

LICENSING HEARING PANEL

28 FEBRUARY 2017

LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE

TEMPLE POST OFFICE, 5 CEDAR ROAD, STROOD, ROCHESTER, KENT ME2 2HB

Report from: Perry Holmes, Chief Legal Officer

Author: Helen Buddin, Licensing Officer

Summary

In accordance with Section 51 of the Licensing Act 2003, the Council has received an application from Trading Standards Department, as a responsible authority, for a review of the existing premises licence in respect of the Temple Post Office, 5 Cedar Road, Strood, Rochester, Kent ME2 2HB

1. Budget and Policy Framework

- 1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003. Paragraph 3 specifically deals with the question of crime and disorder and the protection of children from harm, which are the objectives which relate to this review application.

2. Background to the application and relevant representations

- 2.1 An application for review was received from Trading Standards, as a responsible authority, in respect of the Temple Post Office, 5 Cedar Road, Strood, Rochester, Kent ME2 2HB. The premises currently operate by way of a premises licence granted in accordance with the Licensing Act 2003, a copy of which is attached at Appendix A. A copy of a plan showing the location of the premises is at Appendix B.
- 2.2 A copy of the review application is at Appendix C and the Panel's attention is drawn to the grounds for the review, related to the licensing objectives of the Licensing Act 2003. No representation has been received from the Premises Licence Holder.
- 2.3 The application has been correctly advertised by way of the display of notices at and around the premises and on the Council's website for the required period, in accordance with regulations made under the

Licensing Act 2003. Also, in accordance with the legislation, notice of the application (and the application itself) was served on the licence holder and the other responsible authorities.

- 2.4 Before determining the review application, the Council as Licensing Authority must hold a hearing to consider it and any relevant representations received.
- 2.5 Following the advertising of the review application, no relevant representations have been received from interested parties, any of the other responsible authorities or the premises licence holder.

3. Advice and analysis on determination of review application

- 3.1 At the panel hearing, Members must, having regard to the review application and the relevant representations received, take any of the following steps considered necessary to promote the licensing objectives of the Act:-
 - (a) 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;
 - (b) 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);
 - (c) remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - (d) suspend the licence for a period not exceeding three months;
 - (e) revoke the licence
- 3.2 Paragraph 11.16 – 11.18 of the revised guidance issued by the Home Office on 27 June 2013 under Section 182 of the Licensing Act 2003 states " The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives. The licensing authority may decide that the review does not require it to take any further steps appropriate 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 informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder. However, where responsible authorities such as 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 address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

4. Risk Management

- 4.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

5. Financial and legal implications

- 5.1 There are no direct financial requirements at this time.
- 5.2 This hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 5.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objector. Legal advice will be given to members as appropriate at the hearing. However, whatever the decision of the panel members, this must be based on the evidence placed before it and the panel must decide what weight to attribute to this information.

6. Decision Required

- 6.1 Having regard to Licensing Act 2003, the statutory guidance issued under S182, the Council's Licensing Policy and all matters before it, both written and oral, the steps that the licensing authority may consider taking are outlined in paragraph 3.1.

Lead officer contact: Helen Buddin, Licensing Officer
Telephone: 01634 331926
Email: helen.buddin@medway.gov.uk

Appendices:

Appendix A – Copy of current premises licence
Appendix B - Plan showing the location of the premises
Appendix C - Copy of the Review Application

Background documents

None



MEDWAY COUNCIL

Licensing Authority, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Premises Licence

Premises Licence Number

Medway-05-PREM-0537

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description P.V.A Supermarket 5 Cedar Road Strood	
Post town	Rochester, Kent
Post code	ME2 2HB
Telephone number	01634 710592
Where the licence is time limited the dates: Not Applicable	
Licensable Activities authorised by the licence Sale of Retail of Alcohol.	
The times the licence authorises the carrying out of licensable activities Monday to Saturday 08:00 to 23:00 and Sunday 10:00 to 22:30. Non Standard Times:- Good Friday 08:00 to 22:30 and Christmas Day 12:00 to 15:00 and 19:00 to 22:30.	
The opening hours of the premises Monday to Saturday 08:00 to 23:00 and Sunday 10:00 to 22:30. Non Standard Times:- Good Friday 08:00 to 22:30 and Christmas Day 12:00 to 15:00 and 19:00 to 22:30.	
The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.	
Where the licence authorises supplies of alcohol whether these are on and/or off supplies Off Supplies	

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence Mr Bhupendra Patel and Mrs Asmita Patel
Registered number of holder, for example company number, charity number (where applicable) Not Applicable

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

Mr Visagarajah Sutharsan

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

Medway-12-01292-PER

Medway Council

Annex 1 – Mandatory Conditions

Condition 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.

