick yes I am 18 years old or over Current postal address if different from premises address Post code Post town Daytime contact telephone number Email address (optional) (A) Details of Other Applicant Name and address Telephone number (if any) Email address (optional)

(B) Details of Responsible Authority Applicant

Chief Superintendent Corbishley.
Medway Police Station,
Purser Way,
Gillingham,
Kent.
ME7 1NE

Telephone number (if any) 01634 792539

Email address (optional)

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

Please tick one or more boxes

1 The prevention of crime and disorder X
2 Public safety
3 The prevention of public nuisance X
4 The protection of children from harm X

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

- 1) Prevention Of Crime and Disorder.
- 3) Prevention of Public Nuisance.
- 4) Protection of Children.

Through;

- a) Sale of alcohol to a person under 18 yrs.
- b) Putting a young person at risk of committing an offence of Persistent Possession of alcohol (Section 30 Policing and Crime Act 2009)

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

This premises is a local convenience store that has a Premises Licence for the provision of Off Sales.

The premises have come to the attention of the Licensing Authority and the Police before. It was visited on 4th February 2010 by Licensing Officers from Medway Council and Kent Police in Medway. During the course of that visit it was discovered that the CCTV system was defective and there were no training records for the staff that were employed at the time. Both of these were breaches of the conditions applicable to the Premises Licence. Mr Thaiajalingam Rageevan, the DPS, was spoken to and issued with a verbal warning.

On the 6th April the Premises was visited by Officers from the United Kingdom Border Agency. It was discovered that Mr Thaiajalingam Regeevan was employing two illegal immigrants. Mr Thaiajalingam Regeevan has been served with a civil penalty notice for each employee on 2nd June 2010, a sanction of £10,000.

On the 10th September 2010 a group of four youths all of whom were 17 years old, were stopped by officers in an area of Lordswood. The officers knew the youths and were aware that they were not from the local area but from adjacent Walderslade. One of the group was physically in possession of alcohol; namely cans of Stella Lager. The officers dealt with the youths in relation to the alcohol and established during the course of their enquiries that the alcohol had been purchased from Cost Cutters located in the small shopping area at Kestral Road. Officers attended the premises and spoke to a male worker Mr Muthuramalingam Narayanan.

Mr Narayanan informed the officers that he hadn't sold alcohol to the youths. At the time Mr Narayanan was unable to show them the CCTV to validate his claim.

On Wednesday 15th September 2010 DC Mark Horner attended Cost Cutters and during the visit established that in addition to Mr Mr Thiagalingam Rageevan, the DPS and owner of the business, the following persons are employed at the Licensed Premises;

Mr Muthuramalingam Narayanan D.O.B 03/06/1985

Mr Rajalingam Pragalathan D.O.B 27/05/1978

Mr Shamal Dimuthu Kumara Kondasingha Mudiyanselage D.O.B 15/11/87

It was established that on the 10th of September 2010 the three aforementioned employees were working; however Mr Thiagalingam Rageevan, the DPS, was not.

The CCTV was supplied to DC Horner for the evening of the 10th of September and at 20:23:55 Mr Muthuramalingam makes a sale of 4 cans of "Stella" lager to a youth. Mr Muthuramaligam cannot be seen to ask the youth for any form of identification and no identification is produced by the youth prior to the sale.

PC 11745 Balderson, the primary officer involved in the stop of the youths on the 10th September and the officer who visited the shop that evening, viewed the CCTV footage and confirmed that the youth seen to purchase the Stella lager was the youth that he stopped and seized the alcohol from.

On Thursday 16th September 2010 DC Horner accompanied PC 11745 Balderson to the premises where, in the presence, of Mr Thaigalingam Rageevan, Mr Muthuramalingam was spoken to. When the offence and it's circumstances where pointed out to Mr Muthuramalingam he suggested that he had dealt with the same youth a few days prior to the 10th when the same youth had asked to purchase cigarettes. On that occasion the youth had produced a green photo-driving license. Mr Muthuramaligam was unable to evidence this or recall the day that he was referring to. Mr Muthuramaligam was issued with an £80 Penalty Notice. On the 16th September Mr Rageevan used his credit card to pay the £80 penalty on behalf of his employee.

Condition 5 of the Premises License states that all staff shall be trained to a BIIAB level. Records to be made available on request to Police and Local Authority Officers.

Condition 6 of the Premises License states that the premises shall operate a "Challenge 21" policy and shall challenge all those who look under 21 for identification and only to accept a photo driving licence or valid passport.

On investigation Mr Thiagalingam Rageevan the DPS and owner of the business disclosed that of the three employees only Mr Rajalingam Pragalathan has undertaken any BIIAB training. However, Mr Thiagalingam has created no training records for himself or his employees. This was despite the warning and advice that he'd been given as a result of the aforementioned visit conducted in February this year.

The circumstances and events that have been described undermine three of the four Licensing Objectives, Prevention of Crime and Disorder, Public Nuisance and Protection of Children.

