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1. THE REVIEW

- 1.1. On the 5th July 2013, an application for a review of a premises licence made under section 51 of the Licensing Act 2003 was served by PC Michael Payne of the Metropolitan Police on the Licensing Authority. The review application was in respect of the premises known as Fairway Foods, 20 Shepherd's Bush Road, London, W6 7PJ. The review application was made on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm and public safety. A copy of the review application and supporting documents can be seen on pages 19 - 33 of this report.

2.0 THE REVIEW HEARING

- 2.1 The purpose of the hearing is for the Licensing Authority to consider the application for the review and any relevant representations and to take such steps as are considered appropriate for the promotion of the licensing objectives.

- 2.2 The steps the Licensing Authority can take are:

- the modification of the conditions of the premises licence,
- the exclusion of a licensable activity from the scope of the licence,
- the removal of the designated premises supervisor from the licence,
- the suspension of the licence for a period not exceeding three months, or
- the revocation of the licence
- do nothing

3.0 CURRENT LICENCE

- 3.1. Records show that the justices' licence was converted to a premises licence in September 2005 during the transitional period of the Licensing Act 2003. Since this time the licence has never been transferred and the DPS has not been varied.
- 3.2. On 31st August 2006, an application was received from the premises licence holder to vary the premises licence. The application sought to extend licensable hours for the sale of alcohol to 24 hours a day, 7 days a week. The application also sought to add late night refreshment to the premises licence between 23:00 and 05:00, 7 days a week. The application was refused by the sub-committee on 23rd August 2006.
- 3.3. On 28th November 2008, an application for review of the premises licence was received from The Schools Of Addison Primary School & Lena Gardens. In total 38 representations were received in support of the review. The review requested that the licence be amended to prevent low cost, high strength alcohol being sold from the premises as this attracted street drinkers. On 22nd January 2009 the licensing sub-committee agreed to the review and amended the licence to include a condition which read "The premises shall not sell nor offer for sale the following products in excess of 5.5% alcohol by volume:

beer, lager and cider". In addition the hours for the sale of alcohol were curtailed so that alcohol could not be sold before 11am, 7 days a week.

3.4. On 3rd May 2013 an application for review of the premises licence was received from PC Michael Payne of the Metropolitan Police service. On 4th July 2013 the application was invalidated by the Licensing Authority due to procedural irregularities.

3.5. The current premises licence holder is Mr Raja Amjad Ishaq. Mr Ishaq is also the designated premises supervisor (DPS)

3.6. The premises current operating hours are;-

Sale of alcohol for consumption off the premises only

Monday to Saturday:	11:00 to 23:00
Sunday:	11:00 to 22:30

Excluding:

Christmas Day:	12:00 to 15:00 and 19:00 to 22:30
Good Friday:	11:00 to 22:30

Hours premises open to the public

No restriction (24/7)

A copy of the premises licence can be seen on pages 34 to 36 of this report.

4.0 BACKGROUND

4.1 The premises operate as an off licence / convenience store. The premises are located on the busy Shepherd's Bush Road. The premises are located in a parade of retail outlets and is within walking distance of the Shepherd's Bush town centre. The area has a high volume of residential premises both along the Shepherd's Bush Road and along adjoining roads. There are also residential premises located above the shop. A plan of the premises is located on page 37 of this report

4.2 There are several options of transport away from the area including taxis, the tube at Shepherd's Bush and buses from along the Shepherd's Bush Road, A map of the local area can be viewed on page 38 of this report.

4.3 Planning records show that the lawful use of the premises is retail (class A1).

5.0 CONSULTATION

5.1 A public notice was displayed by the Council near the premises. A further public notice was displayed by the Council at Hammersmith Town Hall. Details of the application were also published on the LBHF Web Site.

- 5.2 A notice of review was served on the premises licence holder and all the statutory responsible authorities as required by regulation.

6.0 RELEVANT REPRESENTATIONS

- 6.1 No representations were received in connection with this application.

7. POLICY CONSIDERATIONS

- 7.1 It is the Council's duty under the Licensing Act 2003 to determine the review with a view to promoting the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.
- 7.2 In reaching a decision the Council must have regard to the Council's adopted Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 Licensing Act 2003.
- 7.3 The revised guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 contains advice in paragraphs 11.16 to 11.28 in relation to the review of a premises licence.
- 7.4 The Council's own Statement of Licensing Policy gives guidance concerning the review of a premises licence. In relation to this the committee should have particular regard to Section 21 "Dealing with Complaints, Representations and Reviews" specifically Sections 21.5 to 21.7 on pages 30 and 31.