Condition 2

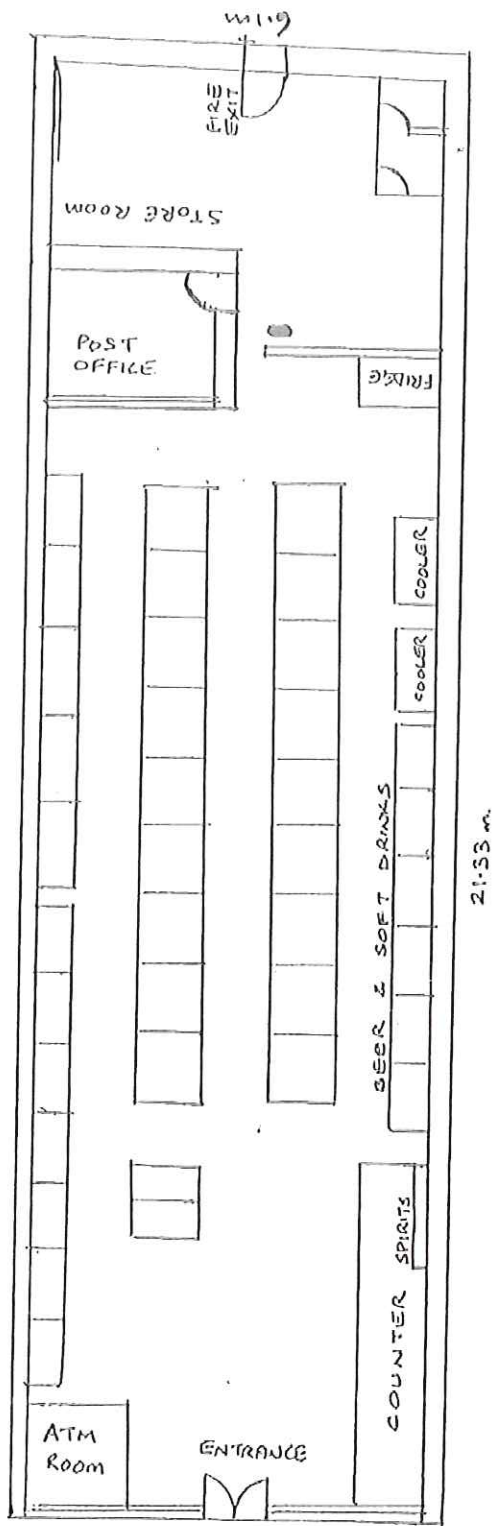
- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – Conditions consistent with the Operating Schedule

Not Applicable

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

Not Applicable



SCALE: 1mm:100mm.
● FIRE EXTINGUISHER

MT. RATEL
PVA & TEMPLE P.O.
5 CEDAR ROAD
STROOD
KENT
ME2 2HB

These conditions came into effect on 1 October 2014 and replace the Mandatory Conditions on Medway-05-PREM-0537.

Annex 1 – Mandatory Conditions

Condition 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.

Condition 2

Only individuals licensed by the Security Industry Authority (SIA) maybe used at the premises to guard against:-

- (a) Unauthorised access or occupation (e.g. through door supervision)**
- (b) Outbreaks of disorder**
- (c) Damage**

Condition 3

- (1) 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**
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.**

