

## APPENDIX D



### 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 Joanne Evans

*(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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Harans 10 Norfolk St	
<b>Post town</b> Wisbech	<b>Post code (if known)</b>

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Kanapathipillai Kumaravel Thivakaran
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<b>Number of premises licence or club premises certificate (if known)</b> 18/0028/LAPRE
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#### Part 2 - Applicant details

I am

Please tick ✓ yes

2) a responsible authority (please complete (C) below)

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

Please tick ✓ yes

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)

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### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Joanne Evans Private Sector Housing Officer Fenland District Council The Base 11 Melbourne Ave March PE15 0EN
Telephone number (if any) <b>07884330048</b>
E-mail address (optional) jevans@fenland.gov.uk

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

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

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

I would like to raise an objection at the forthcoming licensing hearing for Haran's at 11/10 Norfolk Street Wisbech for the reason of public safety due to lack of cleanliness and out of date food and drink for sale. In addition there was evidence that the business is operating without a legal trade waste agreement.

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

On 19<sup>th</sup> June 2019 a number of regulatory officers carried out a number of adhoc inspections at various business premises in Norfolk St. The purpose of the action day was to provide support and assistance to business owners in relation to regulatory compliance, obtain up to date information relating to business activities and conduct health & safety inspections of the residential accommodation attached to the businesses.

There were 5 groups of officers including members from the council's Licensing, Streetscene, Environmental Health, Housing and ASB teams, together with staff from partner agencies such as Trading Standards, Fire Service and Police.

The report below has been submitted on behalf of the officers who attended the shop known as Harans at 10/11 Norfolk St.

### Starts

I would like to raise an objection for the up and coming licensing hearing for Haran's at 11/10 Norfolk Street Wisbech for the reason of public safety, there is also an unlawful element in that the business is operating without a legal trade waste agreement so there is an element of crime and disorder. My reasons are below:

At the recent multi agency action day which took place on the 19<sup>th</sup> June there was evidence that the business is operating without adequate trade waste provisions. The shop floor and upstairs storage area was full of trade waste. The lady on the counter, Sarah Roe, advised that the manager Mr Thivakaran has told her that all rubbish should be bagged up and took up stairs. This was evident from what was observed and the shop store room was very smelly and there was evidence of an insect problem due to the sheer number of flies. The shop assistant advised that since at least January they have not had a trade waste collection. There were bags of rubbish all over the premises. The rear of the shop has a small rear access but I was not able to gain access to this at the time of the visit.

When an officer spoke to Mr Thivakarn he advised he had a contract arrangement with Booker whereby he takes his waste to them as and when required. For this he pays an annual fee. When asked when was the last time he had disposed of trade waste there, he advised '3 weeks ago' but he couldn't really recall the type of waste or produce any evidence of this. He advised he had all the paperwork for trade waste at his home.

On this day he was served with a formal Section 34 Notice which is a producer for trade waste. It was agreed that an officer would revisit to see his paperwork on the 19<sup>th</sup> July. He advised he was going to have a tidy up in the meantime.

On 9<sup>th</sup> July 2 other officers revisited the shop and enquired about the trade waste agreement at Harans and established that nothing had changed/improved since the day of action. At this stage a further revisit was arranged for the 23<sup>rd</sup> July so that the Streetscene Manager, Layna Warren could also be present. On returning on 23<sup>rd</sup> July the officers returned to the shop to find it was closed, despite having made the pre-booked appointment.

On the 1<sup>st</sup> August a further visit was attempted but officers were told the business was yet again closed for business. It is therefore the officer's decision to serve a fixed penalty notice in due course.

**ENDS**

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Please tick ✓ yes

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

If yes please state the date of that application

Day    Month    Year

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**If you have made representations before relating to the premises please state what they were and when you made them**

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Please tick ✓

yes

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

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

**Part 3 – Signatures** (please read guidance note 4)

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

Signature

.....

Date **05/08/19**

.....

Capacity Responsible Officer

.....

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

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

### Notes for Guidance

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

## APPENDIX D – SUPPORTING RESPONSE

Hi Michelle

I would like to raise an objection for the up and coming licensing hearing for Haran's at 11/10 Norfolk Street Wisbech for the reason of public safety, there is also an unlawful element in that the business is operating without a legal trade waste agreement so there is an element of crime and disorder. My reasons are below:

At the recent multi agency action day which took place on the 19<sup>th</sup> June I was able to see evidence that the business is operating without adequate trade waste provisions. I could see that the shop floor and upstairs storage area was full of trade waste. The lady on the counter, Sarah Roe, advised that the manager Mr Thivakaran has told her that all rubbish should be bagged up and took up stairs. This was evident from what I observed and the shop store room was very smelly and there was evidence of an insect problem through the sheer number of flies. She advised that since at least January they have not had a trade waste collection. There was bags of rubbish all over the premises. The rear of the shop has a small rear access but I was not able to gain access to this at the time of the visit.

