

Licensing Sub Committee Agenda

Wednesday, 24 August 2016 at 1.30 pm

Council Chamber, Aquila House, Breeds Place, Hastings, TN34 3UY.

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		Page No.
Members of the Licensing Sub Committee to sit on this hearing are:		
Councillors Sabetian, Batsford and Dowling with Patmore in reserve.		
1.	Appointment of Chair for this meeting	
2.	Apologies for Absence	
3.	Minutes of the meeting held on 31 May 2016	1 - 4
4.	Declarations of Interest	
5.	Notification of any additional urgent items	
6.	Application for the Review of a Premises Licence: NISA Local, 1-3 Parkstone Parade, Parkstone Road, Hastings (Assistant Director Environment and Place)	7 - 86
7.	Additional urgent items (if any)	

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Agenda Item 3 Public Document Pack

LICENSING SUB COMMITTEE

31 MAY 2016

Present: Councillors Charman, Roberts and Street (Chair) with Councillor Sinden in reserve. Also in attendance: Bob Brown, Licensing Manager; Trevor Scrase, Senior Licensing Officer; Mr Peter Savill, Barrister for Sussex Police Authority; Anthony Masters, Sussex Police Licensing Officer, Mrs Jean Irving, Head of Licensing and Public Safety for Sussex Police; Sergeant Vokins, Sussex Police Licensing Team, and Sergeant Varrall, St. Leonards Neighbourhood Policing Team.

50. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Roberts moved that Councillor Street should take the Chair. This was seconded by Councillor Charman.

RESOLVED (unanimously) that Councillor Street be appointed as Chair for the duration of the meeting.

51. APOLOGIES FOR ABSENCE

None.

52. MINUTES OF THE MEETING HELD ON 18 JANUARY 2016

RESOLVED that the minutes of the meeting held on 18 January 2016 be approved and signed by the Chair as a true record.

53. DECLARATIONS OF INTEREST

None.

54. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

55. APPLICATION FOR PREMISE LICENCE - YELLA SHOP

Members of the Committee, Officers, the agent, manager of Yella Shop introduced themselves. Councillor Street set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

The Licensing Manager, Bob Brown, presented the report of the Assistant Director of Environment and Place in respect of an application made on 4 April 2016 under section 17 of the Licensing Act 2003 for a new Premises Licence at Yella Shop, 34 Kings Road, St. Leonards on Sea, as a result of fourteen representations received. Mr Brown, Licensing Manager, presented the report.

The premises is operating as a convenience store, and the application as originally submitted was to have supply of alcohol for off sales on Monday to Saturday from

LICENSING SUB COMMITTEE

31 MAY 2016

08.00hrs to 23.00hrs and Sunday from 10.00hrs to 23.00hrs and to have opening hours of the premises, Monday to Sunday from 06.00hrs to 23.00hrs.

Following agenda publication, the following supplementary information was received from Arka Licensing (agent for applicant):-

Date received: 22 May 2016 – Email received from Arka Licensing stating: ‘The applicant has considered the representations received. He has decided to address those concerns with the following additional conditions to be added as part of the operating schedule:-

1. No Spirits shall be sold at the premises in bottles of less than 35cl.
2. Alcohol products labelling. All products sold at the premises shall be marked with a label or marker pen clearly stating the name of the premises.
3. Spirits will only be displayed behind the till counter and will not be directly accessible to members of the public.
4. Alcohol will be fully covered with no visibility to public outside the alcohol licensing hours.
5. The Change of licensing hours to 09.00 to 21.00 hours’.

Date received: 26 May 2016 – Email received from Arka Licensing containing duplicate letters individually signed and addressed in support of the proposal and a petition containing 93 signatories submitted by the Yella Shop, requesting the support from customers, neighbours and interested parties.

Date received: 31 May 2016 – Email received from Arka Licensing: Letter dated 25 May 2016 containing a statement from Mr Navarajah Navapalan, owner of The Promenade Super Shop, 5 Eversfield Place, St. Leonards on Sea, confirming Mr Anton Thervarasa was employed by them between 01/12/2013 and 31/12/2015.

The committee administrator confirmed the supplementary information was published on the council’s website in addition to the agenda. Members confirmed they had received and read the supplementary information.

The premises was located within area 3 (Central St Leonards) of the Council’s Special Saturation Policy (Cumulative Impact). During the 28 day statutory consultation period, a representation against the application had been received from Chief Inspector Paul Phelps, Hastings & Rother District Commander and a witness statement from Sergeant Christopher Varrall, Officer for St. Leonards neighbourhood policing team. A representation had also been received from Trevor Scrase, Senior Licencing Officer at Hastings Borough Council and also the local ward members, Councillors T Webb and T Dowling. Eleven representations from local interested parties had been received at the time the agenda was published.

The Licensing Manager stated that the proposed operating conditions could not be accepted as a change to the application because the proposal had not gone through the consultation process.

Mr Savill, Counsel for Sussex Police Authority, made his representation on the grounds of the prevention of crime and disorder. He referred to the witness

LICENSING SUB COMMITTEE

31 MAY 2016

statements provided by Sussex Police in the agenda and commented on the anti-social behaviour of members of the street community. He said the applicant had failed to demonstrate any exceptional circumstances to justify departure from the council's saturation policy for St. Leonards town centre saturation zone and that the steps proposed within the operating schedule (it is not premises specific) failed to address the issue of cumulative impact, as such they recommended the premises licence be refused.

Mr Scrase, Senior Licensing Officer, referred to his representation and the issues and measures that had been adopted to deal with the effects of anti-social behaviour caused by street drinkers. He noted an amendment to the report under 'comments on the application', paragraph 1 was withdrawn. He recommended the application be refused.

Mr McGinley, interested party, spoke on behalf of Mrs Cosgrove who was unable to attend the meeting. Both parties had made representations. He said their objections were in regard to the sale of alcohol and that another licence would exacerbate the existing problems of disorder. He felt the multi agency approach was too costly and that the application was unsatisfactory and did not address the saturation zone or negative cumulative impact.

Councillor Webb, ward member for Central St. Leonards & member of ESCC, referred to his joint representation with Councillor Terri Dowling. He stated that his objections related to crime and disorder and public nuisance. He said he received two emails per week regarding street drinking in the area. He referred to the Sussex Police crime stats dated March 2015 to February 2016 when there were 562 recorded cases of anti-social behaviour and 283 recorded instances of violent crime within Central St. Leonards. Many incidents he said go unreported. He was pleased the applicant had reduced the hours of operation from 23.00hrs to 22.00hrs as submitted in the supplementary information.

The applicant, Mr Johnpillai, said he had worked in the local area for 3 years and had managed the shop with this wife. He said he had never sold alcohol to persons under the age of 18.

Mr Kanapathi, agent for the applicant, said the premises had been a convenience store for over 35 years. He said the current application to sell alcohol had been submitted in response to the demand from the customers of the Yella Shop. Customers had signed a petition and submitted letters in support of the proposal for the reason that they did not want to go to another shop to purchase alcohol. The proposal was to sell alcohol among other products to existing customers. He said the cans and bottles of alcohol would be labelled, so the police could trace the supplier. The business he said may not survive financially without selling alcohol.

Mr Brown sought clarification on the storage of alcohol. Mr Kanapathi, said the majority of alcohol would be stored behind the counter. He confirmed the dimensions of the plan appended to the agenda were not accurate.

Members sought clarification and received answers to their questions.

LICENSING SUB COMMITTEE

31 MAY 2016

In summary, Mr Savill, said that the internal plan was inaccurate and it did not bear accurate dimensions. It was unthinkable to say the applicant and his staff would not sell alcohol to someone other than existing customers. The labelling of alcohol would not help address the issues of crime and disorder in the area. Furthermore, the conditions regarding the internal arrangements would not address the cumulative impact zone.

Mr Scrase said the personal licence was issued three years ago and therefore he would expect a higher level of knowledge from the applicant. Furthermore, the applicant had failed to notify Wakefield Council, the issuing authority of the personal licence, of his change of address since moving to Hastings, which is a legal requirement.

Mr Kanapathi said that the applicant had put forward additional conditions, he felt the labelling of alcohol was a useful and effective method of tracing sales. He suggested they could submit an application for a minor variation to increase space inside the store. Regarding the change of personal address, Mr Johnpillai had a connection with his family in Wakefield. Mr Kanapathi asked the committee to look at the applicants experience, the Yella Shop was a family business and had been trading for a long time.

RESOLVED (unanimously) to REFUSE the licence as follows:

The reason for this decision was:

The applicant has failed to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Committee have made this decision in compliance with the Council's own licensing policy and the guidance issued by the Secretary of State.

56. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 15.46pm)

Agenda Annex

Licensing Review Procedures

1. Introductions

- ☐ Chair introduce Members and Officers. Invite applicant / Licence Holder / representatives to table. Ask to introduce themselves.
- ☐ Chair explain procedure. Ask if Parties received report and ready to proceed.
- ☐ In the event that any Party to the hearing fails to attend Members consider whether to adjourn the hearing or to proceed in the Party's absence.

2. Summary of report by Licensing Manager / Officer.

3. Applicant / Representative (for eg Environmental Health, Police, Trading Standards) submissions on the application / call any witnesses.

Any Questions for Applicant / Representative

- ☐ Statutory Consultees?
- ☐ Licence holder?
- ☐ Officers?
- ☐ Members?

4. Statutory Consultees (for eg Police, Fire Service, Environmental Health) submissions on the application.

Any questions for Statutory Consultees from

- ☐ Applicant / Representative?
- ☐ Licence holder?
- ☐ Officers?
- ☐ Members?

5. The Licence Holder's submission on the application.

Any questions for Licence Holder from

- ☐ Applicant / Representative?
- ☐ Statutory Consultee?
- ☐ Officers?
- ☐ Members?

6. Do Members require any clarification from the Licensing Manager / Officer?

If clarification given, questions on clarification only from:

- ☐ Applicant / Representative?
- ☐ Licence holder?
- ☐ Statutory Consultees?
- ☐ Members?

7. Summaries (if required)

- ☐ Licensing Manager / Officer summing up
- ☐ Statutory Consultees summing up
- ☐ Licence Holder summing up
- ☐ Applicant/Representative summing up

8. Decision Making

- ☐ Members retire to discuss the application, propose and second a recommendation and vote on this.
- ☐ They may take legal advice from the Legal Advisor. The Legal Advisor will advise the Parties of any legal advice given to the sub-committee. No other person may retire with the Sub-committee.
- ☐ The decision is announced by the Chair giving full reasons for the decision, together with any conditions, which are to be attached to the grant of the licence or the reasons for a refusal of the application.

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Agenda Item 6



Report to: Licensing Sub Committee

Date of Meeting: 24th August 2016.

**Report Title: Review of Premises Licence, Nisa Local, 1-3 Parkstone Parade,
Parkstone Road, Hastings.**

Report By: Mike Hepworth, Assistant Director, Environment and Place.

Purpose of Report

To consider an application to review the Premises Licence as a result of representations received.
Responsible Authorities. Three.

Recommendation(s)

1. Members instructions requested.

Reasons for Recommendations

The Licensing Act 2003 requires a licensing sub committee to consider such applications when appropriate representations have been made. The decision reached at the sub committee can be subject to appeal at the Magistrates Court by any party to the hearing who is aggrieved by the decision.

Introduction

1.0 Background

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 4th July 2016 Hastings Borough Council received an application for the review of an existing premises licence for NISA Local, 1- 3 Parkstone Parade, Hastings, TN34 2PS from Mr Trevor Scrase, Senior Licensing Officer, Hastings Borough Council, Hastings, made under Section 51 the Licensing Act 2003. (Application, supporting statement and appendix, attached Appendix A).
3. NISA Local has operated at 1-3 Parkstone Parade since June 2007, initially under a different name. The premises has changed operators several times, the most recent and current licence holder being VJN Groceries LTD, 1 – 3 Parkstone Parade, Parkstone Road, Hastings, TN34 2PS. (Attached map Appendix B).
4. The premise currently holds a premises licence under the Licensing Act 2003. (Attached in Appendix A).
5. The existing premises licence covers the use of the premises for the ' Off Sales ' supply by retail of Alcohol.
6. It currently operates under the following trading hours;
 - Sale of alcohol. Monday to Sunday 10.00 - 23.00 hrs

The designated premise supervisor for the premises since May 2012 is Kulasekaram Jeyaraj.

2.0 Application

7. The grounds for review made by Mr Trevor Scrase are under the licensing objectives "The Prevention of Crime and Disorder" and "The Protection of Children from Harm" I have considered the application and consider it valid and in line with the central government guidance issued on such matters.
8. In his application for review, he comments about the licensing history of the premises, the poor management by the existing operators and the continued breach of conditions attached to the licence. As a result he is seeking the revocation of the premises licence as he believes adding additional conditions would not achieve the aims of the review.
9. When submitting an application for a review under the Licensing Act 2003 the applicant is required to send copies of the review application to the other

responsible authorities listed under the Act and a copy to the premises licence holder, this has been done.

