

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 12 April 2013

Present

Chairman: Johnson (Chairman)

Councillors: Gibb-Gray and Mrs Smallcorn

For the Owners:

Mr Patel	- Owner
Mrs Patel	- Owner
Mr Walsgrove	- Solicitor for the Applicant

For the Applicants for the Review:

Mr Worrall	- Hampshire County Council Trading Standards
Mr Lawford	- Hampshire County Council Trading Standards

Officers:

Hannah Newbury	- Senior Solicitor
Hannah Goodman	- Assistant Solicitor
Lorna Read	- Licensing Team Leader
Gerry Thorne	- Licensing Officer
Mark Gregory	- Democratic Services Officer
Tristan Fieldsend	- Democratic Services Assistant

1. **Declarations of Interests**

Introduction and Procedure

Prior to hearing the applications for review the Chairman outlined the procedure for the hearings (Minutes 2 and 3) and confirmed that a permanent record of the proceedings would be kept. The Chairman asked if anyone wished to withdraw their representations. No representations were withdrawn.

Mr Walsgrove confirmed that he wished to address the hearings on behalf of Mr and Mrs Patel.

Mr Worrall and Mr Lawford confirmed that that they wished to address the hearings on behalf of Hampshire County Trading Standards.

All parties agreed to Ms H Goodman, Assistant Solicitor, and Mr T Fieldsend, Democratic Service Assistant, accompanying the Sub Committee when it retired to determine the hearings for observation and training purposes only.

2. APPLICATION FOR REVIEW OF PREMISES LICENCE, SELECT AND SAVE, 126 - 128 PARK HOUSE FARM WAY. LEIGH PARK

The following documents were submitted to the Sub-Committee:

- (i) A report from the Licensing Officer;
- (ii) Notice of Hearing and enclosures;
- (iii) Application for a Review;
- (iv) Statement submitted by the Police;
- (v) Statement submitted by the Licence Holder; and
- (v) Steps agreed by the licence holder, Hampshire County Council Trading Standards and the Council's Licensing Team.

The Licensing Officer presented his report to the Sub-Committee and gave an outline of the application and the representations received. In response to a question raised by Mr Walsgrove and after receiving clarification from Mr Worall, the Licensing Officer withdrew his comments relating to the continued absence of Mr Patel from the premises.

Both parties were invited to make representations to the Sub-Committee in relation to the application. Both parties responded to members' questions and were given an opportunity to ask questions of each other.

In response to a question raised by Ms Newbury, Mr Walsgrove confirmed that in the event that the Council agreed to the steps set in (v) above, Mr. and Mrs. Patel would undertake to apply for Mrs Patel to replace Mr. Patel as the Premises Licence Holder during the twenty one day appeal period.

3. APPLICATION FOR REVIEW OF PREMISES LICENCE, STOP AND SHOP, 407 MIDDLE PARK WAY, LEIGH PARK

The following documents were submitted to the Sub-Committee:

- (i) A report from the Licensing Officer;
- (ii) Notice of Hearing and enclosures;
- (iii) Application for a Review;

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- (iv) Statement submitted by the Police;
- (v) Statement submitted by the Licence Holder; and
- (v) Steps agreed by the licence holder, Hampshire County Council Trading Standards and the Council's Licensing Team.

The Licensing Officer presented his report to the Sub-Committee and gave an outline of the Application and the representations received.

Both parties were invited to make representations to the Sub-Committee in relation to the application. Both parties responded to members' questions and were given an opportunity to ask questions of each other.

In response to a question raised by Ms Newbury, Mr Walsgrove confirmed that in the event that the Council agreed to the steps set in (v) above, Mr. and Mrs. Patel would undertake to apply for Mrs Patel to become the Premises Licence Holder and the Designated Premises Supervisor in place of Mr. Patel during the twenty one day appeal period.