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 691

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 **PC Michael Payne**

 apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below

Part 1 – Premises or club premises details

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

Fairway Foods, 20 Shepherds Bush Road,

Post town:

London

Post code:
(if known)

W6 7PJ

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

Mr Raja Amjad ISHAQ

Number of premises licence or club premises certificate (if known):

2005/04144/LAPRT

Part 2 – Applicant details

I am:

Please tick Yes

1	an individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below)	<input type="checkbox"/>
	a) a person living in the vicinity of the premises	<input type="checkbox"/>
	b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
	c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
	d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2	a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3	a member of the club to which this application relates (please complete section (A) below)	<input type="checkbox"/>

PROTECTIVE MARKING

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

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>	
Surname:						First Names:				
I am 18 years old or over				<input type="checkbox"/>						
Current postal address if different from premises address:										
Post town:						Post code:				
Daytime Tel. No.:						Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address:	
PC Michael Payne, Shepherds Bush Police Station, 252-258 Uxbridge Road, W12 7JB	
Telephone Number (if any):	02082462886
Email address: (optional)	FHLicensing@met.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	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input checked="" type="checkbox"/>

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

PROTECTIVE MARKING

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

Police respectfully request a review of the premises Licence for Fairway Foods, 20 Shepherds Bush Road, London, W6 7PJ. The premise is an Off Licence. The premise currently has a Sale of Alcohol Licence. The Licensed hours are:

Monday to Saturday 1100 hours- 2300 hours.

Sunday 1100 hours- 2230 hours.

Police wish to draw the committees attention to the fact that this licence has been breached on a number of occasions. These breaches constitute criminal offences under S57, S136 and S146 of the Licensing Act 2003.

On 23/02/2012 a test purchase operation was carried out by police and trading standards using underage persons to buy alcohol. Alcohol (two cans of holsten pils) was sold to a person under the age of 18. This breach constitutes a criminal offence under S146 of the Licensing Act 2003.

On 06/12/2012 a test purchase operation was carried out by police and trading standards using underage persons to buy alcohol. Alcohol (one can of Budweiser) was sold to a person under the age of 18. This breach constitutes a criminal offence under S146 of the Licensing Act 2003.

On 28/04/2013 a test purchase was carried out by police. Alcohol was sold at 00:40 hours. The terminal hour for the sale of alcohol is 23:00 hours. This breach constitutes a criminal offence under S136 of the Licensing Act 2003.

Also on the 28/04/2013 when police returned to the store to point out the offence of selling after hours, they noticed that the Licence summary was not on display and the Full premise Licence could not be produced. This breach constitutes a criminal offence under S57 of the Licensing Act 2003.

On 03/05/13 police attended the premise and conducted an inspection during this inspection the premise they noticed that the Licence summary was still not on display and the full premise licence could not be produced. This breach constitutes a criminal offence under S57 of the Licensing Act 2003.

Also on 03/05/13 they were in breach of condition 5 of the premise licence which states " The premises shall not sell nor offer for sale the following products in excess of 5.5% alcohol by volume: beer, lager, stout, ale or cider". For sale and on display was high strength alcohol Desperado which is 5.9%, Zywiec 5.6% and Zubr which is 6.0%.

On 27/05/2013 a test purchase was carried out by police. Alcohol was sold at 23:10 hours. The terminal hour for the sale of alcohol is 23:00 hours. This breach constitutes a criminal offence under S136 of the Licensing Act 2003.

Also on the 27/05/2013 when police returned to the store to point out the offence of selling after hours the Premises Licence Holder and DPS was identified by the police officer as authorising the sale, they noticed that the Licence summary was not on display and the Full premise Licence could not be produced. This breach constitutes a criminal offence under S57 of the Licensing Act 2003.

A copy of the CCTV was requested but has not been provided despite further requests.

The premise has previously been reviewed on the 22nd January 2009 as a result of it's contribution towards anti-social behaviour in the area the review was brought by two local schools. The committee decided that:

- The premise shall not sell nor offer for sale the following product's in excess of 5.5% alcohol by volume: beer, lager, stout, ale or cider.
- The starting hours for the sale of alcohol will now be 1100 hours.

The premise has demonstrated an inability to operate within the conditions of its licence and continues to commit criminal offences. A previous review where conditions were attached to the premise licence has not stopped the premise committing serious offences, two of which have been selling alcohol to children.