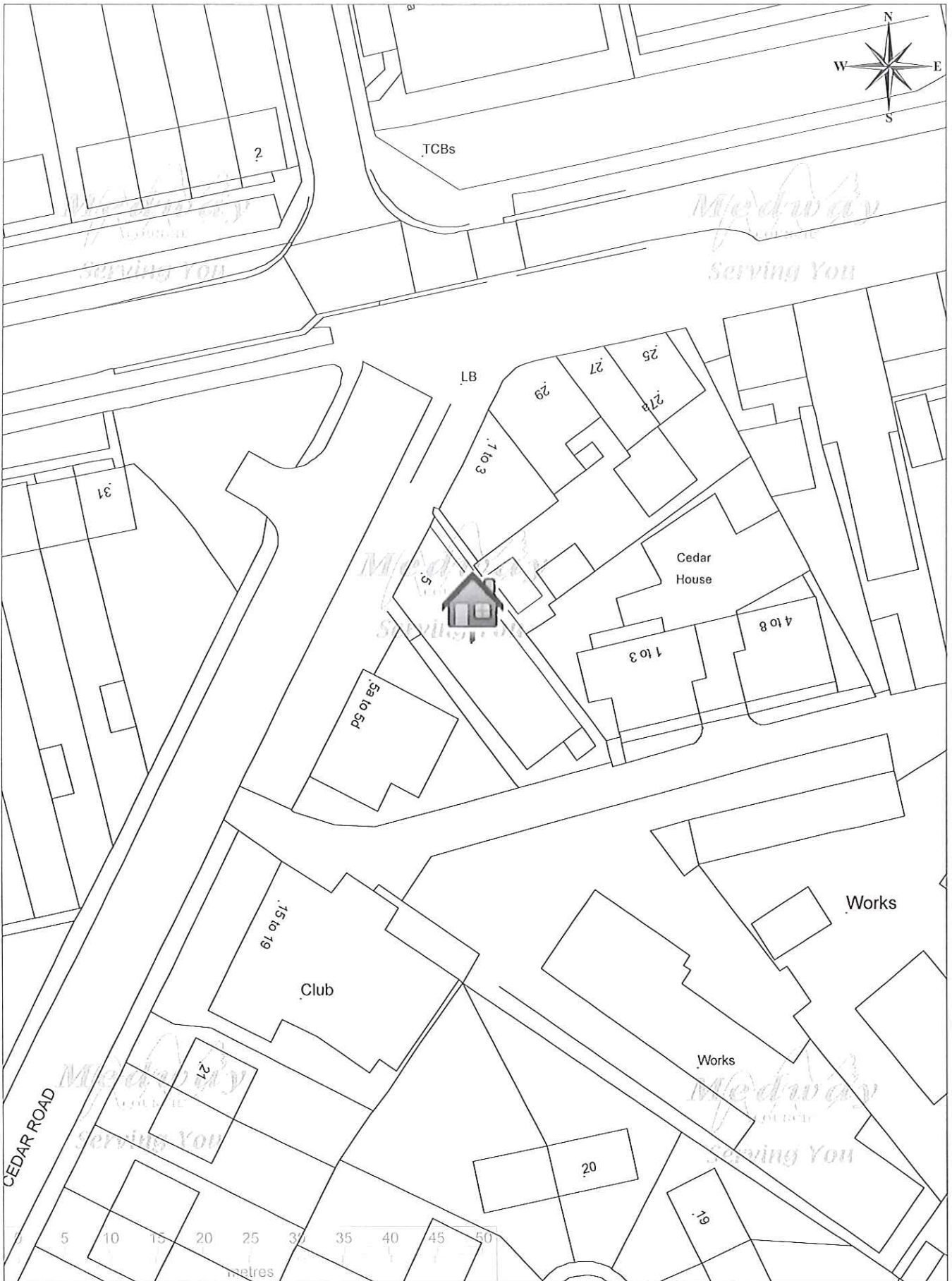
Condition 4

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol**
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either**
 - (a) a holographic mark, or**
 - (b) an ultraviolet feature**

Condition 5

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purpose of the condition set out in paragraph 1:-
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) "permitted price" is the price found by applying the formula:- $P = D + (D \times V)$ where:-
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7)
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

APPENDIX B



5 Cedar Road

Medway
COUNCIL

Serving You

Scale: Not to Scale 16/02/17

© Medway Council, 2013

Serving You

Medway Council, Licensing Unit, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

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 Gemma Shaw-Mackie

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Temple Post Office 5 Cedar Road	
Post town Strood	Post code (if known) ME2 2HB

Name of premises licence holder or club holding club premises certificate (if known)
--

Number of premises licence or club premises certificate (if known) Medway-05-PREM-0537

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

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 ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

☐

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 Gemma Shaw-Mackie Trading Standards Department Medway Council Gun Wharf Dock Road Chatham Kent ME4 4TR
Telephone number (if any) 01634 331820
E-mail address (optional) gemma.shawmackie@medway.gov.uk

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

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Temple Post Office have failed to promote the following licensing objectives, the prevention of crime and disorder, and the protection of children from harm by serving an underage test purchase volunteer who was aged 14 years old on two separate occasions with alcohol.