The Sub-Committee adjourned from 10.22am until 11.06 am to consider the Application

4. RESOLUTION

RESOLVED that

- (A) having accepted the undertaking by Mr. and Mrs Patel that an application would be submitted by Mrs Patel to become the Premises Licence Holder for Select and Save, 126-128 Park House Farm, and having considered the application for review by Hampshire County Council Trading Standards, the following steps be undertaken in relation to Select and Save:
 - (a) The premises licence be suspended for a period of twenty eight days from the date this decision comes into effect under Section 52(11) of the Licensing Act 2003 (as amended)
 - (b) The premises licence be amended to include the following conditions:
 - (1) Any member of staff who is authorised to sell alcohol at the premises will pass the Level 2 BIIAB Award for personal licence holders course or equivalent course within 3 months of the commencement of their employment, or

within such other period of time agreed by Hampshire County Council Trading Standards Department.

Thereafter the member of staff will receive refresher training regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication, every 6 months. Records of this training will be kept which should be signed and dated by the member of staff who received that training. All training records will be made available immediately upon the request of Hampshire Constabulary or any other responsible authority. Training records will be kept on the licensed premises to which they relate for a minimum period of two years.

- (2) The designated premises supervisor will pass the Level 1 BIIAB Designated Premises Supervisor course or equivalent within 3 months of their appointment as the Designated Premises Supervisor.
- (3) A written log shall be kept of all refusals of age restricted products, including refusals to sell alcohol. This log will also record the sale of alcohol where the Challenge 25 policy has been applied and the customer has then produced appropriate identification allowing the sale to conclude. The premises licence holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the designated premises supervisor. The refusal log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any other responsible authority. Records of refusals will be retained for 12 months.
- (4) There will be a challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual who visually appears to be under the age of 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purpose of age verification will include a driving licence, passport or photograph bearing the "PASS" logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Challenge 25 posters shall be displayed in prominent positions at the premises.

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- (5) The premises shall have sufficient cameras located within the premises to cover all public areas including the outside of the premises covering the entrance and exit.
- (6) The premises shall have a CCTV system which shall include the following features:
 - (i) The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
 - (ii) CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity.
 - (iii) All equipment shall have a constant and accurate time and date generation.
 - (iv) The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - (v) The premises licence holder must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with i.e. password protected.
 - (vi) Viewable copies of CCTV footage will be supplied to the police within 24 hours of their request. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.
 - (vii) In the event of a technical failure of the CCTV equipment the premises licence holder or designated premises supervisor must report the failure to the police licensing unit within 24 hours.

The Sub Committee was satisfied that the above steps and additional conditions would adequately address the concerns raised by the Police and Hampshire County Trading Standards and were proportionate.

The Sub Committee was satisfied that the additional conditions were necessary to promote the following licensing objectives:

- (1) crime and disorder;
- (2) protection of children from harm; and

- (3) prevention of public nuisance.
- (B) having accepted the undertaking by Mr. and Mrs Patel that an application would be submitted for Mrs Patel to replace Mr. Patel as the Premises Licence Holder and Designated Licence Holder of Stop and Shop, 407 Middle Park Way, and having considered the application for review by Hampshire County Council Trading Standards, the following steps be undertaken in relation to Stop and Shop:
- (a) The premises licence be suspended for a period of twenty eight days from the date this decision comes into effect under Section 52(11) of the Licensing Act 2003 (as amended);
 - (b) The current Designated Premises Supervisor be removed; and
 - (c) The premises licence be amended to include the following conditions:
 - (1) Any member of staff who is authorised to sell alcohol at the premises will pass the Level 2 BIIAB Award for personal licence holders course or equivalent course within 3 months of the commencement of their employment, or within such other period of time agreed by Hampshire County Council Trading Standards Department. Thereafter the member of staff will receive refresher training regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication, every 6 months. Records of this training will be kept which should be signed and dated by the member of staff who received that training. All training records will be made available immediately upon the request of Hampshire Constabulary or any other responsible authority. Training records will be kept on the licensed premises to which they relate for a minimum period of two years.
 - (2) The designated premises supervisor will pass the Level 1 BIIAB Designated Premises Supervisor course or equivalent within 3 months of their appointment as the Designated Premises Supervisor.
 - (3) A written log shall be kept of all refusals of age restricted products, including refusals to sell alcohol. This log will also record the sale of alcohol where the Challenge 25 policy has been applied and the customer has then produced appropriate identification allowing the sale to conclude. The premises licence holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the designated premises supervisor. The refusal log will be kept and maintained at the premises and will be