10. In addition, the licensing authority is required to place a copy of the notice on the premises concerned and the public notice board situated at Council Offices this has been done, in addition the review notification has been placed on the Council website. These notices must remain in place for 28 days to allow further representations to be made.
11. An application for review cannot be considered by the Council's Licensing Sub-Committee until the 28 day representation period has elapsed, in this case that ended at midnight on the 1st August 2016.

3.0 Consultation

12. As a result of this consultation period, a further representation has been received, this is from Mrs Karis Valli, Snr Environmental Health Officer (Food/Health and Safety), Hastings Borough Council. She comments on the application for review and gives a detailed history of her dealings with the company, she further comments on the fact that throughout her visits to the premises, only one member of staff has been working.(Attached appendix C)
13. In addition, Sussex Police Licensing Officer, PC Chris Trevena has submitted a Sec 9 statement of evidence in support of the review. In his statement he details his findings at the premises when he visited as part of his duties on the 5th July 2016. (Attached appendix C)

4.0 Legal Considerations

14. The Licensing Act 2003 is now the only process to licence and control premises for all forms of entertainment, late night refreshment and the sale of Alcohol.
15. The review process is laid down in statute and allows for representations to be made by specified groups of people provided they are relevant to one or more of the licensing objectives listed in the Act and are not considered frivolous, vexatious or repetitive.
16. If a relevant representation is made by either a responsible authority or other party, a hearing must be held.
17. The Home Office has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.
18. Hastings Borough Council has developed, published and reviewed its Statement of Licensing Policy as required by the Licensing Act 2003.
19. All members of the Licensing Committee have been supplied with copies of the Official Government guidance and the Hastings Borough Council Statement of Licensing Policy.
20. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol. Article 1 relates to the protection

of property and the peaceful enjoyment of possessions and property. Holding a premises licence would be considered a possession. These are qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done:-

21. Has its basis in law;
22. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
23. Is proportionate to the aims being pursued; and,
24. Is related to the prevention of crime; or, the protection of public order or health.
25. The licence holder has a right of appeal to the Magistrates Court against any decisions made by the licensing Sub-Committee with respect to this application for review.

5.0 Options

26. To modify the conditions of the licence.
27. To exclude a licensable activity from the scope of the licence.
28. To remove the designated premises supervisor.
29. To suspend the licence for a period not exceeding three months.
30. To revoke the licence.

Members are reminded they must give written reasons for their decision, to ensure that the appeal procedure can be progressed.

Wards Affected

Conquest

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix A. Application for review, with statement and appendices.

Appendix B. Map of Venue.

Appendix C. Additional representations

Officer to Contact

Bob Brown Licensing Manager

bbrown@hastings.gov.uk

01424 783249

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Hastings Borough Council

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 Trevor Scrase - Senior Licensing Officer, Hastings Borough Council

(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 NISA Local 1 - 3 Parkstone Parade Parkstone Road	
---	--

Post town Hastings	Post code (if known) TN34 2PS
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Name of premises licence holder or club holding club premises certificate (if known) VJN Groceries Ltd
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Number of premises licence or club premises certificate (if known) HOP50367

Part 2 - Applicant details

I am

Please tick yes

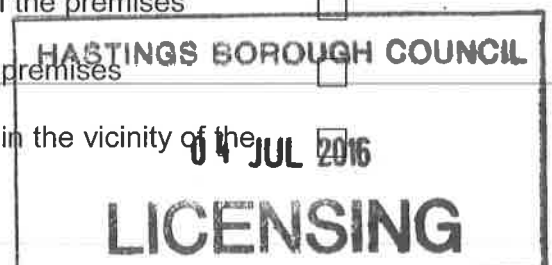
1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises ☐

b) a body representing persons living in the vicinity of the premises ☐

c) a person involved in business in the vicinity of the premises ☐

d) a body representing persons involved in business in the vicinity of the premises ☐



WM201606051
End 1/8/2016

- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing Authority Hastings Borough Council Aquila House Breeds Place Hastings, TN34 3UY.
Telephone number (if any) 01424 783240
E-mail address (optional) Licensing@hastings.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

The grounds for a review are based on the breaches of a number of conditions of the premises licence under the licensing objectives, the prevention of crime and disorder, and the protection of children from harm. This is due to ongoing poor control of the shop by the premises licence holder and the designated premises supervisor, which has come to notice as a result of a recent food safety inspection. The breaches are of a serious nature that would justify a prosecution under section 136 of the Licensing Act 2003 for unauthorised licensable activities. However such a prosecution, if convicted would not affect the premises licence.

Premises licence number HOP50367 was originally granted on the 13th June 2008 to Millenium C Stores Ltd under Mr Uday PATEL. The premises licence authorises the sale by retail of alcohol for consumption off the premises, Monday to Sunday from 08.00 hours to 23.00 hours. On 28th October 2008 Mr Patel, changed his limited company by transfer and the shop name to NISA Local. On the 25th November 2009 a new premises holder Mr Amit GOHIL transferred the licence, then on the 11th Oct 2010 it was transferred to another limited company name, KP & UK Ltd, by the same person. On the 11th May 2012, the premises licence was transferred from KP & UK Ltd to Ganas Food & Wine Ltd. Companies house records show the registered officer for that company as Mr Kanapathillai SANJEEV, 15 Shelley Court, Malden Way, New Malden, Surrey.

Premises licence TCS/1 refers. The designated premises supervisor is Mr Kulasekaram JEYRAJI, 15 Shelley Court, resident at the same address Mr Sanjeev.

On the 19th April 2016, information was received from the Food Safety Team, Environmental Services, Hastings Borough Council, that on a food inspection visit, the shop had changed ownership to VJN Groceries Ltd. My contact details were left at the shop requesting the owner or manager to contact me regarding the



requirement under section 33 of the LA2003 to notify change of name or address of the premises licence holder. This process is known as the transfer of a premises licence.

By the 4th May 2016 - no contact was received. I visited the shop and found a member of staff who I now know to be Grace SANJEEVAN, working in the shop. She was behind the sales counter. I identified myself to her. She was the only staff member on duty. She explained the manager was due in at 1400 hours. She was requested to ask him to contact me before office hours at the end of that day. A letter was left to be handed to the manager. Enquiries reveal she is a personal licence holder, issued by Croydon Council but was unable to produce this when requested. Companies house records were checked and the records show Ganas Food and Wine Ltd, with the registered officer Mr Kanapathillai SANJEEV, 15 Shelley Court, Malden Way, New Malden, Surrey as the sole company officer. TCS/3 refers. A check on VJN Groceries Ltd shows Mr Kanapathipalli SANJEEV as the current sole officer. The registered company address is recorded as 5 Bankside, Thames Ditton, Surrey. TCS/4 refers.

On the 11th May 2016 - a visit by the Licensing Manager and myself was made at 16.20 hours. We identified ourselves as officers of the licensing authority, spirits, wine and beer were on display for sale. Present was a male who identified himself by his driving licence as Waqar AHMAD, 29 Chester Road, Watford. He was the only staff member in the shop. He explained he was looking after the shop for a friend who had to go out for a few hours. He gave the shop managers name as Mr Sonny GUPTA, who was not present. He was asked if he knew the person Kulasekaram Jeyraji specified on the summary which was on display as the designated premises supervisor (DPS). He admitted he did not know the person and had not been authorised to sell alcohol by him as required under the LA2003. He was unable to produce a list of authorised staff with his name, signed by Jeyraji as the DPS, as advised in Section 182 Guidance issued under the LA2003. He was advised that from what we had seen, further sales of alcohol would be unlawful contrary to Sec 136 of the LA2003. I requested the manager Sonny GUPTA contact me at my office after 1400 hours the following day. On our visit no other staff members were seen. A number of customers purchased items from the shop but not alcohol.

On the 12th May 2016 - no contact received from Sonny GUPTA, shop manager.

On the 17th May 2016 - 11.50 hours, I visited the store again. Present was Sonny GUPTA, who lived nearby in Hastings. He confirmed he was the manager. He gave the shop owner as Mr Kanapathipillai SANJEEV. He was asked if he knew Mr Jeyraji, the DPS. He admitted he did not know him and had not seen him or been spoken to by him. He had not been authorised to sell alcohol and he himself was not a personal licence holder. Mr GUPTA called Mr SANJEEV on his mobile and I spoke to him. During the course of my visit, one male asked to purchase a bottle of vodka which was refused by Mr GUPTA. Notes were made in PNB pages 90 to 94.

On the 18th May 2016 - Mr SANJEEV attended our offices as agreed to complete the application to transfer the premises licence to VJN Groceries Ltd. I recognised Mr SANJEEV as the same person I had seen in the shop a few years previously on a visit. To assist, I sent a copy of the transfer to police licensing. I requested confirmation of the correct details of the DPS from Mr Sanjeev. TCS/2 refers.

On the 9th June 2016 - confirmation of the DPS was received - Mr Kulasekaram JEYRAJI, personal licence number LN20112453, issued by Merton Council. There being no change of DPS details, I re issued the premises licence HOP50367 to VJN Groceries Ltd and sent it to Mr SANJEEV at his home address.

I requested that he attended our offices for the purpose of a recorded interview regarding breaches of the Licensing Act 2003 and some conditions of the premises licence. These are listed as follows:-

1. Failing to notify change of name / address of the premises licence holder. Contrary to Section 33 Licensing Act 2003.
2. Unauthorised licensable activity, namely selling alcohol without the authorisation of

a premises licence by failing to transfer the premises licence to the new regd ltd company, contrary to section 136, Licensing Act 2003;

3. Unauthorised licensable activity, contrary to section 136 LA2003, namely selling alcohol by retail for consumption off the premises in non compliance with the following conditions of Annex 2 of the premises licence which are:-

General:

To ensure staff and management are trained in the requirements of the Licensing Act 2003 and comply with the conditions of the licence, as specified below in line with the licensing objectives.

The prevention of crime & disorder.

To ensure the staff on duty are 2 in number to provide appropriate level of supervision and monitoring of the store and the behaviour of customers and deter shoplifting, crime, nuisance, anti social behaviour and street drinking, underage sales of alcohol or other age related goods. (Comment - at no time on any visit by me has there been more than one staff member on duty. In interview Mr Sanjeev admits that although his landlord has reduced his rent, the business rates paid to HBC of £700 per month, do not allow him to employ two staff in the shop all the time).

To liaise with the licensing authority, Safer Hastings Partnership and the police regarding issues involving matters relating to crime, anti social behaviour, street drinking. (Comment -No liaison has taken place since licence transferred in May 2012)

The protection of children from harm.

To ensure staff are trained regarding the responsibilities of the sale of alcohol, in particular the sale to persons under 18, persons over 18 years of age who are suspected of purchasing alcohol for persons under 18, persons who are drunk or intoxicated, or are disorderly or abusive. (Comment - there is no evidence that any staff training has been given. No staff training records have been produced despite request).

To ensure staff only accept appropriate photographic proof of identification, ie. Photo driving licence, passport, or other approved photo id cards. (Comment - in respect of the evidence that no staff training has been given, or can be proved, there being no refusals register produced, there is a high probability that this will not have been enforced).

To ensure appropriate signage is displayed on shelves, counters and the point of sale area, warning of the challenge 21 policy for the sale of alcohol. (Comment - no challenge 21 posters, stickers etc displayed anywhere in the shop).

To ensure that the following measures, requested by East Sussex County Council Trading Standards and agreed by the premises licence holder, are complied with:-

That a written record of staff training is kept; (Comment - already covered)

That a written record of authorisation to sell alcohol is maintained for each staff member; (Comment - no list of authorised staff presented).

That a record of refusals to sell alcohol is kept at the premises and that document is regularly reviewed by the Designated Premises Supervisor; (Comment - already covered).

That the premises implements a Challenge 21 policy and advertises that policy. (Comment - already covered).

29th June 2016 - Mr Sanjeev had been unable to attend three previous appointments but agreed to attend on this day. The interview was to be recorded, to comply with the Police & Criminal Evidence Act 1983 but on two occasions the recorded indicated defective cd's. The interview was continued with Mr Sanjeev's agreement by written question and answer. The record of interview is TCS/10.

In the handwritten interview, Mr Sanjeev has answered the questions put to him and agrees that he is not a personal licence holder. The DPS is the husband of his sister.

The questions asked in interview and the answer's given, confirm my professional opinion as the holder of a personal licence under the LA2003 and a BIIAB National Certificates for Personal Licence Holders and Licensing Practitioners, that he has little understanding of the responsibilities of a premises licence holder in respect of the responsible sale by retail of Alcohol for consumption off the premises.