Please provide as much information as possible to support the application (please read guidance note 3)

Following intel received from Kent Police's North Division Licensing Officer, a test purchase operation for alcohol was carried out using an underage sales volunteer on Saturday 30th July 2016. This premises sold a 700ml WKD to a 14year old volunteer, which is a criminal offence contrary to Section 146 of the Licensing Act 2003.

The premises received a warning letter dated 01/08/16 with a Retail Advice pack and an offer of support and training. There was no contact received from the premises and the offer of training and support was not accepted.

In the letter the premises were advised that they would be subject to another test purchase attempt in the near future.

On Saturday 3rd September 2016, another test purchase operation was carried out with RIPA Authorisation to use a covert surveillance camera. A second positive sale was made to a 14year old test purchase volunteer. This contravenes Section 146 of Licensing Act 2003 and Section 147A of the Licensing Act 2003, which creates the offence of "Persistently selling to children", which is now defined as selling alcohol twice to children under the age of 18 years old within a three month period.

Medway Trading Standards believes that the results of the two recent test purchase operations and the non-acceptance of the offer of support and training shows total disregard of the licensing objectives and because of this we are now seek a licensing review.

The DPS for the shop was interviewed on the 26th September 2016 in regards to the two sales. Transcript of the interview exhibit GSM/Temple/1. In summary during the interview the following points were made:

- Temple Post Office operates a Challenge 25 Policy.
- When shown a picture of the test purchase volunteer the DPS agreed that she looked under 18 years old and should have been asked for ID.
- Refresher training has been carried out twice, following each positive test purchase.
- Both sales were carried out by the same member of staff.
- There is no disciplinary procedure at the premises.
- Premises licence holders have no involvement with the day to day running of the shop and have not carried out any of the licensing objectives.
- The DPS was also advised of all possible outcomes.

On the 27th September 2016 a letter inviting the Licensee's, to contact us with regards to a PACE interview, no response has been received from them. Due to the lack of response and failure to attend we then hand delivered another invite letter to the store on 10th November 2016.

On Monday 12th December 2016 the Licensee for Temple Post Office came in for Interview. Transcript of the interview exhibit GSM/Temple/2. In summary during the interview the following points were made:

- The licensee for Temple Post Office, confirmed he has no involvement in the running of the business.
- The Licensee was not informed of the first positive sale in July.
- The Licensee generally goes to the shop once a month to collect rent and post.
- The Licensee has asked the DPS to get his own premises licence. But in 10 months this still hasn't happened.
- Since October 2016 the licensee has been visiting the shop once a week.
- The Licensee has asked that the seller on both occasions is no longer to work in the shop.
- The Licensee has instructed the DPS that if alcohol is to be sold, a person with a personal licence needs to be on the premises.

- There was little understanding or regard for the Licensing objectives.
- There was little understanding of the refusal book system and the licensee has no knowledge of Challenge 25 being used at the premises.

The licence holder's lack of involvement with this process and the day to day operation of the shop means that they cannot ensure that the licensing objectives are being promoted.

Trading Standards seek this review in order to fully promote the licensing objectives and as such seek the revocation of the premises licence. If however the panel do not support this proposal then we seek removal and replacement of the Designated Premises Supervisor and an additional condition of quarterly staff training programme.

Witness Statements are available to panel members in the hearing process if necessary, but are exempted items due to containing personal data in accordance with the Data Protection Act 1998

Please tick ☒ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day		Month		Year	

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

Please tick ✓ Yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Gemma Shaw-Mackie
Trading Standards Department
Medway Council
Gun Wharf
Dock Road

Post town
Chatham

Post Code
ME4 4TR

Telephone number (if any) 01634 331820

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) gemma.shawmackie@medway.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Please contact: Gemma Shaw-Mackie
Trading Standards Officer

Your ref:

Our ref:

Date: 1st August 2016

Temple Post Office
5 Cedar Road
Strood
Kent
ME2 2HB

Frontline Services
Regeneration, Community and Culture
Medway Council
Civic Headquarters
Gun Wharf
Dock Road
Chatham Kent ME4 4TR
Telephone: 01634 331820
Facsimile: 01634 333015
Email: gemma.shawmackie@medway.gov.uk

Dear Sir or Madam

RE: The Licensing Act 2003 Section 146 (1)

On Saturday 30th July 2016, this service carried out a test purchase exercise at your premises in regards to underage sales. Unfortunately on this occasion a sales assistant, sold alcohol to a person under the age of 18 years old as prohibited by the above legislation. The volunteer who purchased the product was just fourteen years old.