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available for inspection immediately upon request by Hampshire Constabulary and any other responsible authority. Records of refusals will be retained for 12 months.

- (4) There will be a challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual who visually appears to be under the age of 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purpose of age verification will include a driving licence, passport or photograph bearing the "PASS" logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Challenge 25 posters shall be displayed in prominent positions at the premises.
- (5) The premises shall have sufficient cameras located within the premises to cover all public areas including the outside of the premises covering the entrance and exit.
- (6) The premises shall have a CCTV system which shall include the following features:
 - (i) The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
 - (ii) CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity.
 - (iii) All equipment shall have a constant and accurate time and date generation.
 - (iv) The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - (v) The premises licence holder must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with i.e. password protected.
 - (vi) Viewable copies of CCTV footage will be supplied to the police within 24 hours of their request. Any

images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

- (vii) In the event of a technical failure of the CCTV equipment the premises licence holder or designated premises supervisor must report the failure to the police licensing unit within 24 hours.

The Sub Committee was satisfied that the above steps and additional conditions would adequately address the concerns raised by the Police and Hampshire County Trading Standards and were proportionate.

The Sub Committee was satisfied that the additional conditions were necessary to promote the following licensing objectives:

- (1) crime and disorder;
- (2) protection of children from harm; and
- (3) prevention of public nuisance.

(After the decisions had been read to the parties, Mr. Lawford queried the licensing objectives which had been referred to in the decisions, as protection of children from harm, on which the reviews were based, had not been mentioned. Accordingly in the presence of and with the agreement of the parties the Sub-Committee amended reference in both decisions to crime and disorder, protection of children from harm, and prevention of public nuisance. The decisions set out above are the decisions as amended.)

The meeting commenced at 9.00 am and concluded at 11.11 am

Review of Premises Licence for Stop and Shop (Kwiki Mart) 407 Middle Park Way Leigh Park.

Report by the Licensing Officer.

Background

A Premises Licence under the Licensing Act 2003 was issued to Jagdish PATEL on 17th May 2010 for Stop and Shop (Kwiki Mart) 407 Middle Park Way Leigh Park.

The Designated Premises Supervisor is Mrs Netra PATEL, who has a personal licence 08/00390/LIPERS Issued by Croydon Borough Council and valid until 01/04/2018.

The Licence is for the sale of alcohol for consumption off the premises, between the hours of 8.00am and 11.00pm Monday to Saturday., 10.00am to 10.30pm Sundays . Good Friday 8.00am to 10.30pm, and Christmas Day 12noon to 3.00pm and 7.00pm to 10.30pm

The Licence includes the following conditions :-

Mandatory Conditions: Where licence authorises supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

- 1) The first condition is that 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) a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Further Conditions added 1st October 2010

- 1) (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The Review Application

An application for a Review of the Premises Licence was made by the Hampshire Trading Standards on 25th February 2013. Details of the review was served on Mr PATEL (The Premises Licence Holder) and all the Responsible Authorities at the same time, and Notices were displayed on the Premises and at Havant Borough Council Offices and website for the regulatory 28 days.

A further representation has been made by PC Barron, Hampshire Constabulary . (Licensing Officer for the Havant district). His representation is based upon the same facts as those of the Trading Standards Officers and he is fully supportive of their aims in both cases. PC Barron is not in the UK on the date of the hearing but is happy for his representations to be read on his behalf.