Police request that the premise licence be revoked.

Supporting statements are attached.

Submitted respectfully for your consideration.

PROTECTIVE MARKING

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



(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

0

3

0

5

2

0

1

3

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

On 03/05/2013 an application for review was submitted to the licensing authority. The licensing authority rejected this application.

PROTECTIVE MARKING

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.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>
<p>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.</p>	

Part 3 – Signatures (please read guidance note 4)	
Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.	
Signature:	<i>[Handwritten Signature]</i>
Date:	<i>05/07/2013</i>
Capacity:	<i>Police Licensing Officer</i>
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.

WITNESS STATEMENT

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

Statement of Stephen Cole..... URN:

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Age if under 18 (if over 18 insert 'over 18') Occupation: Special Constable 512801

This statement (consisting of: 1..... pages 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:

S. Cole 5120 FH-

Date: 23rd February 2012

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Thursday the 23rd of February 2012 i was on duty in plain clothes working on operation Condor, the objective of this operation was to undertake underage test purchases of alcohol. i was working with Robin [Trading Standards] and a young male who I will refer to as OC. I have known OC for a few months and I can confirm that he is 17 years old and was born on the 26th DECEMBER 1995 approx 5'9'' tall in height. I entered FAIRWAY FOODS No.20 SHEPHERDS BUSH ROAD HAMMERSMITH and checked the premises was safe, at 19.44 i watched OC as he picked up the two cans of lager from the shelf and walk up to the counter and place the lager on the counter. I now know the man serving OC to be MR SADDAM KHAN 15/01/1991 of 4 SHEPHERDS BUSH ROAD W6 7PJ. I would describe him as around 5'9'' tall IC4 male, slim build wearing a green and black shirt. I was in the shop when the police cadet OC walked into the shop and picked up two cans of Holsten Pils lager from the shelf and place them on the counter I was about 6 feet away from OC when he then handed Mr Khan a ten pound note I had a unobstructed view of the purchase and then watched MR KHAN give OC the change from the ten pound note and then OC walked out of the shop. At no time was OC asked for any identification or age. At around 19.55 I re entered the shop and identified myself as a police officer to Mr Khan and told him that I had witnessed him selling alcohol to a underaged person and that he would be reported for this offence. I took the two cans of Holsten Pils lager back to Shepherds Bush police station and placed them in a evidence bag seal No. MPS D43186442. sealed it and exhibit this item as S1.

Signature:

Signature witnessed by:

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

PUBLIC PROTECTION AND SAFETY DIVISION

Witness Statement

(Criminal Procedure Rules, r 27. 1 (1); Criminal Justice Act 1967, S9, Magistrates' Courts Act 1980, ss5A(3)(a) and s5B, Magistrates' Court Rules 1981, r70)

Statement of: **Roderick Fraser Mayo**

Age if under 18: **Over 18**

Occupation: **Trading Standards Officer**

This statement (consisting of 1 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 it anything which I know to be false or do not believe to be true.

Dated the

14/5/13

Signature

R. Mayo

I am employed by the London borough of Hammersmith and Fulham as a Trading Standards Officer. On the evening of December 6th 2012 I took part in an under age sales operation with police officers from Shepherds Bush Police station and licensing officers from Hammersmith and Fulham council. We met at Shepherds Bush Police station and had a briefing from Sgt Ratcliffe explaining how the operation would work. The purpose of the operation was to see if off licences would sell alcohol to a child under the age of 18. In my team we had a 16 year old girl, who I will call girl N. I instructed her prior to the operation to go into off licences and to try and buy a can of beer. I also told her that she should always tell the truth if asked any questions in the off licences. One of the premises we visited was Fairway Foods at 20 Shepherds Bush Road, Shepherds Bush. I instructed girl N to go in and try and buy a can of beer. I went into the shop first with special
Signature **R. Mayo**

[Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980].

Continuation of witness statement of: Roderick Fraser Mayo

Constable Adriana Hulova, 522276, and browsed the shelves so we could see girl N as
15 she came in, picked out a can of beer and took it to the till. She was served there by a
Middle Eastern looking man who took her money, gave her the can in a bag and she then
left the premises. The man did not ask her any questions. I then purchased some chewing
gum and we left the shop. There was no one else in the shop at this time. We met up again
with Girl N outside the shop and I took her can of Budweiser beer off her and went back
20 into the shop with Lewis Aldous, Licensing Officer at around 6.43pm. I identified myself to
the seller and told him that I had witnessed him sell alcohol to a 16 year old girl and
showed him the can of beer. I told him that he and the owner had to go to Shepherds Bush
Police station at 2pm tomorrow to see Sgt Ratcliffe and left my card with him. The seller
identified himself as Asaf Mohammed of 219 Cromwell road, TW3 3KT DOB 20/7/86 and
25 told me that the owner was a Rajah Ishaq. We left the shop after a few minutes. I sealed
the can of Budweiser beer then in evidence bag MP5D42345104.