It is clear from the interaction that the authorities have had with Mr Rageevan that the running of the premises has fallen below the standards that are required. The conditions that the Members of the Licensing Panel endorsed as being necessary to promote the Licensing Act 2003 and the subsequent intervention and engagement of those charged with the enforcement of the legislation have been disregarded. This suggests and demonstrates the contempt or indifference that Mr Rageevan has for the Licensing Authority or those charged with enforcing the Licensing Act 2003. Had Mr Rageevan complied with the conditions following February's visit, then Mr Pragalathan would have possessed the requisite knowledge which may have negated him from committing the offence contrary to \$146 (1) Licensing Act 2003 (Sale of Alcohol to children). Additionally had Mr Pragalathan conducted the necessary intervention the youth who was stopped, would not have made himself vulnerable to now being subject of \$30 Policing and Crime Act 2009 (Persistent Possession of Alcohol).

It can be seen from the events and circumstances described that the Premises Licence holder and Designated Premises Supervisor have shown contempt for the legislation. The conditions that have been attached to the premises are proportionate and necessary for the promotion of the Licensing Objectives in relation to the size and nature of this retail business. Therefore it is hard to see what further conditions could be placed on the license to address theses issues.

As a regulatory authority Kent Police in Medway can consider prosecution in conjunction with this review, however we feel that the circumstances necessitate a review of the Premises Licence as the appropriate course of action at this time and would ask the Licensing Panel to consider the suspension of the Premises License for a period of two calendar months.

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	M	ont	ηY	ea	r	
						Γ

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

Х

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 (3132	MIDC 13132
Date of the Catalog 2010	BENCH EN BEHALT ex On/Sult CORBIENIO.
Capacity - LICENSINE OFFICER	ARA COMMANDER - MEDEN

Contact name (where not previously given) a associated with this application (please read	and postal address for correspondence guidance note 5)
Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond wind provide your email address (optional)	th you using an email address, please

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.

KENT POLICE PENALTY NOTICE PENALTY AMOUNT £80

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THO DC HORNER

	Police Copy	Produced LK/Licensing/FEB10
	Council Copy	Enforcement Register FLO Filed
	<u>L</u>	icensing Enforcement Visit Sheet
	Nam (I Premises	Cot Cutters.
	Address of Premises	6 KOSTRE- HOAD MES 8TH.
	Telephone	686414
	Date	Day Date in Month Year 2010
	Time	24 hr clock /0:08.
	Reason for Visit	Complaint As a result of Intel Pro-Active Visit
		Check Advertising Operation Advice / Meeting
/ ^ ` `\)	Enforcement Meeting Target Risk Rating (Compliance Code)
	Officers <u>Council</u>	Lynsey Keen Charles Bennett Franco De Fazio
	<u>Police</u>	DC Mark Horner Police Officer Fire
	Other Agencies	UK Border Agency Gambling Commission EHO EHO
		Other (details)
	Health & Safety	Risk Assessed on the day Low Medium High High
		Any issues to address:
	Licensing Enforce	ement Officer To Check
	DPS on the premises	YES NO Personal Licence checked YES NO
	"Alcohol premises	Mobile Numbers of Manager / DPS 877/50 /36 30.
	only" Manager / Staff	Manager Staff Numbers on the premises
,	Details	Name of Person(s) Dates of Birth 1777.
`~-		MR. THIAGALING AM KAGEENAN
	How many Personal Licence Holders?	Names of PL Authority Licence Number
	Is the Summary	YES NO If Yes, is it Original Certified Photocopy
	on Display	If Yes, is it Prominent Position Hidden Had to ask
	Produce Premises	YEST NO If Yes, is it Original Certified Photocopy
	Licence	Licence Date Checked against the file Yes / No.
	Complying with	YES NO I If No details please
	the conditions	
	Refusal Book	Have they got a Refusal Book YES NO Not Applicable
	Doorstaff	YES NO Not Applicable
ļ	PELLER ZON JAM	FOR FAR'S NON FOR ALCOHOL.
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these are won by the players skill, there is NO element of chance. Types (Trivia, racing, shooting games)

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Signed by officer C 13132

CAUTION: 'You do not have to say anything. But it may harm your defence, if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.'

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REFUSALS REGISTER

If a customer fails to produce valid photo-ID which confirms his or her age, the sale should be REFUSED and recorded in this Refusals Register, after the customer has left the premises.

Keep the Register close to the counter but out of sight.

The sale should be REFUSED if the customer is unable to prove he or she is:

16 or older if the product is LOTTERY.

18 or older if the product is TOBACCO, ALCOHOL, FIREWORK, SOLVENT or KNIVES.

All staff should know where this Refusals Register is kept, and should write an entry whenever an age-related sale is REFUSED.

If staff sell an age-restricted product to under 16s (lottery) or to under 18s (tobacco/alcohol/fireworks/solvents/knives) both manager and staff are liable to conviction and a fine and/or prison (see guidance, right).

The manager will sign off and date each page of this register, which will be kept in a safe place away from customers. The Register may need to be produced in the event that local authority enforcement officers undertake test purchases or other enforcement activity, or if a threat of legal action against the premises' manager or staff arises.