A representation in favour of the Premises owners has also been received from Mr Jon WALSGROVE of Blake Laphorn Solicitors who is acting on their behalf. The summary of his representation is: In consultation with the Trading Standards Officers it was accepted that although measures were in place to prevent sales of alcohol to persons under the age of 18, to address the cause of the review those measures should be endorsed on the premises licence as conditions as well as additional steps. Those steps will be outlined to the Committee at the hearing and commended by both Trading Standards and Mr and Mrs Patel as the appropriate and proportionate steps to take.

Mr and Mrs Patel accept that, although their shop is not one which causes local problems in terms of underage drinking, in light of the number of failed test purchases the Committee will want to ensure the strict adherence of the conditions being proposed. Therefore in discussions with Trading Standards Mr and Mrs Patel proposed that a suspension of the premises licence for 28 days would serve as a sufficient deterrent effect.

The Review

The Review relates to concerns regarding the Licensing Objectives of:-

- The Prevention of Crime and Disorder
- The Protection of Children from Harm

In summary, the Hampshire Trading Standards have concerns regarding the control and operation of the store relating to the Licensing Objectives and in particular the role that the DPS has played in the running of the store.

Listed below are the details of test purchases, actions and visits made to the store by Trading Standards Officers (TSO's)

16/11/12 – The store failed a police test purchase when a female member of staff sold 4 cans of Fosters lager to a 16 year old male volunteer.

20/11/12 –TSO Worrall and PC Barron visited the store. No training records for staff were held. No refusals book was in use either. An action plan was issued which included using a Challenge 25 initiative, displaying Challenge 25 signage, keeping written training records and a refusals book. It can be found at Annexe A.

21/12/12 – The store failed a Trading Standards test purchase when a female member of staff sold 4 cans of Fosters lager to a 16 year old female volunteer.

This premise is inextricably linked to the shop in Park House Farm Way as both shops are owned by Mr Jagdish Patel, indeed Jagdish Patel is the current DPS of this shop.

Trading Standards believe these test purchase failures are entirely due to poor management and have very little confidence in this business selling alcohol. Therefore Trading Standards ask that the DPS is removed and the premise licence is suspended for three months or until the following conditions are complied with, which ever is the sooner. Trading Standards feel that revocation is not a proportionate action to take at this time, but sincerely hope that full compliance with the proposed conditions will enable this shop to turn its fortunes around.

Following discussions between Mr Patel, his Solicitor Mr Walgrove, Trading Standards have offered Mr Patel of Select and Save and Stop and shop a 7 day closure order beginning 1800 hours 3/4/13 until 1800 10/4/13

He has been informed to take all alcohol off display for that period for both stores

The full report of TSO Worrall is attached.

He has indicated that he will accept this in lieu of prosecution

The Sub-Committee is requested to determine the application when they have heard from all parties.

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Havant
BOROUGH COUNCIL

HAVANT BOROUGH COUNCIL

LICENSING ACT 2003 – SECTION 52(2)
APPLICATION FOR A REVIEW OF A PREMISES LICENCE
Stop and Shop, 407 Middle Park Way, Havant

NOTICE

To: Applicant: Hampshire Trading Standards Service, Montgomery House, Monarch Way, Winchester, SO22 5PW

Licence Holder: Mr Jagdish Patel, 128A Park House Farm Way, Leigh Park, Havant PO9 4DP

Licence Holder's Agent: Jon Wallsgrove, Partner, Licensing and Regulatory Team, Blake Laphorn, Watchmaker Court, 33 St Johns Lane, London EC1M 4DB

Persons Who Have Made Relevant Representations:

PC 1148 Phil Barron, Hampshire Constabulary, Licensing Department, Havant Police Station, Civic Centre Road, Havant PO9 2AN

I HEREBY GIVE NOTICE that a hearing under Section 52(2) of the Licensing Act 2003 to determine an application made by Hampshire Trading Standards Service of Montgomery House, Monarch Way, Winchester, SO22 5PW, for a review of a premises licence in respect of premises known as Stop and Shop, 407 Middle Park Way, Havant, will be held by the Council's Licensing Sub-Committee in the the Hollybank Room at Havant Borough Council, Public Service Plaza, Civic Centre Road, Havant in Hampshire at 9.00am on Friday 12 April 2013.