Rel My

30

35

Signature *Rel Mayo*
[Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of
the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of
the Magistrates' Courts Act 1980].

WITNESS STATEMENT

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

Statement of **Ps Stuart Ratcliffe**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 202453**

This statement (consisting of: ... 1..... pages 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: 

Date: 28/04/2013.....

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the Licensing Sergeant for Hammersmith and Fulham Police. This statement refers to the premise FAIRWAY FOODS, 20 SHEPHERDS BUSH ROAD, W6 7PJ.

The premise is a corner off licence on the corner of Shepherds Bush Road and Sulgrave Road. The premise is close to Shepherds Bush Green. The premise has licensable hours of:

1100 hours- 2300 hours Mon-Sat

1100 hours- 2230 hours Sun

Condition 5 of the premise licence states "The premises shall not sell not offer for sale the following products in excess of 5.5% alcohol by volume; beer; larger; stout; ale and cider."

On 28/04/13 I was on duty in plain clothes. At 0040 hours I attended Fairway Foods, 20 Shepherds Bush Road. I entered the store and from the middle left of the store I selected one can of Carlsberg Lager from a refrigerated cabinet. Whilst selecting the alcohol I noted that the premise was displaying for sale the following beers:

DESPERADO 5.9%

ZYIEC 5.6%

ZUMR 6.0%

I also selected one pack of kettle chips. At 0042 hours I took them to the till and purchased both items. I was served by a male whom I now know to be Mr Sajid ISHAQ. He placed both items in a blue plastic bag. Whilst waiting I noticed that there was no Summary Notice displayed at the premise. I then left the store.

A few minutes later I returned to the store with Pc Payne. The male was challenged regarding his sale of alcohol and denied that he had sold this to me, despite the sale having occurred. I pointed out the offence of the unauthorised sale of alcohol contrary to Section 136 of the Licensing Act 2003 and cautioned ISHAQ. ISHAQ replied, "I'm not denying it officer, if I did I did. I'm sorry." I also pointed out the offence of failing to display a Summary Notice, contrary to S.57 of the Licensing Act 2003 and breach of condition 5 of the premise licence contrary to S.136 of the Licensing Act 2003.

I then left the premise. Signature: 

Signature witnessed by:

WITNESS STATEMENT

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

Statement of **Michael Payne**..... URN:

01	FH		
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Licensing Officer**

This statement (consisting of: **2**..... pages 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: Date:

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC Michael Payne, warrant number 204373, of the Metropolitan Police Service currently attached to the Licensing Department of Hammersmith and Fulham Police.

On Friday 03rd May 2013 I attended Fairway Foods, 20 Shepherds Bush Road, W6 7PS in my capacity as a Police Licensing Officer to serve the premise with review paperwork under Section 51 of the Licensing Act 2003 to request revocation of the premise licence.

After serving the review paperwork on a Mr Mohammed Asif . I conducted a full inspection of the premise licence.

During the inspection it was evident that Mr Asif had no understanding of the licensing Act 2003. He who was the male who sold to a person under the age of 18 on the 06th December 2012, this gave me great concern's as to why he was still employed at the premise, he could not tell me any of the 4 licensing objectives when asked, he was completely unaware that the premise was situated in an existing CIP.

During the inspection the offences that were identified were:

: No summary licence was displayed,

: A full premise licence was not available,

: Condition 5 of the premise licence says "The premises shall not sell nor offer for sale the following products in excess of 5.5% alcohol by volume: beer, lager, stout, ale and cider."

Signature: Signature witnessed by:

Continuation of Statement of **Michael Payne**.....

For sale and on display was Desperado which is 5.9%, Zywiec which is 5.6% and Zubr which is 6.0%. All of which are a breach of this condition, this condition was added as a result of a previous review brought against the premises.

All of the above add further weight to the amount of evidence against the premise.