My additional grounds are that:-

He only visits the shop when his other employment permits, 3 or 4 times a month; The DPS visits less frequently. The DPS is a named 'single point of contact' on the premises licence, deemed to be in charge of the 'day to day' running of the business, in respect of all alcohol sales. As a personal licence holder, the DPS, in this case Mr Jeyraji, is responsible for training the staff and authorising them to sell alcohol. It is part of that responsibility of a DPS to train staff, ensure full compliance with the conditions of the premises licence jointly with the premises licence holder. This clearly has not been done.

My investigation started on the 19th April 2016, it has become obvious that both before that date and since the company have not been promoting the licensing objectives as required by the Licensing Act 2003. Conditions attached to the licence have been breached continuously and little effort has been made to remedy the situation since my concerns have been raised with Mr Sanjeev in April, May and June 2016. This is a very poor level of management control and the interview on the 29th June 2016 showed clear non compliance has occurred over a prolonged period of time.

Although this shop has not come to notice to this office for underage sales of alcohol, there are two senior schools in the vicinity. There is no proof of 'due diligence' to prevent any such underage sales in training records, or in the registering of refusals. Mr Sanjeev at the conclusion of the interview and 'off the record' requested that if I can advise him or provide him with the guidance, he will rectify the situation. This is not within my role, as the point of action has already reached enforcement level. Inspections of licensed premises is primarily on the basis of complaints being received by us as the licensing authority, from members of the public, police or other responsible authorities such as ESCC Trading Standards. In this case, this shop came to our attention by a food officer and a series of visits has now proved the ongoing non compliance.

Conclusion.

I submit this review on the grounds of poor management control and continued non compliance with the conditions of the premises licence, which as a result have undermined the licensing objectives of the prevention of crime and disorder and protection of children from harm. I respectfully request that the licensing sub committee consider the revocation of the premises licence on these grounds. If the premises licence was suspended for the maximum period of three months allowed, to allow staff training, it is unlikely this will be achieved with the current holdership and dps. The removal of the designated premises supervisor would prevent any alcohol sales until a suitable replacement, with a more active role as DPS is nominated. Such appointment will be subject of police approval. The addition or amendment of existing conditions is unlikely to have a possitive effect, as the conditions have and continue to be breached.

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

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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 ☒

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



Date 4th July 2016.

Capacity Senior Licensing Officer - Hastings Borough Council

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Licensing
Hastings Borough Council
Aquila House
Breeds Place

Post town

Hastings

Post Code

TN34 3UY.

Telephone number (if any) 01424 783240

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

Notes for Guidance

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

HASTINGS BOROUGH COUNCIL

STATEMENT OF WITNESS

The Magistrates' Courts [Forms] Rules 1981 as amended by the magistrates' Courts [Forms] [Amendment] Rules 1997
CJ Act 1967 S 9; MC Act 1980, ss5A [3][a] and 5B; MC Rules 1981 R 70
MC [Witnesses Addresses] Rules 1990

Statement of: Trevor Charles SCRASE

Age of Witness [if over 18 enter 'over 18']: Over 18

Occupation of Witness: Senior Licensing Officer

This statement [consisting of 4 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 anything which I know to be false or do not believe to be true.

Date: 11/08/2016 Signature: 

I am employed as a Senior Licensing Officer for Hastings Borough Council, based at Aquila House, Breeds Place, Hastings, TN34 3UY. I have held this position since June 2006, previously I was the Licensing Development Officer from November 2004. Prior to employment with Hastings Borough Council, I was a police constable in Sussex Police, completing thirty years service in November 2004. I am the holder of the BIIAB National Certificate for Personal Licence Holders certificate, which is an accredited qualification. I am also the holder of a personal licence number 08 / 00276 / LAPER issued by Rother District Council on 19th April 2008. I am also the holder of a BIIAB National Certificate for Licensing Practitioners of the Licensing Act 2003, which is an accredited qualification. I am an authorised person as specified under section 108 (5) (a) of the Licensing Act 2003, being an officer of the licensing authority in whose area the premises are situated.

On the 23rd November 2005, the Licensing Act 2003 came into force as the only authorisation for the sale by retail of alcohol and combining with certain regulated entertainments and late night refreshment. On the 13th June 2007, a premises licence was granted for the sale by retail of alcohol at 1 – 3 Parkstone Parade, Parkstone Road, Hastings. On the 11th May 2012, the premises licence was transferred to Ganas Food and Wine Ltd, a registered limited company, the single officer registered named as Mr Kanapathipillai, SANJEEV, of 15 Shelley Court, Malden Way, New Malden, Surrey, KT3 6EU. I produce a copy of the premises licence for NISA Local, 1 – 3 Parkstone Parade,

Hastings marked as item TCS/1 (Exhibit number). On the 19th April 2016, I received information from Mrs Karis

Signature:  Witnessed by: _____

HASTINGS BOROUGH COUNCIL

Page No: 2 of 4

Continuation of Statement: ...Trevor Charles SCRASE.....

VALLI, Food Safety Officer, Hastings Borough Council, of her inspection of NISA Local, 1 – 3 Parkstone Parade. I requested she left my business card on her return visit, with a request for the owner or shop manager to call me regarding the transfer of the premises licence. I subsequently visited the shop on the 4th May 2016, at 12.20 hours, where I saw a female member of staff working behind the sales counter in the shop. I identified myself to her and showed her my photo identification. There was no other staff member working in the shop at the time of my visit. I was informed that the shop manager was expected into the shop at 14.00 hours and I requested she asked the shop manager to contact me in the office before the end of that afternoon. I left my details in the envelope containing a sealed letter. I subsequently made enquiries with companies house and ascertained that a second registered limited company was now listed for 1 – 3 Parkstone Parade, Hastings. This was registered as, VJN Groceries Ltd. The shop address was given as the registered company address and Mr Kanapathipillai, SANJEEV, of 5 Bankside Drive, Thames Ditton, Surrey, KT7 0AJ was the sole officer registered of the registered limited company. At time of my search of Companies House records on the 4th May 2016, the new operator of NISA Local, VJN Groceries Ltd had not notified this licensing authority of the transfer of the premises licence to a new limited company or of the change of address of the holder. On the 11th May 2016, I visited the shop again at 16.20 hours, in company with Mr Robert BROWN, Licensing Manager. A male was in the doorway as we parked outside, who went inside of the shop as we approached. On entering, the same male was standing behind the sales counter. We identified ourselves to him as licensing officers and showed our photo identification. When asked, he gave his name as Waqar AHMAD, born 12th December 1985 of 29 Chester Road, Watford, WD18 0RG. He produced his provisional phot driving licence as proof of identification. He was the only staff member present in the shop. In conversation he explained that he was looking after the shop for a friend who had had to go out for a few hours. I asked for permission to go behind the sales counter to examine the pages of the premises licence summary on display. I pointed to the name of the person who was nominated as the designated premises supervisor, Kulasekaram JEYRAJI, of an address 15 Shelley Court, Malden Way, New Malden, Surrey, KT3 6EU. When asked if he knew this person, he answered that he did not. When asked if he had been authorised to sell alcohol by this person and his name was recorded on a list of authorised staff to sell alcohol he did not seem to understand. I informed him that on the basis of being unable to produce a list of authorised staff, with his name recorded and signed by the DPS JEYRAJI, I was of the opinion that any further sales of alcohol in the store would be unlawful. The designated premises supervisor is a personal licence holder who is nominated by the premises licence holder and is the sole person responsible for authorising all sales of alcohol in accordance with the requirements of the Licensing Act 2003. Although this named and nominated

Signature: Witnessed by:

HASTINGS BOROUGH COUNCIL

Page No: 3 of 4

Continuation of Statement: ...Trevor Charles SCRASE.....

person does not have to be present throughout the times the shop is authorised to sell alcohol, it is 'best practice' that the DPS will have undertaken the training of all staff in their responsibilities of alcohol sales and listed all staff, countersigning the list as proof of authorisation as explained in the Section 182 Guidance to the Licensing Act 2003. I left my business card for his friend to contact me at our offices the following day. Mr Brown and I left the shop at 16.35 hours.

On the 17th May 2016, I revisited NISA Local again. On this occasion I saw a male to whom I identified myself and showed my photo identification. This male identified himself as Mr Sunny GUPTA, born 23rd October 1988, of 17 Tall Ash Drive, St. Leonards on Sea. He confirmed the name of the owner of the shop as Kanapathipillai SANJEEV. He wrote his name and the name of the owner in my pocket notebook at my request. When asked he did not know the person shown on the premises licence called Kulasekaram JEYRAJI and had not been authorised by him to sell alcohol. He could not produce when requested a list of authorised staff to sell alcohol. Mr GUPTA admitted that he is not a personal licence holder under the Licensing Act 2003.

Whilst in the shop GUPTA telephoned the shop owner Mr SANJEEV. He offered me his phone and I spoke to Mr SANJEEV. I explained who I was and why I was in his shop and that from what I had seen, been told and knew of the premises licence, that all sales of alcohol from that time were unlawful and could render any person selling alcohol liable to a fine of up to £20,000 or six months imprisonment or both. On his instructions GUPTA pulled down the roller blinds on the spirits sales display shelves behind the sales counter. During the course of my visit there was a steady flow of customers, one of whom asked about vodka but was advised by GUPTA that it could not be sold at that time. Mr SANJEEV agreed to attend our offices the following day. On the 18th May 2016, I saw Kanapathipillai SANJEEV. I recognised him from a visit to the shop a few years previously. He gave his new address as 5 Bankside, Thames Ditton, Surrey, KT7 0AJ. When questioned, without caution, he explained that he owns Ganas Food and Wine Ltd and the new company VJN Groceries Ltd. He explained that he visits the shop a couple of times a week. He confirmed that the personal licence holder nominated as the designated premises supervisor (DPS), Kulasekaram JEYRAJI was still the same at the address 15 Shelley Court. I explained that I had written to Kulasekaram JEYRAJI at that address but had not received any reply to my letter. I produce a copy of the letter marked as item number TCS / 3 (Exhibit number).

SANJEEV completed the application to transfer the premises licence from Ganas Food and Wine Ltd to his new company VJN Groceries Ltd. He paid the £23.00 fee and I offered to send a copy of the transfer application on his behalf to the Chief Officer of Police, Licensing at Bexhill Police Station. I requested confirmation of the correct and current details of

Signature: Witnessed by:

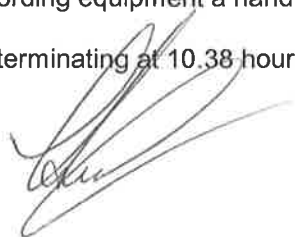
Continuation of Statement: ...Trevor Charles SCRASE.....

Kulasekaram JEYRAJI, as the DPS, including his address and personal licence number. After reminding SANJEEV of the request for these details, by email on two occasions, the correct details were confirmed. On the 10th June 2016, I visited the shop again. This time in company with Mrs Rona SPENCER, Licensing Officer. On this occasion we saw a female who gave her name as Grace Ajantha SANJEEVAN, born 10th May 1986. I recognised her as the same female I had seen on my first visit on the 4th May 2016. She explained that she was a personal licence holder under the Licensing Act 2003.

At the time of the issue of her personal licence by Croydon Council, she had the name of Grace Ajantha PAPATHEEPAN, then living at 233B Bensham Lane, Thornton Heath, Surrey, CR7 7ET. She was unable to produce her personal licence to me. She was unable to find the refusals register, or the full copy of the premises when requested. She made a telephone call on her mobile phone and spoke to what is believed to be the 'new manager'. She told me that the previous manager I had met on the 17th May, Sunny GUPTA was no longer working at the shop. There were no signage displayed on the shelves, counters or at the point of sale area, warning of the Challenge 21 policy for the sale of alcohol. This breached a condition on the operating schedule of the premises licence.

On the 29th June 2016, in company with Mrs Rona SPENCER, Licensing Officer, we interviewed Mr Kanapathipillai SANJEEV in the interview room, lower ground floor, Aquila House, Breeds Place Hastings. He was cautioned and due to a malfunction with the cd recording equipment a hand written contemporaneous interview record was made. This commenced at 09.50 hours, terminating at 10.38 hours. I produced a typed record of interview as item number TCS/11.

(Exhibit number).



Signature:  Witnessed by:

PREMISES LICENCE

Premises licence number

HOP50367

Part 1 – Premises details

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

NISA LOCAL

1 – 5 PARKSTONE PARADE,
PARKSTONE ROAD

Post Town

HASTINGS, EAST SUSSEX

Post Code

TN34 2PS

Telephone number

Where the licence is time limited the dates

NONE

Licensable activities authorised by the licence

SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

MONDAY – SUNDAY

08.00 – 23.00

The opening hours of the premises

MONDAY – SUNDAY

07.00 – 2300

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES

HASTINGS BOROUGH COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

GANAS Food & Wine Ltd
15 Shelley Court
Malden Way
New Malden
Surrey
KT3 6EU

Now VTN GROCERIES LTD

(Transfer of premises licence 11th May 2012)

Registered number of holder, for example company number, charity number (where applicable)

07898160

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

KULASEKARAM JEYARAJ
15 SHELLEY COURT
MALDEN WAY
NEW MALDEN
SURREY
KT3 6EU.