Dated this 27th day of March 2013

Signed

Solicitor to the Council

Enclosures: Application for Review of Premises Licence
Representation from Police
Representation from Licence Holder
Information to Accompany a Notice of Hearing
Relevant Regulations Relating to Hearings
Hearings Procedure
Notice of Intention

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**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 1 of 4

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 1148 Phil BARRON, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

Apply for the review of a premises licence.

Apply for the review of a club premises certificate.

(Select as applicable)

Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	Stop and Shop (aka Kwiki Mart) 407 Middle Park Way Havant
Postcode (if known):	PO9 5DP

Name of premises licence holder or club holding club premises certificate (if known) Mr Jagdish PATEL
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Number of premises licence or club premises certificate (if known) HPR0198

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: PC 1148 Licensing Officer
Surname: BARRON First Names: Phil
Current postal address : Licensing Department Havant Police Station Civic Centre Road Havant
Postcode: PO9 2AN
Daytime telephone number: 02392 891535
E-mail address: phil.barron@hampshire.pnn.police.uk (optional)

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

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

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

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

Hampshire Constabulary wish to make representation in support of Hampshire Trading standards review of the above premises in relation to the following licensing objectives, the prevention of crime and disorder and the protection of children from harm.

Evidence suggest across Havant Borough the majority of ASB incidents, criminal damage and minor assault are committed by juveniles. Those stop checked in the early evenings on Fri / Sat, a high proportion are in drink and some in possession of alcohol, which may have been purchased by proxy sale or by the individual. Since October 2012 Havant Police Licensing department have carried out extensive alcohol test purchase operations across the district.

The present Premises licence holder is Mr Jagdish PATEL.

On Friday 16th November 2012, PC BARRON and local officers from the SNT carried out a alcohol test purchase op on the above premises using a 16yr old male volunteer who purchased x 4 cans of Tennant lager from Mrs Emily RINGROSE (staff). Mrs RINGROSE was interviewed under caution and admitted the sale. She was issued with a £80.00 fixed penalty notice for disorder.

At the time Mrs RINGROSE was unable to produce a current refusal book and was unsure what one was. She also admitted she had not received any formal training in relation to the licensing act.

On Tuesday 20th November PC BARRON and TSO Worrall spoke with Mr PATEL and his wife Netra at the sister store in Park House Farm Way. It was evident that there were not training records for staff or up to date refusal books in place. An action plan was issued by TS in relation to Challenge 25 initiative and signage also regular training and refusal books to be kept. The opportunity for a member of their staff to receive APLH training courtesy of Southern Co-op was also discussed. Mr Patel and his wife Netra were warned that both premises licence were at risk of review if another sale was made within 3 months and a revocation of the Premises licence would be sought.

On Monday 21st December 2012 TS carried out a further alcohol test purchase when a female test purchaser was sold x 4 cans of Fosters.

**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 3 of 4

On Friday 24th December 2012, PC BARRON attended the store and spoke with Diane WILLIAMS.

Mrs WILLIAMS was interviewed under caution and admitted the sale of alcohol to a person under the age of 18. At the conclusion of the interview he was issued with a £80.00 fixed penalty notice for disorder. She stated that she had not received any formal training in relation to the licensing act whilst working at the store.

I understand on Tuesday 19th March 2013 a closure notice was served by TS on Select and Save for persistently selling alcohol to children. The closure covers the period 3rd April 2013 - 10th April 2013. Hampshire Constabulary fully support this notice.