As you will be aware it is a criminal offence, contrary to section 146 and 147 of the above Act, to sell alcohol and/or permit it to be sold to person under the age of eighteen. The matter could also give rise to a review of your alcohol licence potentially leading to the imposition of additional conditions to your licence or even its revocation.

I would ask that you immediately review your working practices and the training relating to age sales given to all staff. I have enclosed a guidance booklet on the law surrounding age restricted goods and I would urge you to adopt the good practices it outlines.

If you require any additional guidance to enable you to comply with your legal obligations relating to age restricted goods please do not hesitate to contact me on 01634 331820 to arrange a mutually convenient meeting.

Having regard to all the circumstances, including your previous trading history, it is proposed to resolve this matter by way of a warning and formal notification of the sale by your business. A copy of this letter will be held on file and will used to illustrate your previous trading practices as well as the guidance issued to your business.

As a result of this sale a further test purchase attempt will be made from your premises in the future. Should a sale of alcohol to an underage person again be made formal action under the Police and Criminal Evidence Act 1984 and the licensing review process will be actioned.

If you wish to discuss the contents of this letter please do not hesitate to contact me on 01634 331820.

Yours sincerely,

Gemma Shaw-Mackie
Trading Standards Officer
ENCL.

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

Statement of (full name)	Gemma Shaw-Mackie
Age of Witness (if over 18, enter "over 18")	Over 18
<p>The following statement (consisting of two pages) 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 willfully stated in it anything which I know to be false or do not believe to be true.</p>	
Signed	Date 23rd January 2017

I am employed by Medway Council's Trading Standards Team as an Enforcement Officer, in this capacity I am an authorised officer under the provisions of the Licensing Act 2003. I have been employed within the Trading Standards profession since 2004.

On the 30th July 2016 I was working with my colleagues Ian Gilmore and Clare Shorter, conducting an underage sales test purchase operation with a child volunteer. At 16.10 I remained outside of the shop, Temple Post Office, 5 Cedar Road, Strood, Kent, ME2 2HB, whilst Ian Gilmore and the child volunteer entered the shop. The child volunteer returned from the premises of Temple Post Office and handed me a 70cl bottle of WKD Red, an alcoholic drink labelled 4%. I sealed it in an evidence bag with Seal number N02660521. The volunteer was served by a short bald male who appeared to be in his 40's and was of Indian appearance.

I also exhibit the initial letter offering advice sent to Temple Post Office following the first sale letter dated 1st August 2016 as exhibit GSM/Temple/7.

On the 3rd of September 2016, I was working again with my colleagues Ian Gilmore and Clare Shorter, conducting an underage sales test purchase operation with a child volunteer using a covert video recorder. At 15.15 I remained outside of the shop, Temple Post Office, 5 Cedar Road, Strood, Kent, ME2 2HB, whilst Clare Shorter and the child volunteer entered the shop. The child volunteer returned from the premises of Temple Post Office and handed me a 70cl bottle of WKD Blue, an alcoholic drink labelled 4%. I sealed it in an evidence bag with Seal number N02660541. The volunteer was served by a short bald male who appeared to be in his 40's and was of Indian appearance.

On the 26th September 2016 Ian Gilmore and I conducted a PACE interview with Mr Visagarajah Sutharsan the DPS of Temple Post Office. I exhibit the interview transcript as GSM/Temple/1. During the interview the following points were made: Temple Post Office operates a Challenge 25 Policy. When shown a picture of the test purchase volunteer Mr Sutharsan agreed that they looked

Signed	Date 23rd January 2017
<p>(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.</p>	
Signed:	Date:)

STATEMENT OF WITNESS

Page 2

Continuation of statement of Gemma Shaw-Mackie

under the age of 18 years old and should have been asked for identification. Refresher training has been carried out twice following each positive test purchase. Both sales were carried out by the same member of staff.

There is no disciplinary procedure at the premises. Premises Licence Holders Mr & Mrs Patel have no involvement with the day to day running of the shop and have not carried out any of the licensing objectives. During the interview Mr Sutharsan was also made aware of the possible outcomes. I also exhibit GSM/Temple/3 as the Master copy compact disc and GSM/Temple/4 as the working copy compact disc.