SAME

(Change of DPS 11th May 2012)

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

LICENCE NUMBER: LN 2011 2453

ISSUING AUTHORITY: LONDON BOROUGH OF MERTON



HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions

- 1) If this premises licence authorises the supply/sale of alcohol, the following two conditions apply:
 - (i) No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - (ii) Every supply/sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

- 2) If this premises licence authorises the exhibition of films the admission of children to the exhibition of any film must be restricted in accordance with this section.

Hastings Borough Council will expect the age restrictions of the British Board of Film Classification (BBFC) or authority designated under Section 4 of the Video Recordings Act 1984 to be complied with. Only in exceptional cases will variations of this general rule be granted by the Council and then only with the appropriate safeguards

- 3) If this premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity (as defined by the Private Security Industry Act 2001) then such individuals must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating schedule

General

To ensure staff and management are trained in the requirements of the Licensing Act 2003 and comply with the conditions of the licence, as specified below in line with the licensing objectives.

To ensure the interior of the store is maintained well lit and clean at all times.

The prevention of crime & disorder

To ensure the installed CCTV system is operational and maintained. To ensure the system is monitored by duty staff and the 7 internal and 2 external cameras are fully functioning.

To ensure all digitally recorded images are retained and stored for 31 days and access is available to the police or licensing authority at reasonable times.

X To ensure the staff on duty are 2 in number to provide appropriate level of supervision and monitoring of the store and the behaviour of customers and deter shoplifting, crime, nuisance, anti social behaviour and street drinking, underage sales of alcohol or other age related goods.

To ensure that staff monitor the forecourt and car park area in front of the premises, in respect of any activity, to assist the prevention of crime and disorder by reducing the consumption of alcohol in a public place.

To enrol in local CDRP initiatives to encourage a safer environment for other local businesses and local residents.

To ensure the audible alarm system installed in the premises, is operational and maintained with Staff trained in the safe and appropriate response to its activation.

To liaise with the licensing authority, Safer Hastings Partnership and the police regarding issues involving matters relating to crime, anti social behaviour, street drinking.

Public safety

To ensure the relevant health & safety risk assessments and fire safety risk assessments are undertaken and regularly reviewed and amended as required.

To ensure the first aid box is regularly checked, maintained and equipped as required. To ensure staff are aware of its location.

To ensure staff are trained in basic fire awareness, evacuation procedures, first aid and food hygiene.

To ensure the fire extinguishers and fire safety equipment is checked regularly and serviced in line with the requirements. To ensure written records are kept of checks and staff training drills.

The prevention of public nuisance

No Alcohol will be sold in open containers and staff will monitor the forecourt of the building to discourage any consumption of Alcohol purchased on site.

The protection of children from harm

To ensure staff are trained regarding the responsibilities of the sale of alcohol, in particular the sale to persons under 18, persons over 18 years of age who are suspected of purchasing alcohol for persons under 18, persons who are drunk or intoxicated, or are disorderly or abusive.

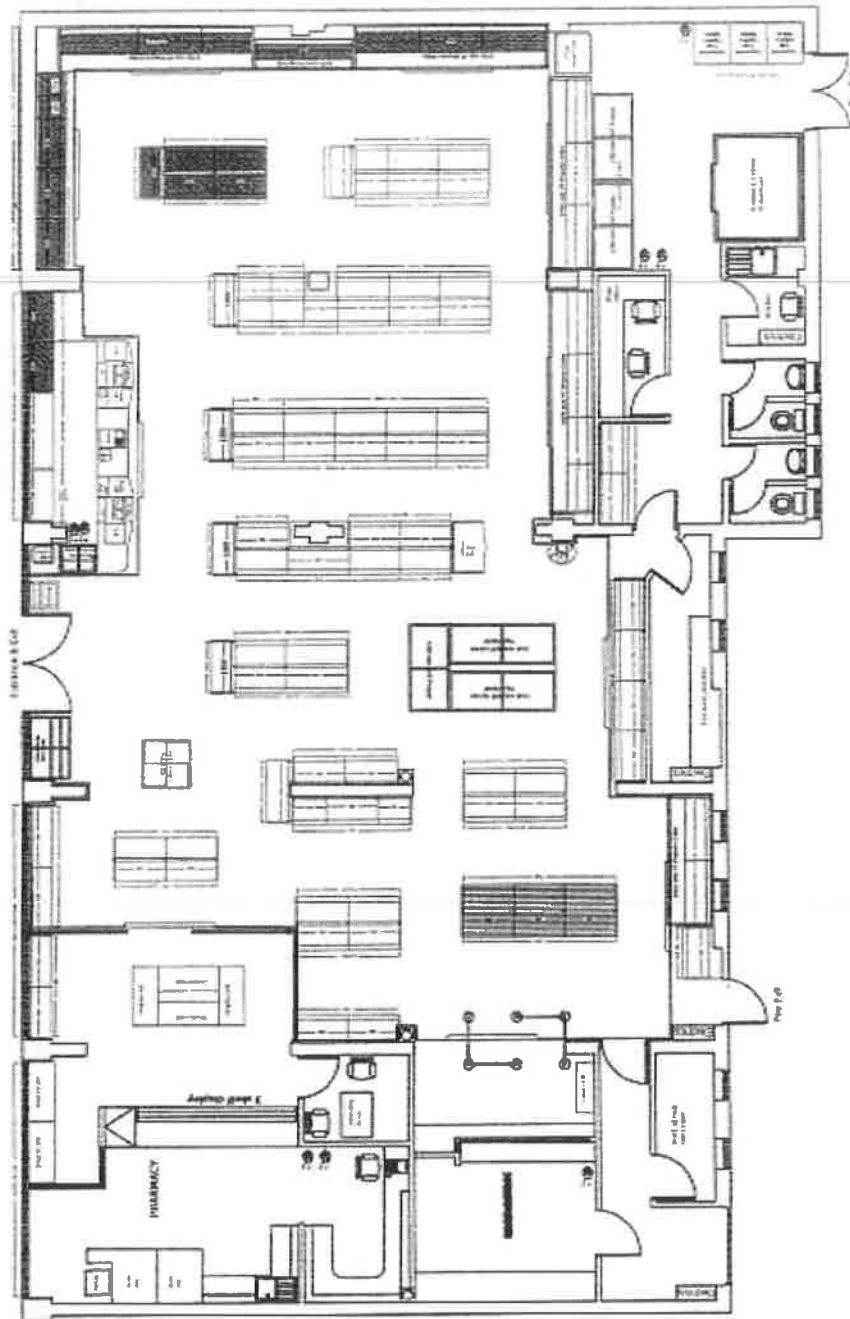
To ensure staff only accept appropriate photographic proof of identification, ie. Photo driving licence, passport, or other approved photo id cards.

X To ensure appropriate signage is displayed on shelves, counters and the point of sale area, warning of the challenge 21 policy for the sale of alcohol.

To ensure that the following measures, requested by East Sussex County Council Trading Standards and agreed by the premises licence holder, are complied with:-

- That a written record of staff training is kept;
- That a written record of authorisation to sell alcohol is maintained for each staff member;
- That a record of refusals to sell alcohol is kept at the premises and that document is regularly reviewed by the Designated Premises Supervisor;
- That the premises implements a Challenge 21 policy and advertises that policy.

Annex 4 – Plans

[illegible]

PREMISES LICENCE

Premises licence number

HOP50367

Part 1 – Premises details

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

NISA LOCAL
1 – 3 PARKSTONE PARADE,
PARKSTONE ROAD

Post Town
HASTINGS, EAST SUSSEX

Post Code
TN34 2PS

Telephone number

Where the licence is time limited the dates
NONE

Licensable activities authorised by the licence

SUPPLY OF ALCOHOL

HASTINGS BOROUGH COUNCIL
15 JUN 2016
LICENSING

The times the licence authorises the carrying out of licensable activities

MONDAY – SUNDAY 08.00 – 23.00

The opening hours of the premises

MONDAY – SUNDAY 07.00 – 2300

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

VJN GROCERIES LTD
1 – 3 PARKSTONE PARADE
PARKSTONE ROAD
HASTINGS,
TN34 2PS.

(Transfer of premises licence to new ltd company on 18th May 2016)
(Transfer of premises licence 11th May 2012)

Registered number of holder, for example company number, charity number (where applicable)

08763213

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

KULASEKARAM JEYARAJ
15 SHELLEY COURT
MALDEN WAY
NEW MALDEN
SURREY
KT3 6EU.

(Change of DPS 11th May 2012)

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

LICENCE NUMBER: LN 2011 2453
ISSUING AUTHORITY: LONDON BOROUGH OF MERTON

HASTINGS BOROUGH COUNCIL

Mandatory Conditions**All Premises Licence authorising supply of alcohol**

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. 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.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

HASTINGS BOROUGH COUNCIL

Mandatory Conditions – continued

- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5. (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 licences 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.
- 6. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

- 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 purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

HASTINGS BOROUGH COUNCIL

Mandatory Conditions - continued

(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.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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.

HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule**General**

-) To ensure staff and management are trained in the requirements of the Licensing Act 2003 and comply with the conditions of the licence, as specified below in line with the licensing objectives.
-) To ensure the interior of the store is maintained well lit and clean at all times.

The prevention of crime & disorder

-) To ensure the installed CCTV system is operational and maintained. To ensure the system is monitored by duty staff and the 7 internal and 2 external cameras are fully functioning.
-) To ensure all digitally recorded images are retained and stored for 31 days and access is available to the police or licensing authority at reasonable times.
-) To ensure the staff on duty are 2 in number to provide appropriate level of supervision and monitoring of the store and the behaviour of customers and deter shoplifting, crime, nuisance, anti social behaviour and street drinking, underage sales of alcohol or other age related goods.
-) To ensure that staff monitor the forecourt and car park area in front of the premises, in respect of any activity, to assist the prevention of crime and disorder by reducing the consumption of alcohol in a public place.
-) To enrol in local CDRP initiatives to encourage a safer environment for other local businesses and local residents.
-) To ensure the audible alarm system installed in the premises, is operational and maintained with Staff trained in the safe and appropriate response to its activation.
-) To liaise with the licensing authority, Safer Hastings Partnership and the police regarding issues involving matters relating to crime, anti social behaviour, street drinking.

Public safety

-) To ensure the relevant health & safety risk assessments and fire safety risk assessments are undertaken and regularly reviewed and amended as required.
-) To ensure the first aid box is regularly checked, maintained and equipped as required. To ensure staff are aware of its location.
-) To ensure staff are trained in basic fire awareness, evacuation procedures, first aid and food hygiene.
-) To ensure the fire extinguishers and fire safety equipment is checked regularly and serviced in line with the requirements. To ensure written records are kept of checks and staff training drills.

The prevention of public nuisance

-) No Alcohol will be sold in open containers and staff will monitor the forecourt of the building to discourage any consumption of Alcohol purchased in store.