I also understand TS have been in consultation with Solicitors acting on behalf of Mr. PATEL. I'm in receipt of the plan of action agreed between the two party's. HC are in agreement and fully support this action as an alternative to prosecution at this time.

HC Believe that these test purchase failures are entirely due to poor management on the part of Mr PATEL. His failure to comply and promote the licensing objectives to his staff have been a direct result of these failures. The removal of MR PATEL from the premises licence and conditions set out by Trading Standards are fully supported by HC. Compliance with the proposed conditions will enable the store to continue trading.

HC will continue with alcohol test purchase operations across the Borough until the there is evidence of a reduction in the current failures.

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that application:

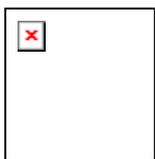
/ /
Day Month Year

If you have made representations before relating to this premises please state what they were

Please tick

- 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 have sent a copy of this representation to the principal licensing officer of Havant Council

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



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Signature of Officer Completing

Name P BARRON Collar Number: 1148
Signature: _____ Date: 25/03/2012

Signature of Authorising Officer (Inspector or above)

Name _____ Collar Number: _____
Signature: _____ Date: _____

Representations following an application to review the premises licence for Stop and Shop.

Mr and Mrs Patel wish to express their considerable regret that it has been necessary to call for a review of their premises licence, following failed test purchases. They apologise to the Licensing Committee and Responsible authorities involved in the enforcement process and would like to stress that they share the common aim of all involved, in preventing young people purchasing and/or consuming alcohol.

Mr and Mrs Patel have owned this shop for a number of years which is a small convenience store serving the local community. They are not aware of any issues of under age drinking in the locality since they have owned the shop. They know the considerable majority of their customers as most of their business is from a loyal local customer base, they have little custom from "passing trade." As a consequence they have a very good knowledge of the young people in the area.

They rarely have persons under the age of 18 attempting to purchase alcohol and nor do they believe that their shop is subject to proxy purchases of alcohol by adults who then pass it on to under 18's.

Mr and Mrs Patel own two shops, this one and Select and Save which is a similar type of shop and not far from Stop and Shop. They currently employ four members of staff who work 16 hours each week. Mr and Mrs Patel work a minimum of 45 hours in each shop. They are also assisted by other family members from time to time. All members of staff who work in the shop have been trained by the Patel's in their legal responsibilities in selling alcohol.

Mr and Mrs Patel sell National Lottery tickets and have passed previous test purchases.

In consultation with the Trading Standards Officers it was accepted that although measures were in place to prevent sales of alcohol to persons under the age of 18, to address the cause of the review those measures should be endorsed on the premises licence as conditions as well as additional steps. Those steps will be outlined to the Committee at the hearing and commended by both Trading Standards and Mr and Mrs Patel as the appropriate and proportionate steps to take.

Mr and Mrs Patel accept that, although their shop is not one which causes local problems in terms of underage drinking, in light of the number of failed test purchases the Committee will want to ensure the strict adherence of the conditions being proposed. Therefore in discussions with Trading Standards Mr and Mrs Patel proposed that a suspension of the premises licence for 28 days would serve as a sufficient deterrent effect.

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

We Hampshire County Council Trading Standards Service wish to apply for a 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, if none, ordnance survey map reference or description Stop and Shop 407 Middle Park Way	
Post town Havant	Post code PO9 5DP

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

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

Part 2 - Applicant details

I am

- | | Please <input checked="" type="checkbox"/> yes |
|---|--|
| 1. An interested party (please 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 (A) below) | <input type="checkbox"/> |

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

Mr Mrs Miss Ms Other title (for example Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current address

Post Town Postcode

Daytime contact telephone number

Email address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Hampshire County Council Trading Standards Service Montgomery House Monarch Way Winchester Hampshire SO22 5PW
Telephone number (if any) 01962 833658
Email (optional) stephen.lawford@hants.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 | ✓ |
| 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)

Hampshire County Council Trading Standards Service wish to apply for a review for this premises under the licensing objectives :- The Prevention of Crime and Disorder and The Protection of Children from Harm.