When I spoke to Mr Thivakarn he advised he had a contract arrangement with Booker whereby he takes his waste to them as and when required. For this he pays an annual fee. I asked him the last time he had disposed of trade waste there and he advised '3 weeks ago' but he couldn't really recall the type of waste or produce any evidence of this. He advised he had all the paperwork for trade waste at his home.

On the day he was served with a formal Section 34 Notice which is a producer for trade waste. I agreed to go back and re visit to see his paperwork on the 19<sup>th</sup> July. He advised he was going to have a tidy up in the meantime.

I was made aware that 2 colleagues had been to re visit the shop on the 9<sup>th</sup> July. They had asked about his trade waste, knowing I would be interested, and found this exactly as they had been before. At this time they agreed to revisit on the 23<sup>rd</sup> July so I agreed to go along with them on this date to see evidence of his trade waste. On this day we found the shop to be closed despite having a pre-arranged appointment to meet him.

The photos I took are attached in a ZIP folder

On the 1<sup>st</sup> August I was going to re visit but was advised that the shop was closed. We aim to return with the outcome of issuing a FPN for failing to provide trade waste provisions.

I have attached the photos taken on the day in an attached ZIP file.

Layna

**Street Scene & Markets Team Leader**





19/06/2019 12:42



Sopockie  
No. 100

Perla  
No. 100

11.11.19  
11.11.19

11.11.19

11.11.19

PERLA  
Miodowa

ZWIETC

PERLA  
Miodowa

19/06/2019 12:43



19/06/2019 12:43



19/06/2019 12:43

Rubicon  
Lychee

Perla  
Brown

Perla  
gold

Ta Pra  
Yellow

Warka  
Black

ZWILLER  
Black

Warka  
Black

44

44

44

44

SKOL

SKOL

SKOL

JO SWING

GUINNESS  
13.5%  
GUINNESS  
13.5%

3-1  
PERLA

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PERLA  
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PERLA  
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3-1