On the 12th December 2016 Ian Gilmore and I conducted a PACE interview with Mr Bhupendra Patel the Licensee and premises owner of Temple Post Office. I exhibit the interview transcript as GSM/Temple/2. During the interview the following points were made: Mr Patel is the licensee for Temple Post Office, but has no involvement in the running of the business. Mr Patel was not informed of the first positive sale in July. Mr Patel generally goes to the shop once a month to collect rent and post. Mr Patel has asked Mr Sutharsan to get his own premises licence. But in 10 months this still hasn't happened. There was little understanding or regard for the Licensing objectives. There was little understanding of the refusal book system and Mr Patel has no knowledge of Challenge 25 being used at the premises. During the interview Mr Patel was also made aware of the possible outcomes. I exhibit GSM/Temple/5 as the Master copy compact disc and GSM/Temple/6 as the working copy compact disc.

Signed

Date 23rd January 2017

MG11

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

Statement of (full name)	Ian Gareth Gilmore
Age of Witness (if over 18, enter "over 18") Over 18	
<p>The following statement (consisting of two pages) 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 willfully stated in it anything which I know to be false or do not believe to be true.</p>	
Signed	Date 23 - 01 - 2017
<p>I am employed as a Trading Standards Team Leader in Medway Council's Trading Standards Team and in this capacity I am an authorised officer under the provisions of the Licensing Act 2003. I have been employed within the Trading Standards profession since 1989.</p>	
<p>On the 30th July 2016 I was in the company of Gemma Shaw-Mackie and Clare Shorter, officers from Medway Council's Trading Standards team, conducting an underage sales test purchasing operation with a child volunteer. I entered the premises of Temple Post Office, 5 Cedar Road, Strood, Kent, ME2 2HB followed by the child volunteer A. I watched as a short bald Asian male who appeared to be in his 40's served the child volunteer. The child volunteer returned from the premises of City Mini Market and handed Gemma Shaw-Mackie a 70cl WKD Red, an alcoholic drink labelled 4%. Gemma Shaw-Mackie took this product from the volunteer and sealed it in an evidence bag N02660521. I am able to produce this product as exhibit IGG/1.</p>	
<p>On the 3rd September 2016 I took a new SD memory card and placed inside a canon digital camera and formatted it. I took a series of photographs of child volunteer A. I then, on the same SD card, took a video of child volunteer A reading a script. I used the SD Card, exhibit IGG/3, and caused to be printed two images of child volunteer A. I am able to produce these two printed photographs as exhibit IGG/PIC/1 and IGG/PIC/2. This SD card was then sealed in evidence bag M05331716. I am able to produce this card as exhibit IGG/3.</p>	
<p>On the 3rd September 2016 I took a new SD memory card and placed inside a canon digital camera and formatted it. I placed this in the body worn surveillance unit and it was used to discretely record under age test purchase transactions made by child volunteer A. At the conclusion of the exercise this SD card was then sealed in evidence bag M05331715. I am able to produce this card as exhibit IGG/4.</p>	
<p>On the 3rd September 2016 I was in the company of Gemma Shaw-Mackie and Clare Shorter, officers from Medway Council's Trading Standards team, conducting an underage sales test purchasing operation with a child volunteer. I remained outside the premises of Temple Post Office, 5 Cedar Road, Strood, Kent, ME2 2HB whilst Gemma Shaw-Mackie and the child volunteer entered the shop. The child volunteer returned from the premises of Temple Post Office and gave Gemma Shaw-</p>	

Signed	Date 23 - 01 - 2017
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(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.

Signed: Date:)

STATEMENT OF WITNESS

Page 2

Continuation of statement of Ian Gareth Gilmore

Mackie a 70cl bottle of WKD Blue, an alcoholic drink labelled as 4 %. I took this product from the volunteer and sealed it in an evidence bag N02660541. I am able to produce this product as exhibit IGG/2.

On the 26th September 2016 I participated in a formal recorded interview of Mr Visagarajah Sutharsan the DPS of Temple Post Office, which was conducted at the Council Offices Gun Wharf, Dock Road, Chatham, Kent. I am able to confirm exhibit GSM/temple/3 as being the sealed master copy compact disc of this interview and exhibit GSM/temple/4 as being the working copy compact disc of this interview.

On the 12th December 2016 I participated in a formal recorded interview of Mr Bhupendra Patel the Licensee and premises owner of Temple Post Office, which was conducted at the Council Offices Gun Wharf, Dock Road, Chatham, Kent. I am able to confirm exhibit GSM/temple/5 as being the sealed master copy compact disc of this interview and exhibit GSM/temple/6 as being the working copy compact disc of this interview.

Signed

Date

23-01-2017

MG11