Stop and Shop failed an alcohol test purchase on 16 November 2012. This was to a 16 year old male volunteer working with Hampshire Constabulary.

Stop and Shop failed an alcohol test purchase on 21 December 2012. This was to a 16 year old female volunteer working with HCC Trading Standards Service.

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

Listed below are the details of test purchases, actions and visits made to the store by Trading Standards Officers (TSO's)

16/11/12 – The store failed a police test purchase when a female member of staff sold 4 cans of Fosters lager to a 16 year old male volunteer.

20/11/12 – TSO Worrall and PC Barron visited the store. No training records for staff were held. No refusals book was in use either. An action plan was issued which included using a Challenge 25 initiative, displaying Challenge 25 signage, keeping written training records and a refusals book. It can be found at Annexe A.

21/12/12 – The store failed a Trading Standards test purchase when a female member of staff sold 4 cans of Fosters lager to a 16 year old female volunteer.

This premise is inextricably linked to the shop in Park House Farm Way as both shops are owned by Mr Jagdish Patel, indeed Jagdish Patel is the current DPS of this shop.

Trading Standards believe these test purchase failures are entirely due to poor management and have very little confidence in this business selling alcohol. Therefore Trading Standards ask that the DPS is removed and the premise licence is suspended for three months or until the following conditions are complied with, which ever is the sooner. Trading Standards feel that revocation is not a proportionate action to take at this time, but sincerely hope that full compliance with the proposed conditions will enable this shop to turn its fortunes around.

Conditions

- 1) The Designated Premise Supervisor (DPS) to be removed.
- 2) Any future DPS will have passed the level 1 BIIAB Award for Designated Premise Supervisors (ADPS) or equivalent within three months of being appointed as DPS.
- 3) All sales of alcohol must be made by a Personal Licence Holder (PLH)
- 4) All staff must have completed and passed level 2 BIIAB Award for Personal Licence Holders (APLH) or equivalent.
- 5) A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

6) There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

7) All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

8) The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.

CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when

investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police Licensing Unit within 24 hours.

May we also highlight paragraphs 11.24, 11.26 and 11.27 of the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, with a particular emphasis on paragraphs 11.26 and 11.27.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

Annexe A – Action plan issued to the store 5 November 2012.

Annexe A

Mr J Patel
Kwiki Mart
407 Middle Park Way
Leigh Park
Hampshire
PO9 5DP

Date 20 November 2012

E-mail paul.worrall@hants.gov.uk Direct Line 01962 833345

Dear Sir

Licensing Act 2003

Please adhere to the following action plan.

A written log shall be kept of all refusals including refusals to sell alcohol. The holder of the premises licence shall ensure that the refusals log is properly maintained and checked, dated and signed on a weekly basis.

The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase alcohol at or from the premises shall produce means of identification acceptable to the licensing authority - passport, photo driving licence or PASS accredited photo ID - proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

All staff shall be trained in appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Such training shall be provided not less than every three months, and written records shall be kept of all training and refresher training, but for the next three months training shall be provided every month.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

All documents to be produced on request to police and trading standards officers.

Yours sincerely

Paul Worrall, Trading Standards Officer

Please tick ✓ yes

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

Day Month

Year

If yes, please state the date of that application

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

No

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.
 (please read guidance note 4) **If signing on behalf of the applicant, please state in what capacity.**

Signature.....

S. Lawford.....

Date.....
22/02/13.....Capacity.....
Trading Standards Officer.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using email, your email address (optional)	

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.

DATA PROTECTION ACT 1998

The personal information you have provided, or which has been obtained from other sources, will only be used for the purpose of the licensing function, and for auditing, monitoring, statistical and other research.

The information will be retained by the council for a period not exceeding 7 years.

The information may be shared with other council departments and statutory bodies.

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