

Representation of Paul Morey Licensing Enforcement Officer
Regarding Mr Amit Arora's Premises Licence application at 53 Clare Road, Stanwell,
Middlesex TW19 7QW.

MR AMIT ARORA has applied for a new Premises Licence for a shop to trade as 'Stop & Shop' at 53 Clare Road, Stanwell, Middlesex TW19 7QW. This application is a result of his failure to comply with the requirements of the Licensing Act 2003 in transferring the licence held by Blue Ocean (Int) Ltd (**13/00903/LAPRE**), of which he was the sole registered director, which also traded as 'Stop & Shop', at the above address into the new name.

On 13 November 2018 Blue Ocean (Int) Ltd was dissolved at Companies House under a voluntary arrangement by MR AMIT ARORA. Under section 27 (1) (d) of the Licensing Act 2003 the premises licence (13/00903/LAPRE (Blue Ocean (Int) Ltd.)) under the name 'Stop & Shop' then lapsed. It is noted that on 31 August 2018 Company House had temporarily suspended the voluntary strike off action, further information on this action has been requested.

Under section 50 (1) (a) of the Licensing Act 2003 an application to transfer the licence must be made no later than 28 days after the day (which was 13 November 2018) that the licence lapsed. MR AMIT ARORA, nor an agent acting on his behalf had submitted to Spelthorne Borough Council, an application for the licence to be transferred before 11 December 2018 (28th day). At this point MR AMIT ARORA & MRS MADHU ARORA who ran 'Stop & Shop' together with assistance from MR FRANCIS TEIXERIA, were committing offences contrary to section 136 (1) (a) and 137 (1) of the Licensing Act 2003 . In effect this was the case during the period from 13 November 2018 to 8 February 2019.

MR AMIT ARORA contacted LUCY CATLYN, Licensing Enforcement Officer by telephone and by email on 15 January 2019 to enquire about transferring the licence for 'Stop & Shop'. MR AMIT ARORA was instructed by email that his licence to sell alcohol had lapsed. During the tenure of this licence, Mr ARORA had failed to comply with the requirements of the Licensing Act 2003 on several occasions by: -

Year: 2014

- Failing to display summary of licence
- Failing to display challenge 25 posters
- Allegations of underage sales
- Allegations of sale of psychoactive substances (NO2 NPS)
- Failing to provide a register of authorised persons (sale of alcohol)

Year: 2015

- Allegations of sale of psychoactive substances (NO2, NPS)

Year 2016:

- Allegations of sale of psychoactive substances (NO2, NPS)

Year 2017

- Failing to display Summary of Licence
- Failing to provide staff training log
- CCTV not maintained in good order
- No challenge 25 Posters displayed
- Displaying 'Cool Shot' mixed vodka shots beside till point adjacent to children's sweet counter.
- Staff unaware of who was the Designated Premises Supervisor

Year 2018

- Failing to have a Designated Premises Supervisor in control
- Staff unaware of who was the Designated Premises Supervisor
- Failing to display required 'CCTV in operation' sign
- Behaviour that failed to promote licensing objectives by leaving back door to shop open (crime and disorder)

Year 2019

- Allegations of sale of psychoactive substances (NO2, NPS)
- Allegations of underage sales

Due to these previous failures, on 15 January 2019 Mr ARORA was instructed to remove all alcohol from display before opening for business.

At 09.32hrs on Wednesday 16 January 2019 in company with LUCY CATLYN Licensing Enforcement Officer I visited 'Stop & Shop' at 53 Clare Road Stanwell Middlesex, TW19 7QW. The shop was closed and its security shutter down. At approximately 14:50hrs I carried out a second visit to 'Stop & Shop' at 53 Clare Road. The shop was open for business and alcohol was still on display for sale. MRS MADHU ARORA was in charge of the shop, I identified myself and asked her to contact MR AMIT ARORA. At 14.55hrs Mr AMIT ARORA arrived and was cautioned under the Police and Criminal Evidence Act 1984 for offences under section 136 (1) (a) and 137 (1) of the Licensing Act 2003 and informed that he may be prosecuted. Mr ARORA stated that he had been trying to clear the shelves, from his statement it was clear that up until this point he and his staff had continued to sell alcohol (photographs attached). I then provided advice regarding not displaying alcohol whilst not licenced.

At 11.53hrs on 31 January 2019 I carried out a visit to 'Stop & Shop'. I was aware that a Temporary Event Notice had been inforce up until 30 January 2019 (19/00039/LATEMP) but that the Licensing Act 2003 requires there to be 24 hours between TENs. This left the premises temporarily unable to carry out licensable activities. On entering the shop I noted that alcohol was still on show. I spoke to a MR F TEXIEIRA, who was in charge of the shop at that time and asked him to call MR AMIT ARORA. At 12.00hrs Mr AMIT ARORA arrived and was cautioned under the Police and Criminal Evidence Act 1984 for offences under section 136 (1) (a) and 137 (1) of the Licensing Act 2003 and informed that he may be prosecuted. I then provided advice regarding not displaying alcohol whilst not licenced.

On the 18 January 2019 I was informed by Lucy Catlyn Licensing Enforcement Officer that MR AMIT ARORA had made an application under his own name for a premises licence at 53 Clare Road Stanwell Middlesex TW19 7QW, for 'Stop & Shop', which she rejected. He then made another application on 24 January 2019, as the investigating officer I was requested to carry out a notice check at the above location. On the first visit no notice was displayed at the premises. As MR ARORA had not complied with the requirements of Section 25 Licensing Act 2003 Regulations 2005, I then carried out a series of visits to the premises to note when

the Blue Notice was erected. I have noted below the dates of the visits and whether a notice of application was displayed outside the shop. On each visit I carried out a patrol of the immediate area to see whether the notice had been removed by a passer-by and thrown to the ground. At no time during a visits did I find a discarded notice from 'Stop & shop' on the ground or in a bin.

DATE	Notice Yes -No
24.01.2019	No (not able to see signs on door behind shutter)
01.02.2019	No (not able to see signs on door behind shutter)
05.02.2019	No (not able to see signs on door behind shutter)
07.02.2019	Yes – compliant, shutter was open
13.02.2019	Notice seen on front door, unable to verify notice displayed on shutter
14.02.2019	Yes - compliant (notice on shutter)

Conclusion of Representation

It is an important point to remember that ignorance of the law is not an excuse for failing to comply with the requirement of legislation.

MR AMIT ARORA, as the Director of Blue Ocean (Int) Ltd, who had been trading an off licence and store for 5 years, totally failed in his responsibilities as a licensee under the Licensing Act 2003. His failure to make proper arrangement has led to himself, his wife and employee, committing a series of offences contrary to the requirements of the licensing Act 2003.

Given his inability to serve the application correctly, & his evidenced ongoing inability to comply with (or prioritise the need to comply with) some fairly straightforward licence conditions during the tenure of the previous licence he held at this address; Spelthorne's Licensing department is concerned that Mr ARORA will be unable to operate the premises in a manner which does not undermine the licensing objectives - particularly with regards to the prevention of

crime and disorder, and also with reference to the protection of children from harm. There have been consistent allegations about the sale of alcohol to underage persons and the sale of psychoactive substances (NO2, NPS) over several years; as well as multiple occasions whereby staff working in the shop appeared to be unaware of who the DPS was. Contacting Mr ARORA in response to these types of issues in the past has proven difficult, and his response to these efforts somewhat underwhelming. Although there is no legal definition which clarifies what constitutes a 'fit and proper' person under the Licensing Act 2003, Spelthorne's Licensing department unfortunately does not consider Mr ARORA a suitable candidate and objects to the application on this basis.