HASTINGS BOROUGH COUNCIL

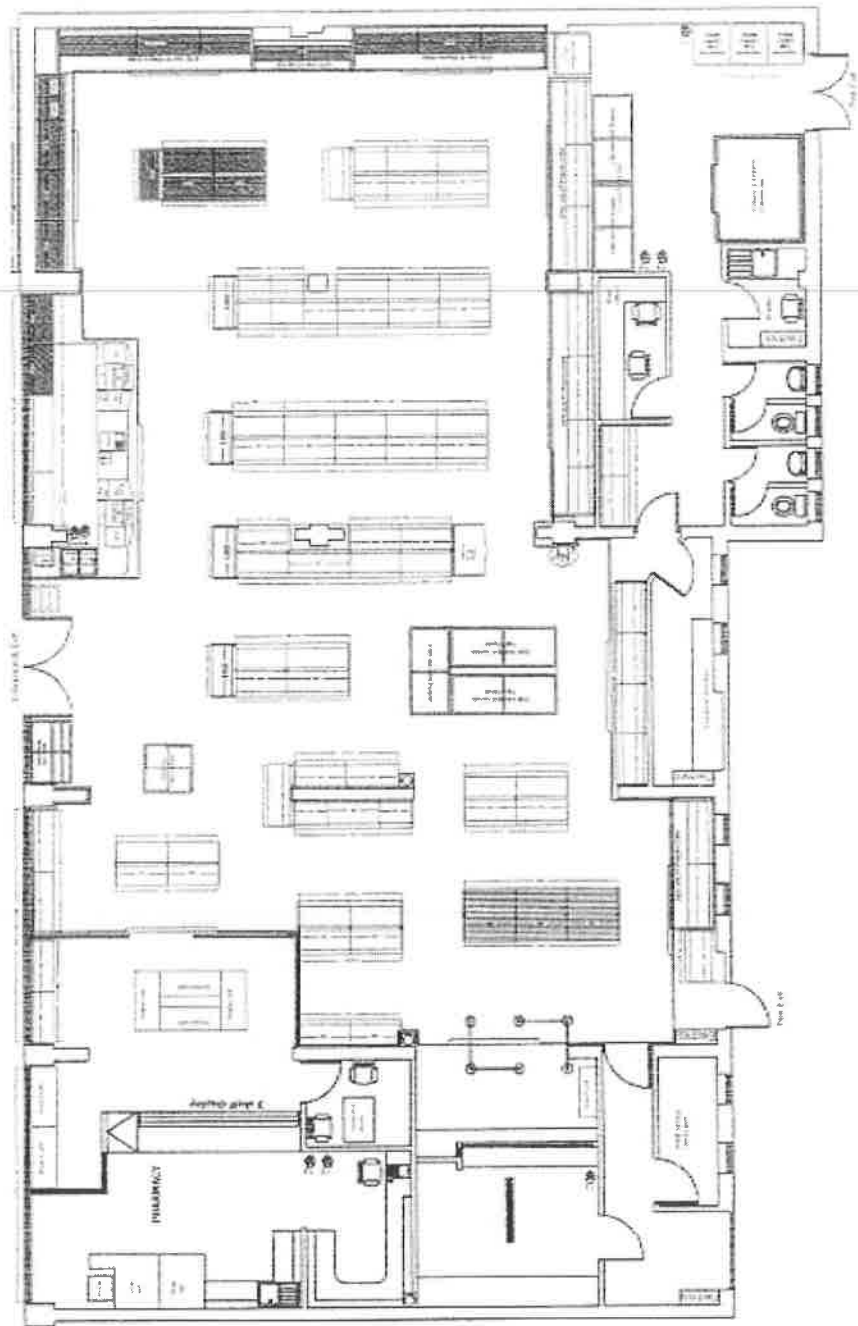
Annex 2 – Conditions consistent with the operating schedule – continued

The protection of children from harm

- 15 To ensure staff are trained regarding the responsibilities of the sale of alcohol, in particular the sale to persons under 18, persons over 18 years of age who are suspected of purchasing alcohol for persons under 18, persons who are drunk or intoxicated, or are disorderly or abusive.
- 16 To ensure staff only accept appropriate photographic proof of identification, ie. Photo driving licence, passport, or other approved photo id cards.
- 17 To ensure appropriate signage is displayed on shelves, counters and the point of sale area, warning of the challenge 21 policy for the sale of alcohol.
- 18 To ensure that the following measures, requested by East Sussex County Council Trading Standards and agreed by the premises licence holder, are complied with:-
- That a written record of staff training is kept;
 - That a written record of authorisation to sell alcohol is maintained for each staff member;
 - That a record of refusals to sell alcohol is kept at the premises and that document is regularly reviewed by the Designated Premises Supervisor;
 - That the premises implements a Challenge 21 policy and advertises that policy.

HASTINGS BOROUGH COUNCIL

Annex 4 – Plans



Area	Area	Description	Total Floor Space: 519 sq m (4738 sq ft)	Relief Floor Space: 229 sq m (2505 sq ft)
Channing Park 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	Channing Park 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	Channing Park 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	Channing Park 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	Channing Park 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

HASTINGS BOROUGH COUNCIL

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

NIL

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GANAS FOOD & WINE LTD

Company number **07898160**

Filter officers

☐

Current officers

[Apply filter](#)

1 current officer / 0 resignations

SANJEEV, Kanapathipillai

Correspondence address **15 Shelley Court, Malden Way, New Malden, United Kingdom, KT3 6EU**

Role **Director**

Date of birth **February 1982**

Appointed on **5 January 2012**

Nationality **Sri Lankan**

Country of residence **United Kingdom**

Occupation **Director**

Companies House

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GANAS FOOD & WINE LTD

Company number **07898160**

Registered office address

1-5 Parkstone Parade, Hastings, East Sussex, TN34 2PS

Company status

Active — Active proposal to strike off

Company type

Private limited Company

Incorporated on

5 January 2012

Accounts

Next accounts made up to **31 March 2016**
due by **31 December 2016**

Last accounts made up to **31 March 2015**

Annual return overdue

Next annual return made up to **5 January 2016**
due by **2 February 2016**

Last annual return made up to **5 January 2015**

Nature of business (SIC)

- 47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating

Companies House

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VJN GROCERIES LTD.

Company number **08763213**

Filter officers

☐

Current officers

[Apply filter](#)

1 current officer / 1 resignation

SANJEEV, Kanapathipillai

Correspondence address **5 Bankside Drive, Thames Ditton, Surrey, England, KT7 0AJ**

Role **Director**

Date of birth **February 1982**

Appointed on **30 November 2014**

Nationality **Sri Lankan**

Country of residence **United Kingdom**

Occupation **Director**

VIJAYARAJAH, Sapi

Correspondence address
No 1, & 3, Parkstone Parade, Hastings, East Sussex, United Kingdom, TN34 2PS

Role **Director**

Date of birth **February 1992**

Appointed on **5 November 2013**

~~Resigned on **30 November 2014**~~

Nationality **French**

Country of residence **United Kingdom**

Occupation **Director**

Companies House

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VJN GROCERIES LTD.

Company number **08763213**

Registered office address

No 1 & 3, Parkstone Parade, Hastings, East Sussex, TN34 2PS

Company status

Active

Company type

Private limited Company

Incorporated on

5 November 2013

Accounts

Next accounts made up to **30 November 2015**
due by **31 August 2016**

Last accounts made up to **30 November 2014**

Annual return

Next annual return made up to **5 November 2016**
due by **3 December 2016**

Last annual return made up to **5 November 2015**

Nature of business (SIC)

- 47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating

Please quote: HOP50367
Your reference:
Date: 4th May 2016
Please ask for: Trevor Scrase
Telephone direct: 01424 451042
E-mail: tscrase@hastings.gov.uk
Web: www.hastings.gov.uk/licensing



Licensing Team
Aquila House, Breeds Place
Hastings, East Sussex, TN34 3UY

The premises operator
VJN Groceries Ltd
NISA Local
1 – 5 Parkstone Road
Hastings,
TN34 2PS

Dear Sir,

Re: Premises licence status of NISA Local, 1 – 5 Parkstone Parade.

It has been brought to my attention that the business at this address has allegedly changed ownership.

The records held by the Licensing Authority at Hastings Borough Council show that:-

Premises licence holder – GANAS Food & Wine Ltd, 15 Shelley Court, Malden Way, New Malden, Surrey, KT3, 6EU. Registered company number 07898160.

Under the Licensing Act 2003:-

1. Section 33 requires the holder of a premises licence to notify a change of name or address of the premises licence holder. Failure to do so is an offence. The penalty of which is a maximum fine of up to £500.
2. Section 136 – unauthorised licensable activity. Namely alcohol sold without the authorisation of a premises licence. The penalty of which is a maximum fine of up to £20,000, or six months imprisonment or both.

If the company no longer hold this premises licence, under section 41 of the Licensing Act 2003, I am now requesting the return of the premises licence, for amendment within 14 days of the date of this letter. Failure to do so is a further offence, the penalty for which is a maximum fine of up to £1000. (The premises licence required to be returned is the full four page double side printed copy with plan and conditions attached).

Any change of premises licence holder is subject to a transfer application, with the application form and fee of £23 sent to us as the licensing authority and a copy to the Chief Officer of Police, Police Licensing.

I have included the relevant forms for this notification.

I know that my Food Safety colleague, who visited you a few weeks ago, advised you that you should contact me to ensure compliance. To date no contact or enquiry has been received.

At this present time, if the premises licence holder has changed ownership without the notification required, any sale of alcohol in the premises is unlawful and could render you and any staff selling alcohol in the course of their employment, liable for prosecution. I therefore suggest that you deal with the requirements outlined in this letter as a matter of urgency.

Please quote: HOP50367
Your reference:
Date: 6th May 2016
Please ask for: Trevor Scrase
Telephone direct: 01424 451042
E-mail: licensing@hastings.gov.uk
Web: www.hastings.gov.uk/licensing



Licensing Team
Aquila House, Breeds Place
Hastings, East Sussex, TN34 3UY

Kulasekaram JEYARAJ
Ganas Food & Wine Ltd
15 Shelley Court
Malden Way
New Malden
Surrey, KT3 6EU.

Dear Sir / Madam,

Re: NISA Local, 1 – 5 Parkstone Parade, Parkstone Road, Hastings, TN34 2PS.

Our records, as the licensing authority for Hastings, still show Ganas Food and Wine Ltd as the premises licence holder of the premises licence authorising the sale by retail of alcohol for consumption off the premises.

However it has been brought to my attention that the shop is now run by new owners and a new company.

To date no transfer application or change of designated premises supervisor has been received by this licensing authority as required under the Licensing Act 2003.

I request your reply to my letter clarifying who the current business operator and premises licence holder is as soon as possible. Preferred response by email to Licensing@hastings.gov.uk

If you are no longer involved with the shop, I need to know the date that you ceased any involvement. The reason being is that you are still registered as the designated premises supervisor and as such are responsible for any offences or omissions that occur in the shop in respect of all alcohol sales.

If you are no longer the designated premises supervisor, you have a duty to notify us in writing under the Licensing Act 2003.

Yours faithfully,

Trevor Scrase
Senior Licensing Officer

HASTINGS BOROUGH COUNCIL

RECORD OF INTERVIEW

TCS/2.7

Interviewee:

Name: Kanapathipillai Sanjeev Age: Date of Birth:

Address: 5 Bankside Drive, Thames Ditton, Surrey, KT7 0AJ.....

Recorded by: Trevor Scrase (Senior Licensing Officer)

Other Persons present: Rona Spencer (Licensing Officer)

Interview commenced: Time: 09.50 Date: 29th June 2016

Interview completed: Time: 10.38 Date: 29th June 2016

Intervals or Refreshment Periods: Two stops of the cd recorder due to malfunction, then written record of interview commenced.....

TS	Explained reason for handwritten interview record. Reminded under caution and can terminate at any time. Do you consent to continue with a hand written interview?
KS	Yes Yes
TS	Are you the premises licence holder as VJN Groceries Ltd of Nisa Local 1-3 Parkstone Parade, Hastings?
KS	Query re alcohol? Yes that's me
TS	Previously you held the premises licence since 11 May 2012 as Ganas Food and Wine Ltd. Is that correct?
KS	Yes
TS	Are you yourself a personal licence holder issued under the LA 2003?
KS	No I don't have a personal licence. No
TS	Do you understand the requirements of the LA2003 and the conditions on your premises licence to sell alcohol in your convenience store?
KS	Fairly yes.
TS	Shown copy of TCS/2 current premises licence since 18 th May 2016, transfer to VJN Groceries Ltd?
KS	Okay
TS	Can you explain why you didn't contact us as the Licensing Authority to notify the change of company holding the premises licence?
KS	It was just a change of business name and not ownership and I didn't think I had to inform you.
TS	How often do you visit the shop?

