

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 Inspector Bob Darkens

(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 Dimons Convenience Store 126 Frimley Road Camberley	
Post town CAMBERLEY	Post code (if known) GU15 2QN

Name of premises licence holder or club holding club premises certificate (if known) Manmeet Grover Grover Convenience Store Ltd 126 Frimley Road Camberley GU15 2QN

Number of premises licence or club premises certificate (if known) SHBCPR-14322

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
- 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
SURREY POLICE
SURREY HEATH BOROUGH COUNCIL OFFICES
KNOLL ROAD
CAMBERLEY SURREY GU15 3HD

Telephone number (if any)
01483631786

E-mail address (optional)
rab.carnie@surrey.pnn.police.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

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

.Dimons Convenience Store is situated on a very busy main road surrounded by residential properties. Surrey Police had received a number of intelligence reports relating to the premises selling Nitrous Oxide Capsules Nitrous oxide was brought under the Psychoactive Substances Act 2016 (the legislation that banned “legal highs”) in the UK on 26 May 2016. The premises has also failed a test purchase for alcohol on the 9th of September 2015

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

Some background information leading up to the premises licence being reviewed

Camberley Police are very active in relation to carrying out test purchase operations for alcohol throughout the Surrey Heath Borough and on the 9th September 2015 the Police carried out a test purchase operation at the premises and the 15 year old test purchaser was sold some alcohol. Police dealt with the incident by issuing the person who made the sale a fixed penalty notice

In June 2016 Camberley Police had received some information that Dimons Convenience Store was selling Nitrous Oxide Capsules and the sales were mostly to young persons under 18 years of age

Rab Carnie the Police licensing enforcement officer arranged a visit at the premises on Wednesday the 29th June 2016 with the Police drug liaison Officer Graham Kendal and Police Sergeant 3310 Adam Luck and the officers arrived at 14:20 hours Sergeant Luck spoke to the male serving behind the counter a Mr Mamoon Ali of 5 Courteners House Frimley Road Camberley. Sergeant Luck explained the reason for visiting the premises that information had been received that the premises was selling Nitrous Oxide Capsules which were now illegal to sell as the law had recently changed. Mr Ali then spoke to the owner on the phone and he then handed the phone to Sergeant Luck and Sergeant Luck again explained to the owner why the Police had attended the shop. The owner confirmed that he had been selling Nitrous Oxide Capsules and stated that there were a number of boxes in the shop. Sergeant Luck then inform the owner that all the capsules would be seized and removed. The owner stated that he could not attend as he was flying of to India that afternoon. The owner was informed that due to the recent change in the law the Police would take no further action this time but if the shop was to continue selling the capsules then they risk being prosecuted and their licence reviewed A letter was then served on Mamoon Ali informing them of the change in the law and that the capsules were now unlawful to sell. Mamoon Ali then showed the officers where the capsules were stored and in total 2,400 capsules were seized. Sergeant Luck and the drug liaison officer Graham Kendal have provided witness statements which is attached to the review papers

In September 2016 Police received a further report about the store selling Nitrous Oxide Capsules and then two further reports on the 1st February 2017 stating that the store was selling the Capsules

Police decided to carry out a test purchase operation and at 10:10 hours on Thursday the 9th of February a plain clothes Police Community Support officer Kyle Miller attended the premises and attempted to buy some Nitrous Oxide Capsules. The male serving behind the counter was a Tajinder Jandu and he said to the officer "We don't have any at the moment as we sold them all last night. If you come back at two thirty the boss will bring more with him" The officer then left the store and reported what was said to Police office Anna Whiteside who was in charge of the operation. It was decided that the officers would return at 14:30 hours and again attempt to buy some of the capsules.

At 14:30 hours Community Support Officer Miller entered the shop and this time the same male Tajinder Jandu sold him a box of Nitrous Oxide Capsules for £10. The officer then left the shop and reported to PC Whiteside and informed her that he had been sold some capsules.