MAXIMUM PENALTIES



TOBACCO

£2,500 fine for selling tobacco to a person below the age of 18 £1,000 fine for failing to display the Statutory Notice

3 underage sales in a 2 year period may lead to a sanction resulting in the loss of either personal or business right to sell tobacco for 12 months. £20,000 for breaking a sanction [applies only in England and Wales]

CIGARETTE LIGHTER FUEL & SOLVENTS

E5,000 and/or 6 months prison

COHOL

 $\pm 5,000$ fine for selling alcohol to a person below the age of 18 $\pm 1,000$ fine for allowing staff below the age of 18 to sell alcohol

FIREWORKS & SPARKLERS £5,000 and/or 6 months prison 18 and R18 MOVIES & GAMES £5,000 and/or 6 months prison

IVES

£5,000 and/or 6 months prison

£5.0

IATIONAL LOTTERY & SCRATCHCAR

£5,000 and/or 6 months prison; Following a sale involving Trading Standards testing you may lose your terminal and on a 3rd offence of Camelot's test purchasing they will remove your terminal.

PARTY POPPERS, CAPS, CRACKER SNAPS £5,000 and/or 6 months prison

12

15 MOVIES & GAMES
5,000 and/or 6 months prison

12 MOVIES E5,000 and/or

12 MOVIES & GAMES £5,000 and/or 6 months prison www.noidnosale.com

E

Date Product Time Name of Posson Observations Staff Momber of Description of Description Observations Staff Momber O4/05/09 Ogereties 7.10pm Male 14 years? Nervous and refusing Alan Smith Blonde Still 11" to show ID Alan Smith
Product Time Name of Person Observations or Description Or Description Alabe 14 years? Nervous and refusing Blonde, 5ft 11* to show ID to show ID The Name of Person Observations or Description or Desc
7.10pm Name of Person Observations Male 14 years? Nervous and refusing to show ID to sh
Nervous and refusing to show ID
Alan Smith



MANAGER'S SIGNATURE

DATE

NO JUEA NO SALE

A retailer's guide to age restricted products

Medway

1.	An introduction to No IDea, No Sale	
2.	Summary – What do I need to do?	
3.	Product focus	
4.	Staff check sheets	
5.	Useful contacts	
6.	Training register	
7.	Display material	
8.	Guidance notes	
9.	Our company procedure	
10.	Notes	

(2)









"No	IDea"
TRAININ	G RECORD

Six month training M	Month 06/12/06 Ye	ar2006
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"No IDea" training record

Six month training I	Wonth	5a1	
Complete this training record each time a member of staff has their training refreshed.			
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Checked by......date......date.....

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bennett, charles

.irom: Joanne GREEN PSE 55205 [joanne.green@kent.pnn.police.uk]

Sent: 16 October 2007 09:09

To: COLEMAN INSP 8760, David; KEERS CHINSP 9229, Des

Cc: CARRON PS 10210, Mark; bennett, charles; defazio, franco; NICHOLLS PC11179, Gaviri;

WOOLGAR PC 7155, Trevor

Subject: Kestrel Off Licence - FILENOTE

In relation to yesterday's meeting with Mr Thiagalingani Rageevan, it was agreed and confirmed by all parties that certain conditions would be changed to the licence in an attempt to cut down on Anti Social Behaviour outside the 1 passport heli premises and under age sales from within. The following terms apply:

1. CCTV must be recording and maintained at all times.

2. CCTV recordings to be kept for a minimum of 30 days.

3. CCTV to be available to police at all times.

4. Under 21 Policy.

5. No advertisement posters on front windows of the premises to obscure the view to the immediate vicinity of front of premises.

6. All staff to be trained to BIIB level.

7. Refusals/Incident book to be kept and maintained.

8. A qualified Security person or Door Supervisor to be employed every Friday and Saturday between 1800 hours and closing.

Mr Rageevan will be away on holiday from 17th October and will be returning in two weeks. He was given an application for variation of his licence by Franco De Fazio to complete and will adhere to his licence changes when he returns from holiday.

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Suitable security

AGREED CONDITIONS

- 1. CCTV must be recording and maintained at all time.
- 2. CCTV recordings to be kept for a minimum of 30 days.
- 3. CCTV to be available to police at all time.
- 4. Under 21 policy
- 5. No advertisement posters on front windows of premises which obstruct the view to immediate vicinity of front of premises.
- 6. All staff to be trained to be BIIB level.
- 7. Refusals / incident book to be kept and maintained.
- 8. A qualified security person / or / door supervisor to be employed every Friday and Saturday between 18.00hrs and closing.

I MR THIAGALINGAM RAGEEVAN understand the above conditions, but as I am going aware on holiday from 18^{th} Oct -8^{th} Nov, I want be able to arrange a qualified person till I come back from holiday.

According to the 8th condition, including myself I have 2 staffs working at the moment. So finding the extra qualified person is involved a quite a sum of money. So I still need to discuss about this matter with the council and need to find out the cost for the extra employer also.

Thanking you.

MR THIAGALINGAM RAGEEVAN 16th October 2007.