KS	At the moment, once every 10 days, 3 or 4 times a month
TS	Who is the person who is your designated premises supervisor?
KS	He is my sister's husband
TS	Is he involved in running VJN Groceries Ltd?
KS	Not involved in running No
TS	How often does he visit the shop?
KS	Every 2 months or so
TS	What actions as the DPS have you asked him to do with the shop?
KS	When he started he was here. He did the training. He transferred the premises licence to me. He is an accountant. He gets the alcohol. Mainly just training
TS	You said he transferred the premises licence?
KS	He is the DPS. I am the licence holder
TS	Has he trained the staff in their responsibilities of alcohol sales and compliance with the licence?
KS	Yes
TS	Can you produce any training records?
KS	No
TS	Has he authorised the staff working in the shop to sell alcohol?
KS	In the beginning yes. There wasn't much staff. I was there for 2 years.
TS	The reason we are here today is due to a food safety visit in April which identified the change of Ltd company holding the premises licence. Since then I have visited the shop on a number of occasions. On the 4 th May there was a single female staff working who when requested couldn't provide the list of authorised staff to sell alcohol. Her name is Grace. How long had she worked for you?
KS	2 months. I think she has stopped now.
TS	On the 11 th May I visited in company with the Licensing Manager. A single male staff was working in the shop. Waqar Ahmad from Watford. How long had he worked for you?
KS	He just probably worked 4 or 5 days. Not continuously. Only in emergency
TS	What was the emergency?
KS	Usually I cover, he goes for his personal staff Sonny Gupta. It is his friend.
TS	Does Sonny still work for you?
KS	No he's not even in the country.
TS	Do you have a new manager?
KS	Yes. I only know his surname Vasikaran
TS	Is he a personal licence holder?
KS	He is getting one. I will be transferring him. He has done the exam. He just needs to

	apply to us. Things will be in control.
TS	Since 18 th May when we sat in this room and completed the transfer from Ganas to VJN, have you taken any further steps to ensure the licence and all the conditions are complied with?
KS	The licence was transferred. I'm not sure what I need to do. I have trained the new manager. Anything else I need to do if you let me know I can do that.
TS	Refer TCS/2 page 6 Item 3 CCTV. (To ensure the cctv system is operational and maintained. To ensure the system is monitored by duty staff and the 7 internal and 2 external cameras are fully functioning).
KS	To my knowledge yes they are working. Can monitor live feed.
TS	Item 5. Read to Mr Sanjeev. (To ensure the staff on duty are 2 in number to provide appropriate level of supervision and monitoring of the store and the behaviour of customers and deter shoplifting, crime, nuisance, anti social behaviour and street drinking, underage sales of alcohol or other age related goods).
KS	There is always 1 member. I cannot afford 2. I pay £700 per month to the council business rates. The landlord has reduced the rent. With 2 staff the shop has to be closed I can't do it.
TS	Page7 Item 15 ? (To ensure staff are trained regarding the responsibilities of the sale of alcohol, in particular the sale to persons under 18, persons over 18 years of age who are suspected of purchasing alcohol for persons under 18, persons who are drunk or intoxicated, or are disorderly or abusive). Has this training taken place?
KS	Yes
TS	Can you produce records to show that?
KS	When he left (Sonny) I will check the shop, my house. If it's not there I won't have it. It was there while I was working there for 2 and a half years.
TS	When did you stop working there?
KS	2014 May/June continuously. Increasing other staff.
TS	Item 18. (To ensure that the following measures, requested by East Sussex County Council Trading Standards and agreed by the premises licence holder, are complied with: That a written record of staff training is kept; That a written record of authorisation to sell alcohol is maintained for each staff member; That a record of refusals to sell alcohol is kept at the premises and that document is regularly reviewed by the Designated Premises Supervisor; That the premises implements a Challenge 21 policy and advertises that policy. Do you have any response to that condition?
KS	I can make sure it's there from now on. For the past I will have to check it was there
TS	Do you recollect having an email from me with an annual fee invoice. Have you paid the annual fee?
KS	I can pay by tomorrow
TS	TCS/8 served. (Letter of suspension of premises licence for non payment of annual fee with immediate effect).
KS	I can pay today
TS	The purpose of this interview is to establish that the compliance of the LA2003 and

	your premises licence is at a standard well below what is required for the responsible sale of alcohol. You have been honest and answered my questions but you have only confirmed what I already have revealed in my investigation. I propose to submit an application to the licensing manager requesting a review of your premises licence. You will receive a copy of that document and will be invited to attend a Licensing Sub Committee hearing at a date in the next 2 to 3 months. In the meantime if you wish to continue selling alcohol you must ensure the fee is paid and all conditions complied with.
KS	Okay I will need some help with that
TS	Review process explained
KS	10.38 interview ended 29/6/16. Hand written contemporaneous record of interview signed by all present.



Title:

Appendix B

Scale:

1:2500

Date:

2 / 8 / 2016

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Nisa Local, 1-5 Parkstone Parade, Hastings, East Sussex, TN34 2PS

I have produced this report for consideration at the licensing review in relation to public health and public safety. I am a Senior Environmental Health Officer and I have been working for Hastings Borough Council for just over 12 years as a food, health and safety inspector.

I have detailed my most recent dealings with the business and I have also included a summary of the file history.

In relation to licensing I can confirm that during each of my visits to the premises there has only been one member of staff present working in the business.

16 April 2016

A complaint was made from a member of the public regarding high risk foods being delivered in an unrefrigerated vehicle and concerns over poor hygiene. Further information on my findings in relation to this complaint is detailed below.

19 April 2016

The primary inspection was brought forward to complete at the same time as the complaint investigation.

As part of a primary food hygiene inspection officers are required to carry out a file review prior to carrying out the food hygiene inspection as per the Food Law Code of Practice.

The previous Food Hygiene Rating Score was a 1 (major improvement necessary).

I noted from our records that the food business operator was registered as Giana's food & Wine Limited.

A food hygiene inspection was undertaken and it was identified during the inspection that there had been a change in ownership. I was advised by the manager Mr Sunny Gupta that the new owner was trading as VJN Groceries Limited. I noted that the licensing documents displayed by the till were still in the name of the previous owner. I advised the manager that the owner should contact licensing to discuss the change in ownership and I issued a food registration form for completion.

My food inspection identified a number of issues and I have included photographs taken during my visit on the 19/04/2016 within this report.

The business was unregistered. (Businesses are required to register a minimum of 28 day prior to commencing food activities and to notify the Authority of any changes to the business including change of name, change of ownership, closure of the business, changes to the nature of the food operation.)

There were pest proofing issues (potential for ingress of pests such as rats).

Structural disrepair (the store room ceiling was damp and mouldy, the hot water heater had been pulled off the wall mounting and was defective, the floor was in a poor condition and

the WC was inaccessible due to the volume of unused equipment and general refuse that had built up in this area. General housekeeping was poor.

No hot water to the WC for hand washing. The business has a duty to maintain equipment in good repair and condition and provide suitable washing facilities for staff to enable them to effectively wash their hands after visiting the toilet.

The food storage areas were dirty and cluttered with unrelated equipment and refuse.

Out of date foods were not being removed from point of sale.

A review of the food products was undertaken due to suspect labelling. Further details on this matter are noted below.

There were no food safety records or checks being made to demonstrate that adequate controls were in place.

The food was not being purchased from a reputable supplier in accordance with food law. Food was being prepared at an unregistered and uninspected domestic premises.

I discussed my visit with Trevor Scrase from our licensing department to establish if he was aware of the change in ownership of the business and I was advised that he had not received any transfer requests. I have included some pictures demonstrating the issues I found during my food hygiene inspection that demonstrate poor management.

The business was rated as 1 (major improvement necessary) on the food hygiene rating scheme.

Seizure of Unfit Food 20/04/2016

Further investigation identified that the food was being made by an unregistered food business in a domestic house in the London Borough of Hillingdon and it was being distributed around the South East by an unregistered distributor.

The purpose of my visit on the 20/04/2016 was to remove the unfit food from the food chain. I have powers to formally seize the food and put it before the magistrate who would then grant a condemnation order and the food would be destroyed. The alternative would be to offer the option of voluntarily surrendering the unfit food.

The food products were voluntarily surrendered by the business as they were deemed unfit for human consumption. The food was not being purchased from a reputable supplier and not made in accordance with food law. Please refer to Appendix 1

Advice was given on how to source reputable suppliers.

A food incident was submitted to the Food Standards Agency and formally seizing the food products and removing them from the food chain was necessary to protect public health. Please refer to Appendix 2

I requested that the food business registration form be completed and returned to the address on the form and I also advised that either he as the manager or the owner contact the licensing team. Please refer to Appendix 3

25/04/2016 I received a telephone call from Mr Sanjeev who called to discuss my inspection and the subsequent visit to remove the unfit food. I discussed my inspection report and described the unsatisfactory conditions identified during the inspection and I advised that failing to register the business was an offence. Mr Sanjeev advised that he had changed the business name due to a business partner leaving but technically it was still the same person operating the business but just a change of name. I then asked why he had not addressed the legal requirements following the last primary inspection. Mr Sanjeev did not comment. I agreed to email a food registration form for completion and a copy of my inspection report and a letter sent to convenience stores following my visits. Mr Sanjeev requested an additional two weeks to carry out the works as he had just got married and was due to go on his honey moon. (Please refer to Appendix 4)

Compliance Revisit 27/06/2016

I carried out a compliance revisit on the 27 June 2016 the purpose of the visit was to check compliance with my inspection report carried out on the 19 April 2016 please refer to Appendix 4

General housekeeping had improved and unrelated equipment had been removed from site. A roller shutter door had been fitted to the rear door but had not resolve the pest proofing issue.

The mould and flaking paint had been removed but still required painting to enable effective cleaning.

The floor surface had been painted.

There were two baskets in the rear stock room which were used to store out of date food.

The WC water boiler was out of use but an alternative WC was available for use with all the necessary means to enable effective hand washing.

The food business registration form had not been returned.

Although there has been progress in achieving compliance further issues were identified during my visit. Please refer to Appendix 5.

Summary

The business has a varying record of compliance with previous legal requirements not being met. There is major non-compliance with statutory obligations and our file records indicate there is poor appreciation of the hazards and control measures and no food safety management system.

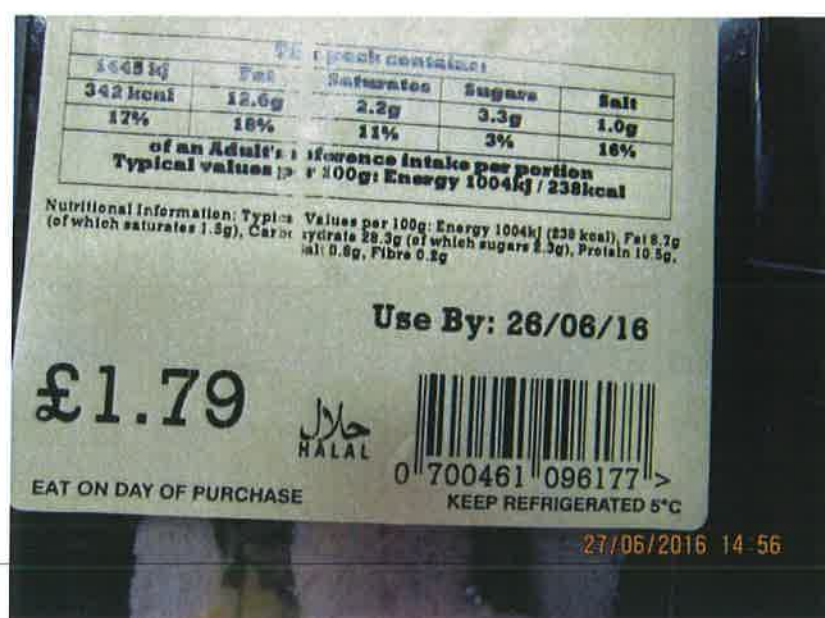
The owner is absent from the business and therefore is not managing the business effectively. The business has a poor track record with evidence of non-compliance with food law. The operator has demonstrated inadequate management of food safety showing little regard for public safety.

In my professional opinion there are major concerns regarding the management of this business as demonstrated above. There has been a series of management failures and I have concerns over the present management attitude towards regulatory compliance.









File History

Visit made 17 April 2012 by Karis Valli (KV) to carry out a programmed food hygiene inspection. During the visit I identified that the ownership of the business had changed and the new food business operator (FBO) had not registered the business which is a legal requirement.

Offences identified

- Unregistered food business
- No lighting in the rear store room
- Poor housekeeping
- Pest proofing to the rear back door
- No food safety records or procedures

A request was made that the food business operator contacts me as a matter of urgency.

Food Hygiene Rating Score 3 issued

Re-Visit made 8 May 2012 by KV

An appointment was made for 1pm on the 8 May 2012. The FBO did not show up for the appointment with no call or explanation.

Offences identified

- Unregistered food business
- No lighting in the rear store room
- Poor housekeeping
- Pest proofing to the rear back door
- No food safety records or procedures
- Disrepair to the ceiling in the rear store room
- No lobby door to the WC
- No checks or records in relation to temperature control

I contacted the FBO and made a further appointment for the 11 May 2012.

A further re-visit was made on the 11 May 2012. I met with the FBO Mr Sanjeev and he completed a food registration form at my request during the visit.

Offences identified

- No lobby door to the WC
- Pest proofing of the rear back door
- General housekeeping
- Temperature control issues
- Disrepair to the ceiling in the rear store room
- Out of date employers liability insurance

A letter was sent dated the 14 May 2012 following the visits made identifying the outstanding issues.

22 October 2013 Primary Food Hygiene Inspection carried out by Peter Smith

- No lobby door to the WC
- Pest proofing of the rear back door
- General housekeeping
- Temperature control issues
- No food safety records or procedures
- Hot water heater defective in the sanitary accommodation

Food Hygiene Rating Score 3 issued

25 February 2015 Primary Food Hygiene Inspection carried out by Sharon White

- Pest proofing of the rear back door
- General housekeeping storage areas cluttered
- Temperature control issues display fridge operating above the legal maximum temperature
- No food safety records or food safety procedures

No evidence of any improvements carried out following previous inspection in 2013.

Management not taking note of legal requirements identified.

Food Hygiene Rating Score 1 (major improvement necessary) issued.



