

Regulatory (Licensing)  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

Our ref: MKS/KES/PUN1.1  
Your ref:  
DD: 02476 553 040  
Email: kes@smithandwells.co.uk

Also by email: licensing@warwickdc.gov.uk

Date: 21 September 2021

**REQUEST FOR REVIEW OF PREMISES LICENSE NO: WDCPREM00624  
BINSWOOD NEWS of 24 BINSWOOD STREET, LEAMINGTON SPA,  
WARWICKSHIRE, CV32 5RN**

Dear Sirs,

**Our Client: Mr. Kamalprit Singh Punia- Leamington Drinks, 26 Binswood Street, Leamington Spa, CV32 5RN**

We act on behalf of Mr. Kamalprit Singh Punia who is the Leaseholder owner of the premises known as Leamington Drinks (formally the Wine Cellar) at 26 Binswood Street, Leamington Spa. Please treat this letter as a request for a review of the above Premises Licence held by Binswood News of 24 Binswood Street, Leamington Spa, Warwickshire, CV32 5RN.

Our client has had cause to make numerous complaints to Licensing concerning the operation of the premises next door to his: Binswood News, which is operated by Mr. Onkar Singh Thiara and Mrs. Rajwinder Kaur Thiara. Mrs Thiara is the DPS of the premises, which offers the sale of alcohol products for consumption off premises pursuant to a Premises Licence. Our client's complaints concern the sale of alcohol by his neighbours to persons under the age of 18 and thereby committing an offence under sections 146(1), 147(1) and (2) and 147A(1) of the Licensing Act 2003.

Our client has identified serious concerns which relate to one or more of the following:

- the prevention of crime and disorder
- the prevention of public nuisance
- the protection of children from harm
- public safety

Our client has provided us with CCTV footage of numerous incidents which have occurred over the past two months and which we understand has also been sent to Emma Dudgeon of your licensing team. Upon reviewing the CCTV footage, we have been able to note that it clearly evidences our client's concerns and the breaches complained of, especially in respect

of the lack of protection of children from harm. We have taken the liberty of setting out a non-exhaustive list below:

- At 15:03pm on 7<sup>th</sup> August 2021, two young males purchased alcohol from Binswood News;
- At 15:05pm on 9<sup>th</sup> August 2021, three young females purchased a bottle of Peroni and Smirnoff Ice from Binswood News - after seeking to purchase alcohol from Leamington Drinks and being refused due to a failed ID check.
- At 15:09pm on 10<sup>th</sup> August, two young males and a young female purchased WKD Blue from Binswood News after being refused by Leamington Drinks due to a failed ID check.
- At 19:02pm on [TBC], three young females and two young males were lingering outside of the two premises. Our client is aware that these children go to Trinity School. One of the young males purchased a bottle of Hennessy from Binswood News. It is evident from the CCTV footage that Mr. Thiara asks the children (after selling alcohol to them) to "move on";
- At 18:15pm on [TBC], for young females were present outside. Two of the young females entered our client's premises and attempted to purchase a bottle of Apple Sourz. They were refused as they did not have ID. The other two females then entered Binswood News and purchased a bottle of Apple Sourz. They then entered our client's premises and attempted to purchase a bottle of Smirnoff Vodka. They were refused as they did not have ID;
- At 13:41pm on [TBC], three young males attempted to purchase alcohol from our client's premises. They were refused as they did not have ID. They then entered Binswood News and it suspected that they purchased alcohol from there.
- At 11:10 am on 18<sup>th</sup> August 2021, three young females entered our client's premises and attempted to purchase alcohol and cigarettes. They were refused. They then entered Binswood News and purchased alcohol and cigarettes;
- At 19:51pm on 19<sup>th</sup> August 2021, a young female entered our client's premises and attempted to purchase Smirnoff Vodka but was refused. She then entered Binswood News and purchased a bottle of Smirnoff Vodka;
- At 17:41pm on [TBC], four young males entered our client's premises and attempted to purchase alcohol. They were refused. They then entered Binswood News and purchased a bottle of Smirnoff Vodka and cans of beer/lager.
- At 15:16pm on 29<sup>th</sup> August 2021, a young female entered our client's premises and attempted to purchase cigarettes. She was refused as she did not have any ID. The girl then entered Binswood News and purchased cigarettes.
- At 16:41pm on 30<sup>th</sup> August 2021, four young females were seen by our client handing monies to a young male, who purchased alcohol from Binswood News.
- At 14:50pm on 31<sup>st</sup> August 2021, two young females entered our client's premises and attempted to purchase Smirnoff Vodka. They were refused as they did not have ID. They then entered into Binswood News and purchased alcohol;
- At 14:07pm on 1<sup>st</sup> September 2021, one young male entered our client's premises and attempted to purchase Smirnoff Vodka. He was refused as he did not have ID. His friend then entered our client's premises and attempted to purchase alcohol however he was

refused as our client was not able to identify the boy from the ID provided (it did not match). The boys then enter Binswood News and purchase alcohol;