Uniform officers then entered the premises and Police Support Officer Kyle Miller identified the male Tajinder Jandu as the male who had sold him the box of Nitrous Oxide Capsules to PC Whiteside. PC Whiteside then arrested Tajinder Jandu for selling Nitrous Oxide Capsules under the Psychoactive Substances Act 2016 and

cautioned him and he made no reply. The premises was then searched and PC Tom Kimnell found a cardboard box containing 24 boxes of Nitrous Oxide Capsules under the main counter. Each of the 24 boxes contained 24 capsules in all 600 capsules were seized which included the box of 24 capsules bought during the test purchase. No other capsules were found during the search. The shop assistant Tajinder Jandu was then de-arrested by PC Whiteside and he was to attend the Council Offices in Camberley at 18:00 hours on Friday the 10th of February to be interviewed regarding the selling of the Nitrous Oxide Capsules

Mr Jandu attended the council offices as requested and was interviewed by PS Jon Castell and PC Anna Whiteside. Mr Jandu fully admitted selling the Nitrous Oxide Capsules but also stated that he only works at the shop and sells what he is told to sell. After the interview was concluded Mr Jandu made a statement regarding his employment and the statement is attached in the review papers. The Police took no further action against Mr Jandu.

After interviewing Mr Jandu PS Castell and PC Whiteside decided to attend the shop Dimons to speak to the manager Hashmeet Kapoor in relation to the canisters of Nitrous Oxide being sold at the premises. As the officers arrived they saw Mr Kapoor go to the boot of a black vauxhall astra motor vehicle registration number RV06FKG and remove a large cardboard box and carry it into the shop. As PC Whiteside walked towards the shop a 17 year old female Holly Gospel came out of the shop carrying a small black carrier bag. PC Whiteside said "Is that Nitrous Oxide" Miss Gospel replied "Yes she had just bought it from a male with a beard in the shop". Miss Gospel also stated that a male had just left the shop before her and he bought 3 boxes. Miss Gospel later made a statement which is attached to the review papers. PC Whiteside then entered the shop and arrested Hashmeet Kapoor for supplying a Psychoactive substance. PC Whiteside cautioned him and he replied."Yeah they are cream chargers" A search was then carried out in the store and also Mr Kapoor's vehicle and in total 2,376 Nitrous Oxide Canister were seized. Hashmeet Kapoor was conveyed to Guildford Police station and at 00:30 hours on Saturday the 11th February he was interviewed regarding selling Nitrous Oxide Capsules at the shop. Initially Mr Kapoor stated that he could not believe that he could be held responsible for what people do with them he did not believe he could be considered to be committing an offence. After some further questioning Mr Kapoor decided to tell the truth and stated that he has been selling the canisters when they were legal up until May 2016 but stopped selling them after he got caught in June or July 2016. He started selling the canisters again in November 2016 in the knowledge that it was illegal and he knew that people were buying them to inhale gas. He stated that he sold about 3000 canisters a week. each box of 24 canisters cost him £5 and he sold them for £10 no money ever went through the till or his books. After the interview Mr Kapoor was given Police bail pending further enquiries. A short summary of the interview is attached to the review papers along with statements from PS Castell and Pc Whiteside. It is the intention of the Police to prosecute in this case

It is quite clear in this case that the manager Hashmeet Kapoor was fully aware that selling Nitrous Oxide Canisters was unlawful and yet he continued to sell them even after having 600 canisters seized in June 2016 and advised then that they were unlawful. The manager has disregarded all 4 licensing objectives as all he was concerned about was making as much money as he could. He totally ignored the seriousness as to what the effect could be to the health of the young people he was selling the canisters to. The premises also failed a test purchase for alcohol in September 2015 by selling to a 15 year old test purchaser. The Police strongly feel that the premises has no respect for the law or for the 4 licensing objectives and will continue to unlawfully sell prohibited products unless severe action is taken. The Police strongly recommend that the premises licence be revoked with immediate effect.

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

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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

.....

Capacity Borough Inspector

.....

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

11701 R CARNIE
CAMBERLEY POLICE STATION
CAMBERLEY SURREY

Post town
CAMBERLEY

Post Code
GU15 3SN

Telephone number (if any) 01483631786

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) carnie11701@surreypnn.police.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.