Signature: Signature witnessed by:

WITNESS STATEMENT

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

Statement of **Eric FREMPONG** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 232725**

This statement (consisting of: **2**..... pages 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: Date:

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a police officer attached to Shepherds Bush Green Safer Neighbourhood Team at Shepherds Bush Police Station.

On Monday 27th May 2013, I was on duty in plain clothes in company of PS 51FH RATCLIFFE and PC 568FH PAYNE in an unmarked police vehicle as part of operation CONDOR. Operation CONDOR is a Metropolitan Police Service wide operation about on licensed premises checks under the licensing Act 2003.

At approximately 2310hours I was tasked by PS RATCLIFFE to go and buy alcohol at FAIRWAY FOODS on 20 SHEPHERDS BUSH ROAD W12. I entered the store via the entrance on SHEPHERDS BUSH ROAD W12. I entered the shop and carried on walking straight along the side parallel with the entry door. As I entered the store there were two Asian looking males behind the counter. I will describe the first as an Asian looking male of medium build and about 40years old, wearing a dark baseball hat (male 1). I will describe the second Asian looking male as of medium build and about 3 0years old with short dark hair (male 2). There were three other customers - two white females and a white male also in the shop.

I walked all the way to the back of the shop and turned left, walked a few steps, turned left again and carried on walking till I got to where the alcohol was kept - a large fridge stacked with a mixture of beer cans and beer bottles. I attempted to open the fridge but it had a chain with a padlock preventing it from being opened. I then walked to the main alcohol section where the shutters were down to prevent customers from taking alcohol from the shop. As it was impossible to get any alcohol myself, I decided to leave the store. Before I could exit the store I heard the white male customer asking male 2 if he could by some beer. Male 2 then said something in a different language to male 1 and I saw male 1 put his hand behind the closed shutters covering the alcohol and he took a

Signature: Signature witnessed by:

Continuation of Statement of **Eric FREMPONG**.....

green coloured beer can and sold it to the white male. Because of what I had witnessed I went to male 1 and asked if I could buy two cans of Fosters beer, again male 1 spoke a different language to male 2 then male 1 reached behind the closed shutters and picked up the two cans of Fosters beer and he told me it would be £2.80. I gave male 2 a £5 note and I received £2.20 in change back. I then left the store and then joined PS RATCLIFFE and PC PAYNE in the unmarked police car parked nearby. I then explained to PS RATCLIFFE what had happened and showed him the two cans of beer that I purchased from the store.

I have exhibited the two cans of Fosters as ERF/1 sealed in an MPS bag number MPSD43833151.

Signature: Signature witnessed by:

WITNESS STATEMENT

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

Statement of **Michael Payne**..... URN:

01	FH		
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: 2..... pages 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: Date: **28/05/13**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Licensing Officer for Hammersmith and Fulham Police. This statement refers to FAIRWAY FOODS, 20 Shepherds Bush Road, W6 7PJ.

The premise is currently under review.

On Monday 27th May 2013 I was on duty when at 2310 hours we tasked PC 649FH Frempong to attend Fairway Foods to conduct a test purchase for alcohol, the terminal hour for the premise is 2300 hours, PC Frempong attended and purchased two (2) cans of fosters.

Shortly after this time I returned to the store and the two males present behind the counter were a Mr Raja ISHAQ the premise licence holder and DPS and a Mr Mohammed ASIF, I know both males from previous dealings I have had with them.

I explained to Mr ISHAQ that the premise had just sold alcohol outside of his permitted hours, he denied that he had. I explained that a police officer had just been into the premise and purchased 2 cans of Fosters, he again denied that this had happened.

I spoke to both males, PC Frempong had identified the seller as Mr ASIF but the sale was authorised by Mr ISHAQ, at 2320 hours I pointed out the offence of the unauthorised sale of alcohol contrary to Section 136 of the Licensing Act 2003 and cautioned both ISHAQ and ASIF, neither replied. Also the premise was not displaying a Summary Notice, contrary to Section 57 of the Licensing Act 2003 and the premise did not have a copy of the full Premise Licence on site.

Signature: 

Signature witnessed by:

Continuation of Statement of **Michael Payne**.....

I asked for a copy of the CCTV to be downloaded for me, MR ISHAQ stated that he could not do this, I asked for a copy to be downloaded and explained that I would be in the following day to collect it.

I then left the premise.