FOOD SAFETY ACT 1990

Voluntary Surrender Certificate

Name & Address of Business: Nisa Local, 1-5 Parkstone Parade, Hastings, East Sussex, TN34 2PS

Reference No: WK 201601306

I hereby certify that food products detailed on the voluntary surrender list attached have been examined by me and in my opinion they have not been produced, processed or distributed in accordance with the Hygiene Regulations, as the manufacturer and distributor of these food products are not registered with the competent enforcement authority contrary to food law. Where any food can be certified under Regulation 29 of the Food Safety and Hygiene (England) Regulations 2013 it shall be treated for purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.

I also certify that the food products have been voluntarily surrendered to me by the Food Business Operator or their representative to prevent their use for human consumption.

By agreeing to voluntarily surrender the food products, you are relinquishing your rights to compensation.

The voluntary surrender of food products does not preclude further formal action being taken by this authority.

Signed: [Signature] (Authorised Officer of Local Authority)

Name in Capitals: KARIS VALLI

Date: 20 April 2016

Signed: [Signature] (Company Representative)

Name in Capitals: Sunny Gupta

Date: 20-4-16

Environmental Health Team,
Aquila House, Breeds Place, Hastings TN34 3UY Tel: 01424 451078
Email: foodsafety@hastings.gov.uk



Reference number: NK 201601306

Sheet 1

VOLUNTARY SURRENDER LIST

DESCRIPTION OF FOOD	QUANTITY	WEIGHT	UNIT COST
Vegetable Samosa Quality Foods	3	110 g	89p
Lamb Samosa Quality Foods	2	110g	89p
Chicken Samosa Quality Foods	1	110g	89p
Junba Samosa Roll Welsh Pantry	4	140g	99p
Balti Curry Slice Welsh Pantry	6	140g	99p
Ham + Cheese slice Welsh Pantry	8	140g	99p
Sandwich Chicken Mayo Bacon. A+A Foods Ltd	1	—	99p
A+A Foods Ltd Chicken Tikka Lettuce Sandwich	2	—	99p
Sandwich A+A Foods Ltd	1	—	99p
Chicken Tandoori Lettuce A+A Foods Ltd	2	—	99p
Cheese + Tomato Sandwich A+A Foods Ltd	2	—	99p
Ham + Cheese Sandwich A+A Foods Ltd	2	—	99p
Cheese + Spring Onion Sandwich A+A Foods Ltd	1	—	99p
Egg Mayo Sandwich Fresh Bites 6HH	1	—	99p
Chicken Mayo Sweetcorn Sandwich Natural Choice	5	0.255g	£2.19
Mature cheddar RESTORE	2	263g	£1.99
Texas Tames & Chicken Burgers Rustlers	2	290g	£1.99
Chicken burger 2 Southern Fried burger	2		

Signature K. Valli
 Authorised officer

Signature Sunny Gupta
 Food Business Operator/Representative

Date 20 April 2016

Date 20/4/16



FOOD INCIDENT REPORT FORM

**TO BE COMPLETED BY THE INVESTIGATING OFFICER/REPRESENTATIVE
AND FAXED TO THE AGENCY ON: 020 7276 8446 (Tel: 020 7276 8448/8453)**

1. Reporting Food Authority's name and address: Hastings Borough Council, Aquila House, Breeds Place, Hastings, TN34 3UY
2. Name of reporting Officer including telephone, fax and e-mail details:
Karis Valli kvalli@hastings.gov.uk 01424 783235
Renu Sherchan rsherchan@hastings.gov.uk 01424 783232
3. Date and time initial information received by Food Authority:
19 April 2016 12.00
4. Initial information received by: Karis Valli & Renu Sherchan referred to Hillingdon Borough Council.
5. Received from (include Local Food Authority, HPA etc., address, telephone number and contact name where possible): N/A
6. Method (telephone/fax/letter/other): N/A
7. Brief description of incident: Sandwiches are being produced and distributed from an unregistered food business/manufacture. These products and others detailed on the voluntary surrender list are then being distributed by an unregistered distributor. Both the manufacturer and the distributor may be connected due to the close proximity of addresses.
8. Type of contamination: Unknown
9. Type of product – see attached a voluntary surrender list consisting of two pages.
10. Description of product: **see lists attached**

Brand Name: 6HH limited & A & A Foods Supply Limited

Batch Code/s: unspecified

Description of Packaging: various

Pack Size: see list

Durability Date/s or Code/s: various

Country of Origin: UK

UK Importer/Distributor (including contact details):

1. Distributor & Manufacturer: 6HH limited, 35 Monmouth Road, Hayes, Middlesex, UB3

4JH Tel: 07735215266 or 07454333150

2. Manufacturer : A & A Foods Supply Limited (UB3 5HX)

11. Has clinical illness occurred? No/ Unknown

12. Details (type of illness, symptoms, numbers of consumers affected etc): None

13. Assessment of hazard: Manufacturer – National

14. Is the manufacturer/retailer/supplier aware of the incident, if so what are their proposals for dealing with it?

No the business is unregistered and uninspected but LB Hillingdon are aware

15. Other relevant contact details (e.g. home and/or originating authority/CCDC/HPA/other)

Name: Mel Bedi (mbedi@hillingsdon.gov.uk) (Investigating the manufacturer)
bsaunders@hillingsdon.gov.uk (Investigating the distributor)

Address, telephone and fax numbers, e-mail address: Tel: 01895 250190

16. Has any enforcement action already been taken? For example, have samples been taken for examination or analysis, or detention notices served, or food seized? Please fax any laboratory reports or detention notices etc. to the FSA with this form, or as soon as possible thereafter.

Voluntary surrender of all implicated products

17. Has there been media interest? No

If there has been a press release please fax to the FSA with this form.

18. Any additional information: Please attach additional pages if necessary.
Food complaint received from a member of the public alleging sandwiches were being delivered to the store in an unrefrigerated vehicle. A food hygiene inspection/complaint visit was made on the 19 April 2016. During the visit we identified sandwiches with suspect labelling. We do not have food standards responsibility therefore we were unable to act at that time to remove products from point of sale. Following the visit we contacted Hillingdon BC to enquire about the manufacturer of the sandwiches and if they were registered. Hillingdon confirmed that neither the manufacturer or the distributor were registered and both addresses were domestic and in close proximity to each other. Hillingdon advised that they have had a number of these type of incidents in this area and they tend to target an area to distribute the products. Once Hillingdon had confirmed that they were unregistered we made the decision to serve a Regulation 29 Notice or offer voluntary surrender to remove the products from the food chain, which we did on the 20 April 2016. We were advised by the Manager of the food business that the distributor operates in Dover & Margate therefore there may be further products for sale in Kent & Sussex.

Signed: 

Date: 24 April 2016

Job Title: Senior EHO

Inspection Report

Food Safety Act 1990
Food Safety & Hygiene (England)
Regulations 2013
Regulation (EC) 852/2004 & 853/2004
Health & Safety at Work etc. Act 1974

Food, Health & Safety Team
Aquila House, Breeds Place
Hastings. TN34 3UY
01424 451078



Name & Address of Premises

Disa local
1-5 Parkstone Parade
Hastings
TN34 3PS

Tel No 01424 472376

Work Sheet No 2016.01306

Business Operator

VJN Groceries Ltd

Person Interviewed + Designation

Mr Sunny Gupta

Reason for Inspection

Food Hygiene (Primary) ☐
Health & Safety ☐
Compliance Revisit ☐
FHRS Revisit ☐
Other (i.e. Complaint) ☒
New Business Advice Visit ☐
Revisit Required ☐
Timescale

The following items summarise the matters discussed at the time of inspection - Legal Requirement (L) and Recommended Practice (R). The letters in column 2 refer to the sections that make up the Food Hygiene Rating Score. Food Hygiene (F), Structure & Cleaning (S) & Confidence in Management (M)

L/R	F/S/M	MATTERS DISCUSSED / ACTION REQUIRED / SAMPLES	TIMESCALE																																																			
L	M	You must ensure you purchase food supplies from reputable suppliers.	Immediate																																																			
—	—	You have voluntarily surrendered a number of products listed during my visit today.																																																				
L	—	you are advised to contact licensing on the number provided as a matter of urgency regarding the change of ownership.																																																				
L	M	Complete the food registration form as discussed. Form issued during visit made 19/4/2016	Immediate																																																			
<table border="1"> <thead> <tr> <th colspan="6">FOOD HYGIENE COMPLIANCE (F)</th> <th colspan="6">STRUCTURAL COMPLIANCE (S)</th> <th colspan="5">CONFIDENCE IN MANAGEMENT (M)</th> </tr> <tr> <th>0</th><th>5</th><th>10</th><th>15</th><th>20</th><th>25</th> <th>0</th><th>5</th><th>10</th><th>15</th><th>20</th><th>25</th> <th>0</th><th>5</th><th>10</th><th>20</th><th>30</th> </tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td> </tr> </tbody> </table>				FOOD HYGIENE COMPLIANCE (F)						STRUCTURAL COMPLIANCE (S)						CONFIDENCE IN MANAGEMENT (M)					0	5	10	15	20	25	0	5	10	15	20	25	0	5	10	20	30																	
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PROVISIONAL FOOD HYGIENE RATING*



THIS SCORE MAY GO UP OR DOWN

* SEE BACK SHEET

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Authorised Officer (BLOCK CAPITALS): LEAH'S DALLI Signed: [Signature]

Designation: SE/172 Tel: 01424 783235 Date: 20/4/2016

I acknowledge receipt of this report: Signed: [Signature]

Proprietor or person interviewed

Karis Valli

From: Karis Valli
Sent: 25 April 2016 14:50
To: 'kshanjeev82@gmail.com'
Subject: Nisa Local Parkstone Parade Hastings

Dear Mr Sanjeev,

Please see attached a food registration form that requires completion. Please note that the form must be signed by the food business operator and returned to Aquila House..

I have attached a copy of the letter regarding un-reputable suppliers.

Please see my inspection report attached.

The food hygiene rating score is a 1 and notification has been sent to the store address.

As agreed I will extend the time scale to 6 weeks and will therefore carry out a compliance revisit by the end of May 2016.

I will write to you separately confirming all the legal requirements.

Kind regards



20160425144319....



6HH letter 25
April 2016.doc



New Food
Registration For...

Karis Valli
Senior Environmental Health Officer
Hastings Borough Council
Food Health and Safety Team
4th Floor
Aquila House
Breeds Place
Hastings
East Sussex
TN34 3UY

01424 783235

http://www.hastings.gov.uk/environment_planning/health_safety_hygiene/food/info_food_businesses/
http://www.hastings.gov.uk/environment_planning/pollution_noise_drainage/

FOOD HYGIENE RATING

Log out? Getting food in?
Check food.gov.uk/ratings

Inspection Report

Food Safety Act 1990
Food Safety & Hygiene (England)
Regulations 2013
Regulation (EC) 852/2004 & 853/2004
Health & Safety at Work etc. Act 1974

Food, Health & Safety Team
Aquila House, Breeds Place
Hastings. TN34 3UY
01424 451078



Reason for Inspection

Food Hygiene (Primary) ☒
Health & Safety ☐
Compliance Revisit ☐
FHRS Revisit ☐
Other (i.e. Complaint) ☒
New Business Advice Visit ☐
Revisit Required ☐
Timescale _____

Name & Address of Premises

Nicer home
1-5 Parkstone Parade
Hastings
TN34 2PS
Tel No 01424 422376

Business Operator

V.J.N. Groceries Ltd.

Person Interviewed + Designation

Mr Sunny Gupta
Manager

Work Sheet No

The following items summarise the matters discussed at the time of inspection - Legal Requirement (L) and Recommended Practice (R). The letters in column 2 refer to the sections that make up the Food Hygiene Rating Score. Food Hygiene (F), Structure & Cleaning (S) & Confidence in Management (M)

L/R	F/S/M	MATTERS DISCUSSED / ACTION REQUIRED / SAMPLES	TIMESCALE														
L	S	Improve general house keeping to the store rooms	Immediate														
L	S	pest proofing is required to the rear external door.	4 weeks														
L	S	Refurbish the ceiling to the rear food storage area.	3 months														
L	S	Renew the floor surface to the rear food storage area.															
L	S	Remove unused equipment & clear & clean both store rooms.	4 weeks														
L	F	Out of date foods must be labelled and removed from point of sale.	Immediate														
-	-	Further investigation to be undertaken regarding sandwiches and chicken products that do not comply with labelling regulations.	-														
L	S	WC was inaccessible, Hot water boiler was out of use.															
L	M	Complete & return the food registration form as discussed															
FOOD HYGIENE COMPLIANCE (F)		STRUCTURAL COMPLIANCE (S)	CONFIDENCE IN MANAGEMENT (M)														
0	5	10	15	20	25	0	5	10	15	20	25	0	5	10	15	20	30

PROVISIONAL FOOD HYGIENE RATING*

* SEE BACK SHEET

THIS SCORE MAY GO UP OR DOWN

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Authorised Officer (BLOCK CAPITALS): KARENA VALE Signed: _____

Designation: S.E.H.D. Tel: 01424 783235 Date: 19/4/2016

I acknowledge receipt of this report: Signed: _____

Proprietor or person interviewed

Please quote:
Your reference:
Date: 25 April 2016
Please ask for: Environmental Health Team
Telephone direct: 01424 451078
E-mail: foodsafety@hastings.gov.uk
Web: www.hastings.gov.uk/environment_planning/health_safety_hygiene/



Environmental Health Team
Aquila House, Breeds Place
Hastings, East Sussex, TN34 3UY

Dear Food Business Operator,

**Food Safety Act 1990
Food Safety and Hygiene (England) Regulations 2013
Regulation (EC) 853/2004**

We have recently been made aware of a supplier/distributor working in the Hastings area who is supplying food products, chilled and ambient to small convenience stores from an unrefrigerated van. The name of the distributor is:

**6HH Limited,
35 Monmouth Road,
Hayes,
Middlesex, UB3 4JH**

This business is an unregistered food business which means it has not been subject to the required food safety controls by Environmental Health. As such any food products supplied by this company are considered to be non-compliant with food law and **MUST** be withdrawn from sale.