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PERLA

19/06/2019 12:43



19/06/2019 12:43



Maggi  
Authentic Malaysian Noodles

Maggi  
Cik

19/06/2019 12:43



19/06/2019 12:43





AZZUR

NASTRO AZZURRO

NASTRO AZZURRO

NASTRO AZZURRO

19/06/2019 12:44





19/06/2019 12:54



19/06/2019 12:54



35918

19/06/2019 12:55

Nivalot  
FOR A DOG'S LIFE



PRICE MARKED PACKS INSIDE

Coca-Cola

19/06/2019 13:16



19/06/2019 13:16



Only  
£6.99

19/06/2019 13:36



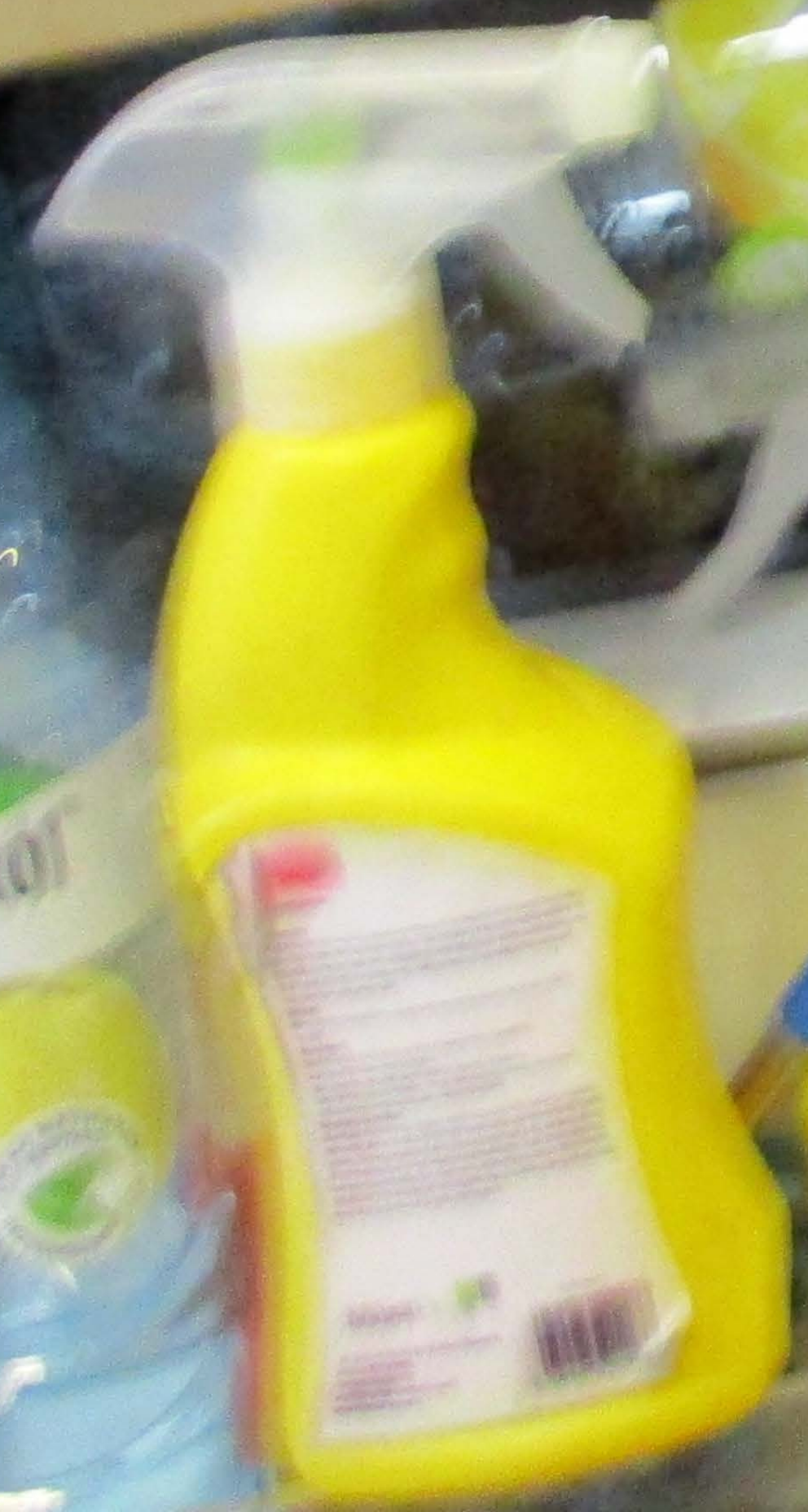
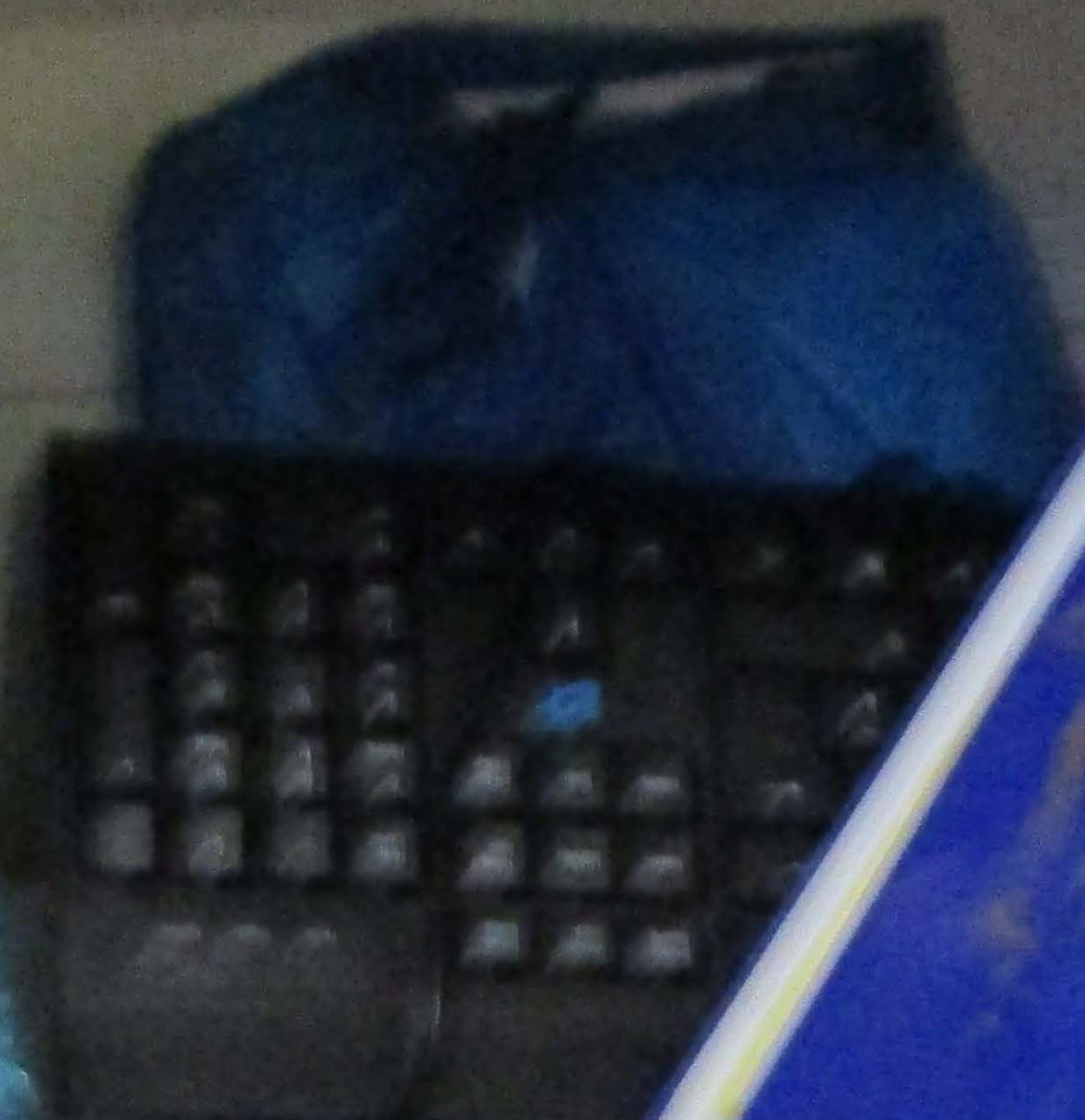