Signature: Signature witnessed by:



Licensing Act 2003 Premises Licence Schedule 12 Part A, Regulation 33, 34

Premises Licence Number: 2005/04144/LAPRT

Premises details

Name and address of premises:

**FAIRWAYS
20 SHEPHERD'S BUSH ROAD**

Post town: **LONDON**

Post code: **W6 7LP**

Phone: **020 7603 8041**

Where the licence is time limited, the dates:

NOT APPLICABLE

Licensable activities authorised by the licence:

OFF SALE OF ALCOHOL

The times the licence authorises the carrying out of licensable activities:

	FROM		TO
Monday	11am	until	11pm
Tuesday	11am	until	11pm
Wednesday	11am	until	11pm
Thursday	11am	until	11pm
Friday	11am	until	11pm
Saturday	11am	until	11pm
Sunday	11am	until	10.30pm

With the exception of

Christmas Day 12 midday to 3pm and 7pm to 10:30pm
Good Friday 8am to 10:30pm

CONTINUATION PREMISES LICENCE 2005/04144/LAPRT

Subject to the following exceptions no person shall, except during the permitted hours listed above, sell or supply alcohol or take alcohol from the premises. The exceptions are

- i. During the first 20 minutes after the above hours the taking of the alcohol from the premises, provided it is not taken in an open container.
- ii. The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- iii. The sale of alcohol to a trader or club for the purposes of the trade or club;

The opening hours of the premises:

NO RESTRICTION

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

OFF SUPPLY (ONLY) PERMITTED

Name, (registered) address of holder of premises licence:

**MR RAJA AMJAD ISHAQ
681 WHITTON AVENUE WEST MIDDLESEX
NORTHOLT
UB5 4LD**

PHONE: 07985 115932

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

NOT APPLICABLE

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

**MR RAJA AMJAD ISHAQ
681 Whitton Avenue West Middlesex
Northolt
UB5 4LD**

Phone: 079 8511 5932

Personal licence number: **00315**

Issuing authority: **London Borough of Ealing**

State whether access to the premises by children is restricted or prohibited:

NO RESTRICTION

Annex 1 – Mandatory conditions

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.

Annex 2 – Conditions consistent with the operating Schedule

General – all four licensing objectives

3. Alcohol shall not be sold or supplied in an open container or be consumed in the licensed premises.
4. Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied.

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

5. The premises shall not sell nor offer for sale the following products in excess of 5.5% alcohol by volume: beer; lager; stout; ale and cider.

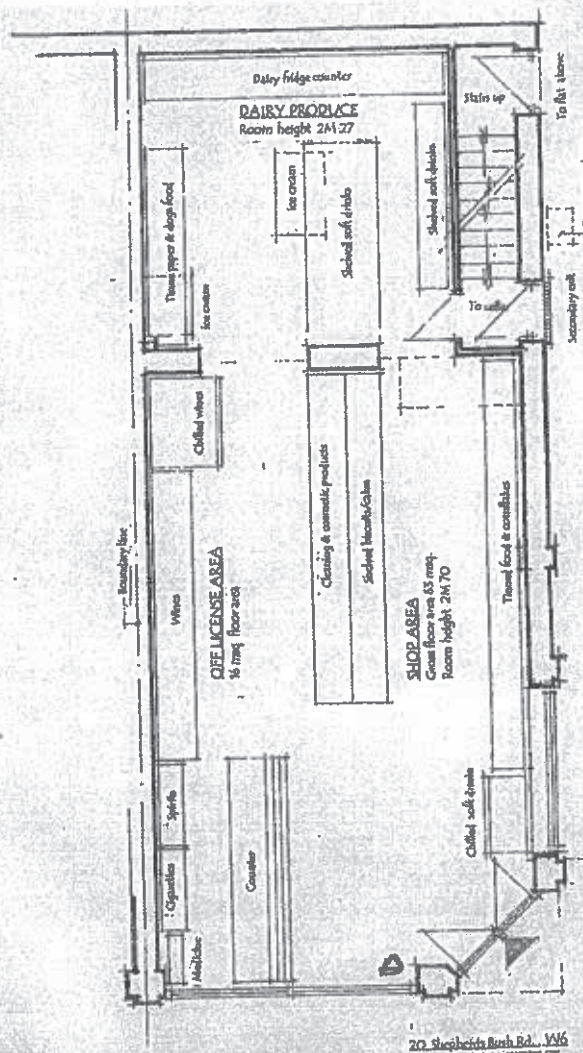
Annex 4 – Plans

See attached.