If you have received food products from this supplier including sandwiches, cheese, bacon, salad, microwave burgers etc. they must be taken off the shop floor for sale to the public. To sell these products to the public is an offence under food law.

To identify whether your business is supplied by the above company you must examine your invoices and identify what food products have been supplied by them. If you do use this above named distributor you must remove all products supplied by them from sale. If these products have been supplied on a sale or return basis you should notify 6HH Ltd., that you have been required to do this by Environmental Health.

Food should only be purchased from reputable suppliers who are registered and have been checked by local food authorities. I would strongly advise that you make basic checks on all of your food suppliers to ensure the food you purchase has been manufactured and distributed safely.



INVESTOR IN PEOPLE

The Environmental Health team will be making spot checks of small convenience stores in the Borough to ensure these products have been removed from sale.

Please find below some photos illustrating the types of products being distributed by 6HH and an example of a pricing label they use to assist you. This is not an exhaustive list of the products supplied.



If you have any queries please contact the Environmental Health Team.

Yours sincerely,

Sally Nicholls
Deputy Environmental Health Manager



INVESTOR IN PEOPLE

APPLICATION FOR THE REGISTRATION OF A FOOD BUSINESS ESTABLISHMENT

Food Safety and Hygiene (England) Regulations 2013 (SI 2013 No. 2996) (Regulation (EC) No. 852/2004, Article 6(2))



This form must be completed by food business operators in respect of new food business establishments and received by the relevant Food Authority **28 days before** commencing food operations. On the basis of the activities carried out, certain food business establishments are required to be **approved** rather than **registered**. If you are unsure whether any aspect of your food operations would require your establishment to be approved, please contact Hastings Borough Council (details overleaf) for guidance.

1. **Address of Establishment** (or address at which the moveable establishment is kept overnight)

Postcode:

2. **Trading Name of Food Business:**

Email address:

Telephone Number:

Mobile Number:

3. **Full Name and Home Address of Food Business Operator:**

Postcode:

Date of Birth of Food Business Operator (DD/MM/YY):

4. **Head Office Address of Food Business Operator (where different from address of establishment):**

Postcode:

5. **Type of Food (please tick ALL the boxes that apply):**

Staff restaurant/canteen/kitchen	<input type="checkbox"/>	Hospital/residential home/school	<input type="checkbox"/>
Retailer (including farm shop)	<input type="checkbox"/>	Distribution/warehousing	<input type="checkbox"/>
Restaurant/café/snack bar	<input type="checkbox"/>	Food manufacturing/processing	<input type="checkbox"/>
Market/ Market stall	<input type="checkbox"/>	Importer	<input type="checkbox"/>
Takeaway	<input type="checkbox"/>	Catering	<input type="checkbox"/>
Hotel/pub/guesthouse	<input type="checkbox"/>	Packer	<input type="checkbox"/>
Private house used for a food business	<input type="checkbox"/>	Moveable establishment e.g. ice cream van	<input type="checkbox"/>
Wholesale/cash and carry	<input type="checkbox"/>	Primary producer – livestock	<input type="checkbox"/>
Food Broker	<input type="checkbox"/>	Primary producer – arable	<input type="checkbox"/>
Other (please give details):	<input type="checkbox"/>		

6. Describe Food Operation (e.g. cake making, cooked meals, sandwiches, pre-packed only etc.):

7. Type of Business:

Sole Trader ☐

Partnership ☐

Limited Company ☐

Seasonal ☐

please give company number:

please state trading times during the year:

8. If this is a new business please notify the date you intend to open:

9. Owner of Food Business if different to Food Business Operator:

Signature of Food Business Operator:

Date:

Name (Block Capitals):

Please notify this Authority of any changes to your business including change of name, change of ownership, closure of the business, changes to the nature of the food operation.

Please return form to:
Environmental Health, Aquila House, Breeds Place,
Hastings, TN34 3UY
Tel: 01424 451078
Email: foodsafety@hastings.gov.uk

If you would like an acknowledgement that we have received your completed application please provide an email address.

Please read notes attached before completing the application

Notes on the Registration of Food Businesses

What is Registration?

1. The law requires that food business operators must register any premises used for a food business (including market stalls, delivery vehicles and mobile vans) with their local authority. This helps the local authorities keep an up to date list of all food businesses in their area. They can then visit them when they need to. The frequency of the visits will depend on what the food business does and how good they are.

Who Needs to Register?

2. If you run a food business, whether for profit or not (e.g. a charity), you must tell the local authority about any premises you use for storing, selling, distributing or preparing food.

3. Market stalls and mobile vendors like ice cream or burger vans, must be registered with the local authority in **whose area** the vehicle is ordinarily kept overnight.

4. Any one starting a new food business must register with their local authority **28 days before** they start trading. This gives time for the local authority to give advice that might sort out any problems before the business opens.

Exemptions

5. Most food businesses will have to register but some are exempt. These include primary production for domestic use, domestic preparation and storage of food for domestic consumption, direct supply by the producer of small quantities of primary products to the final consumer. You may not have to register if you only occasionally handle, prepare or serve food on a small scale (e.g. church, school or village fair or, are a charity volunteer who only prepares food occasionally). Please contact us if you are not sure if you are exempt.

How do I Register?

6. By filling in this form. Registration is free. The registration form must be sent to your local authority. If you use premises in more than one local authority area e.g. have a number of shops in a region, you must register each one individually with the local authority in whose area they are based.

7. You must tick all the boxes that apply to your business, answer all the questions and give all the information requested, including the names of people that own the business. Contact your local authority if you need any help.

What Happens to the Information Given on the Form?

8. The local authority will enter the details on a Public Register. This contains the name of the food business, food business operator, business address and the type of food business being carried on. The register is open to inspection by the general public. The other information provided will not be publicly available. Copies of the registration details will be forwarded to other competent authorities, like the Trading Standards Department that may have an interest in the business.

Changes

9. Once you have registered with the local authority you only need to notify them of a **change of food business operator**, if the nature of the food business changes or if the business closes. The new food business operator will have to register the new business.

These notes are provided for information only and should not be regarded as a complete statement of law.

It is an offence not to register a food business or to give information which you know to be false.

Please refer to our website for full guidance on food hygiene matters
[http://www.hastings.gov.uk/environment_planning/health_safety_hygiene/food/info_f
ood_businesses/](http://www.hastings.gov.uk/environment_planning/health_safety_hygiene/food/info_food_businesses/)

Inspection Report

Food Safety Act 1990
Food Safety & Hygiene (England)
Regulations 2013
Regulation (EC) 852/2004 & 853/2004
Health & Safety at Work etc. Act 1974

Food, Health & Safety Team
Aquila House, Breeds Place
Hastings. TN34 3UY
01424 451078



Name & Address of Premises

Nisa Local
1-5 Harkshire Parade
Hastings
TN34 2P7
Tel No 01424 422376

Business Operator

V.J.N. Groceries Ltd.

Person Interviewed + Designation

Mr Raju Velumyilum

Reason for Inspection

Food Hygiene (Primary) ☐
Health & Safety ☐
Compliance Revisit ☐
FHRS Revisit ☐
Other (i.e. Complaint) ☐
New Business Advice Visit ☐
Revisit Required ☐
Timescale ☐

Work Sheet No

The following items summarise the matters discussed at the time of inspection - Legal Requirement (L) and Recommended Practice (R). The letters in column 2 refer to the sections that make up the Food Hygiene Rating Score. Food Hygiene (F), Structure & Cleaning (S) & Confidence in Management (M)

L/R	F/S/M	MATTERS DISCUSSED / ACTION REQUIRED / SAMPLES	TIMESCALE														
L	S	Repair or replace the defective light to the WC.	Immediate														
L	S	Replace the WC lobby door that has at some point been removed.	1 Month														
L	S	The rear door requires further pest proofing works.	Immediate														
L	S	The rear stock room ceiling requires painting.	1 Month														
L	S	Replace missing ceiling tiles	Immediate														
L	S	Continue with removing redundant equipment															
L	F	Out of date sandwiches noted on point of sale. Ensure all foods are checked and out of date food is removed. It is recommended that here daily checks are recorded	Immediate														
L	M	I have yet to receive your completed Food Registration Form (left form today)	Immediate														
FOOD HYGIENE COMPLIANCE (F)						STRUCTURAL COMPLIANCE (S)						CONFIDENCE IN MANAGEMENT (M)					
0	5	10	15	20	25	0	5	10	15	20	25	0	5	10	20	30	

PROVISIONAL FOOD HYGIENE RATING*

THIS SCORE MAY GO UP OR DOWN

* SEE BACK SHEET

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Authorised Officer (BLOCK CAPITALS):

WARRIS VALLI Signed:

Designation: SGT

Tel: 01424 783235 Date: 27/6/2016

I acknowledge receipt of this report: Signed:

RESTRICTED (when complete)**WITNESS STATEMENT**

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

URN

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Statement of: Chris Trevena

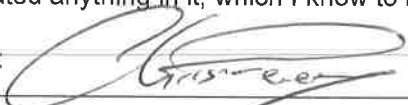
Age if under 18: O/18

(if over 18 insert 'over 18')

Occupation: Police Constable CT572

This statement (consisting of 2 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 anything in it, which I know to be false or do not believe to be true.

Signature:

 CT572Date 19th July 2016

Tick if witness evidence is visually recorded

☐

(supply witness details on rear)

I am the Police Licensing enforcement officer for Sussex Police and I primarily operate in Hastings and the surrounding area. I have been in this role within Sussex Police for approximately 3 years.

On Tuesday 5th July 2016 at approximately 15:15hrs I was on duty in full uniform carrying out Licensing checks in the Hastings area.

At approximately 15:20hrs I attended NISA LOCAL, 1-5 PARKSTONE ROAD, HASTINGS TN34 2PS to carry out a licensing check.

I entered the premises and initially looked around the store before talking to any staff members. I could see that there was only 1 member of staff on duty behind the counter and could not see any other members of staff within the store.

I then went to the counter and informed the member of staff who I was and that I was carrying out a Licensing Check.

He gave his details to me as Puditharan NAVEARTHANAM, DOB 08/10/1994 and informed me that he was a personal license holder but that he did not have his card with him.

I asked him if he was the only member of staff on duty and he replied "YES".

I was aware that it was a license condition of the premises that they should always have 2 members of staff on duty. I was also concerned at this because the time of the check was

Continuation of statement of Christopher TREVENA
around school kick out time and the premises was within very close proximity of a large secondary school so in my opinion this would be one of the main times that 2 members of staff should be on duty.

I asked NAVEARTHNAM if the Designated Premises Supervisor or Manager were available and he replied "NO THERE IS NO ONE ELSE HERE AND THE MANAGER IS NORMALLY UP IN LONDON".

I then established that the Manager he was talking about was also the Dps who is KULASEKARAM JEYARAJ.

I then asked NAVEARTHNAM if it had just been him working and he said it was and that this was normally the case.

I then asked if I could check the CCTV system to ensure it was in line with the License Conditions.

NAVEARTHNAM then informed me that the monitor was not working but it was still recording but this could not be checked. I then checked around the premises and could see that there were only 5 working internal cameras and only 1 external camera.

Whilst I was carrying out the licensing check 2 customers entered the premises and were served by NAVEARTHNAM so the premises was clearly open to the public at that time.

I then left the premises at approximately 15:35hrs and returned to Hastings Police Station.

I then checked the License conditions of the premises in more detail and was then aware that the amount of working cameras was also a breach of their license conditions.

I then informed Trevor SCRASE from the Hastings Borough Council Licensing Department of my findings.

Signature



Page 86

Signature witnessed by:

PTO