- At 19:29pm on 3<sup>rd</sup> September 2021, two young females entered our client's premises and attempted to purchase alcohol. They were refused.
- At 14:34pm on 12<sup>th</sup> September 2021, a young male and female entered Binswood News and it is suspected that they purchased alcohol.
- At 14:28pm on 18<sup>th</sup> September 2021, a young male and female entered our client's premises and attempted to purchase alcohol. They were refused. They then entered Binswood News and it is suspected that they purchased alcohol.
- At 15:18pm on 18<sup>th</sup> September 2021, a young female entered Binswood News and purchased alcohol. The young female had previously been refused by Leamington Drinks due to a failed ID check.

Our client is able to provide copies of the above CCTV footage upon your request.

All of the above are examples of serious breaches of the Licensing Act and by virtue of her being the DPS, Mrs Thiara has directly breached Licensing Law. Our client requests confirmation that the Premises Licence is being reviewed and also the conduct of Mrs. Thiara as DPS is being investigated and that you will exercise your punitive powers/remedies in relation to the Premises License holder and Mrs. Thiara as DPS. With regard to the Premises Licence holder, as you are aware your punitive powers/remedies include but are not limited to changing, adding or removing the Premises Licence conditions, suspending and or revoking the Premises Licence. With regard to Mrs. Thiara as DPS, as you are also aware your punitive powers/remedies include but are not limited to modifying the conditions of her personal licence or suspending and or revoking her personal licence.

Our client is also concerned regarding the potential detrimental impact upon his own business/reputation, in circumstances where third parties, including parents could mistakenly believe that it is Leamington Drinks that is flouting Licensing Law as opposed to the actual perpetrators, Binswood News.

We have also been asked to notify you that over a period of more than 18 months, Mr. and Mrs. Thiara's conduct towards our client (and his employees) has been less than neighbourly, particularly that of Mrs. Thiara. We have been required to write to them directly to ask that such conduct be abated as it amounts to nuisance/harassment and defamation.

We look forward to receiving your confirmation that the request for review has been accepted we have copied Binswood News and the relevant authorities into this letter.

Yours faithfully,

  
**Smith & Wells**

cc.

Binswood News of 24 Binswood Street, Leamington Spa, Warwickshire, CV32 5RN

Police Licencing Officer- Warwickshire Justice Centre, Newbold Terrace, Leamington Spa, Warwickshire, CV32 4EL

Fire Authority- County Fire Officer, Fire Service Headquarters, Warwick Street, Leamington Spa, CV32 5HL

Enforcement Agency for Health and Safety, Environmental Health and Planning Enforcement- Rajinder Lalli of Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ  
Protection of Children from Harm- Tarvinder Kalsi, Strategic Commissioning, People Group, Building 2, Saltisford Office Park, Ansell Way, Warwick, CV32 4UL



## 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 KAMALPREET SINGH PUNIA

(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

24 BINSWOOD STREET  
LEAMINGTON SPA

Post town

WARWICKSHIRE

Post code (if known)

CV32 5RU

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

BINSWOOD NEWS

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

WDCPREM00624

#### 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)



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



3) a member of the club to which this application relates (please complete (A) below)



2016/07/05

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

Please tick ✓ yes

Mr

☒

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

**Surname**

PUNIA

**First names**

KAMALPRIT

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
Telephone number (if any)
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

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

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

SEE ATTACHED LETTER



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

SEE ATTACHED LETTER

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="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**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

..20-09-2021.....

Capacity

.....SOLICITOR.....

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

SMITH AND WELLS SOLICITORS  
OFFICE 2  
JOHN SINCLAIR HOUSE  
CANAL BASIN  
ST NICHOLAS STREET

**Post town**

COVENTRY

**Post Code**

CV1 4LY

**Telephone number (if any)**

024 76 55 3040

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** kes@smithandwells.co.uk

**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.