Signed:

Date:

Authorised Officer



04 AUG 2005

GROUND FLOOR PLAN OF 'FAIRWAYS FOODS LTD'. Re: LICENSING ACT 2003 - APPLICATION
20 Shepherds Bush Road, London W6 7PJ
Proprietor: Mr Raja Amjad Ishaq
Tel: 020 7603 8041

Scale: 1:100

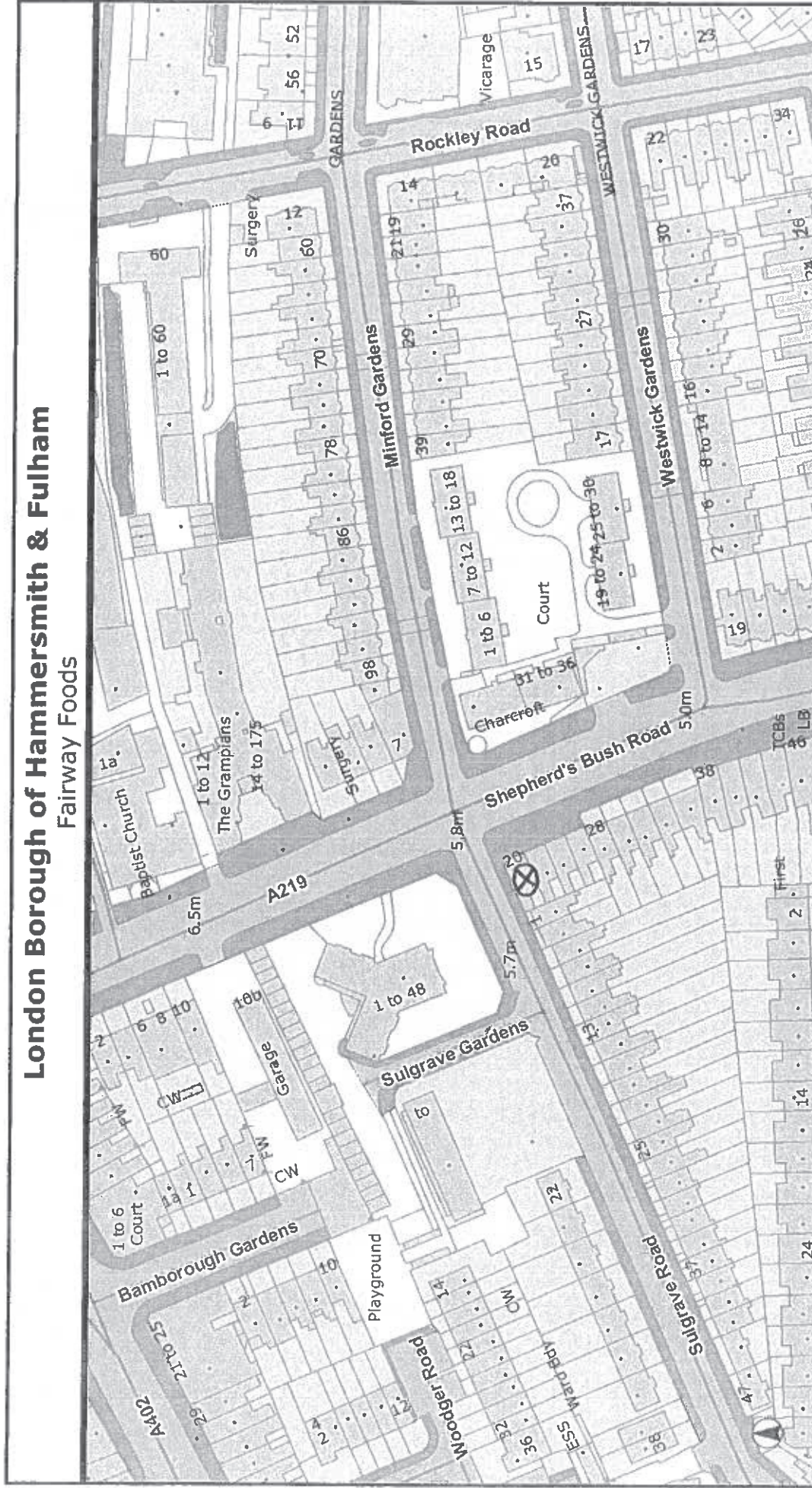
Joe Broggin Building Surveyor 45 Margravine Gdns., London W6 8RN

Tel: 020 7603 8041

Date: 31/07/2005

London Borough of Hammersmith & Fulham

Fairway Foods



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 Historic Maps reproduced courtesy of Landmark Information Group Ltd. All rights reserved.
 Boundary data from The Church Commissioners for England, 2011.