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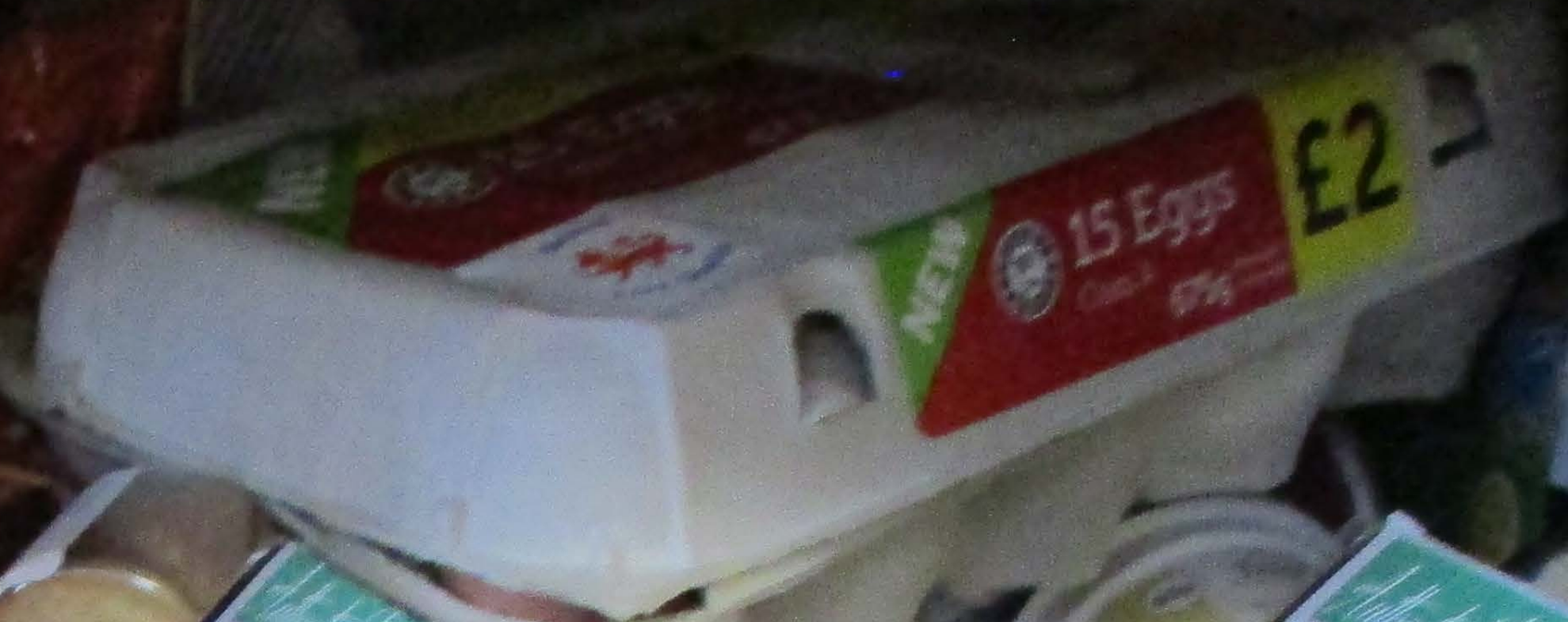


19/06/2019 13:36

FRAGILE



19/06/2019 13:36



Verone Amaretto (50cl) £6.99

Three Barrels French Brandy (70cl) £16.49

Best-Gro rlock (2L) 19/06/2019 13:37