Scale 1:1411

Printed on 27-Jun-2013

h&f
 putting residents first

WITNESS STATEMENT

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

Statement of **Michael Payne**..... URN:

01	FH		
----	----	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: 1..... pages 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.

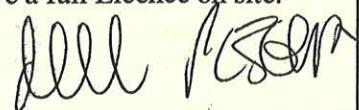
Signature: Date: 04/07/13Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Licensing Officer for Hammersmith and Fulham Police. This statement refers to Fairway Foods, 20 Shepherds Bush Road, W6 7PJ.

The premise is currently under review.

On Monday 27th May 2013 the premise sold out of hours to a police officer, as a result of this I requested CCTV from the premise to be downloaded and provided to me. I spoke to the DPS and Premise Licence Holder Mr Raja Amjad Ishaq, he stated he could not do this, I explained that I would be in the following day to collect a copy. Due to operational commitments I could not attend the following day but attended on Wednesday 29th May 2013 and spoke to a female who was employed at the premise, a Mrs Kasia TRZASKA she informed that she is the wife of Mr Sajid Ishaq a partner in the business. She stated that she did not have a copy of the CCTV for me, she spoke to her husband on the phone in front of me and assured me it would be downloaded for me, I asked for it to be dropped at the front counter of Shepherds Bush Police Station for me, I have still not received a copy and today is the 04th July 2013.

Also while speaking to Mrs TRZASKA I pointed out that again the premise was not displaying a Summary Notice, contrary to Section 57 of the Licensing Act 2003 and the premise did not have a full Licence on site.


Signature: 

Signature witnessed by:

Witness contact details

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- | | | | | | | |
|----|---|-----|--------------------------|----|--------------------------|------------------------------|
| a) | The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| b) | I have been given the Victim Personal Statement leaflet | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| c) | I have been given the leaflet 'Giving a witness statement to police — what happens next?' | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| d) | I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| e) | I consent to my medical record in relation to this matter being disclosed to the defence: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) | I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> | |
| g) | The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services: | | | | <input type="checkbox"/> | |

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC568FH 91/204373 Michael Payne**..... Station: **Hammersmith**.....

Time and place statement taken:

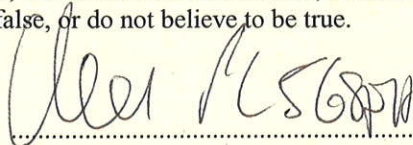
WITNESS STATEMENT

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

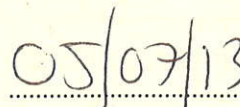
Statement of **Michael Payne PC568FH** URN:**01****FH**Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer**

This statement (consisting of: **1**..... pages 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:



Date:

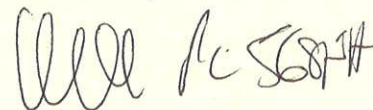
Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC Michael Payne, warrant number 204373 of the Metropolitan Police service currently attached to the Licensing Department of Hammersmith and Fulham Police.

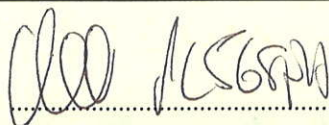
On Friday 05th July 2013 I attended Fairway Foods, 20 Shepherds Bush Road, W6 7PS in my capacity as a Police Licensing Officer to serve the premise with Review paperwork under Section 51 of the Licensing Act 2003 to request revocation of the premise licence.

At 1245 hours I entered the premise and the male behind the counter was Mr Raja Ahmed ISHAQ the Premises Licence Holder he is also the Designated Premise Supervisor, I Know Mr ISHAQ from previous dealings I have had with him, he confirmed his identification by showing me his Driving Licence (Driver number- ISHAQ605233RA9MP-58).

Whilst serving Mr ISHAQ with the review paperwork and supporting statements I also noticed that the summary licence was not displayed correctly, only page 1 of 2 was on display. I pointed this out to Mr ISHAQ and informed him that it was an offence under Section 57 of the Licensing Act 2003 not to display it correctly.



Signature:



Signature witnessed by:

Witness contact details

Home address: Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- | | | | | |
|--|-----|--------------------------|----|---|
| a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| b) I have been given the Victim Personal Statement leaflet | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> N/A <input type="checkbox"/> |
| e) I consent to my medical record in relation to this matter being disclosed to the defence: | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services: | | | | <input type="checkbox"/> |

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken: