



Public Service Plaza, Civic Centre Road, Havant PO9 2AX
**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.

We Hampshire County Council Trading Standards Service wish to
(Insert name of applicant)

apply for the review of a premises licence under section 51 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 Clapps Convenience Store 236 Seafront	
Post town Hayling Island	Post code (if known) PO11 0AU

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

Number of premises licence or club premises certificate (if known) HPR0124
--

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)

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

Please tick yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(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 833345
E-mail address (optional) paul.worrall@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 2)

Hampshire County Council Trading Standards Service are seeking a review on two of the four licensing objectives, namely the prevention of crime and disorder and the protection of children from harm after two failed alcohol test purchases in less than 3 months. Trading Standards have no confidence in the ability of the premises licence holder Mr Nigel Swan (trading as Islandwide Ltd) to run this business to meet these Licencing objectives.

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

Hayling Island is a pilot area for a Community Alcohol Partnership (CAP) run by Hampshire Constabulary and supported by HCC Trading Standards, Education, Havant Borough Council and other agencies to try and prevent children from accessing alcohol.

Trading Standards visited every shop on Hayling Island and gave them a retailer pack (for re training their staff) and also "Challenge 25" posters.

Clapps Convenience Store received their pack on 2nd May 2012.

On 22 June 2012, Trading Standards conducted an alcohol Test purchase as part of the CAP project. Clapps refused to sale alcohol to our 16 year old volunteer and the business was notified by letter of the refusal.

On 26 April 2013, Hampshire Constabulary conducted an alcohol test purchase using a volunteer under the age of 18. The volunteer entered Clapps convenience store and was sold 4 cans of Fosters lager by Luke Smith who was issued with a Penalty Notice for Disorder for this offence. Mr Smith has since paid the fixed penalty of £80.00. During this visit Mr Swan's son entered the store and was asked if his father was upstairs (as Mr Swan is the premises licence holder and also DPS). His son stated that his dad was upstairs asleep and under the influence of alcohol and therefore would not be able to help us presently.

On 9 May 2013, Trading Standards Officer (TSO) Worrall and PC Barron the Police Licensing Officer for Havant attended the store to see the owner and Designated Premises Supervisor (DPS) Mr Nigel Swan. He was given a Trading Standards action plan (appendix 1) which he was asked to adhere to. The most important parts of this action plan were to retrain their staff every month for the next three months, to challenge every individual who appeared to be under 25 seeking to purchase alcohol and to maintain a refusal log, which was to be checked every week by a member of the management.

The purpose of an action plan is to ensure that another under age sale does not take place, because if all staff adhere to that action plan every person who appears to be under 25 would have to present valid I.D. and therefore those under 18 should not be able to purchase alcohol. The rationale behind training for the first three months is to try and prevent the shop reselling alcohol to a person under 18 and committing the criminal offence of 'Persistently selling alcohol to children' which if prosecuted carries a maximum fine of up to £20,000.

On 2 July 2013, TSO Stephen Lawford visited the store and spoke to a female assistant, she was asked if she had been retrained recently and if she knew where the training records and refusals book were. She was unable to locate the training records and the refusal book. The CAP retailer pack was found and only one member of staff had written in the pack confirming they had read it. TSO Lawford was extremely concerned that our action plan was not being followed.

On 18 July 2013 Trading Standards conducted an alcohol test purchase at the premises using a 16 year old female volunteer. She was sold 4 cans of Strongbow cider by Jeremy Podmore Wise. Mr Wise has been issued with a Penalty Notice for Disorder of £90.00 (fines were increased on 1/7/13).

On 19 July 2013 Mr Swan contacted HCC Trading Standards Service to arrange an appointment to discuss this latest failure. We decided on 23 July 2013.

On 23 July 2013 TSO Worrall issued Mr Swan with a closure notice under Sec 169 A(2) of the Licensing Act 2003 (a closure as an alternative to criminal prosecution for an offence of

repeatedly selling alcohol to underage persons) The closure notice offered Mr Swan a 7 day closure during which sales of alcohol by retail are to be prohibited, beginning at 08:00 am 7 August 2013 until 08:00 am 14 August 2013. Also present at that meeting was PC Barron. Mr Swan was handed the closure notice (Appendix 2) and TSO Worrall explained that he could either accept the notice or choose to be prosecuted. Mr Swan smelled strongly of alcohol and was asked if he had been drinking any alcohol that morning, he said that he hadn't.

On 5 August 2013 written acceptance of the closure notice was received from Mr Swan.

HCC Trading Standards Service believe that Mr Swan is unfit to be involved with a business selling alcohol. It is also clear that he has not adhered to or even attempted to comply with the action plan handed to him on 9 May 2013.

Therefore we feel that we have no alternative but to ask that this premises licence be revoked.

Appendix 1 Action Plan

Mr N Swan
Clapps Convenience Store
236 Seafront
Hayling Island
Hampshire
PO11 0AU

Enquiries to Paul Worrall My reference
Direct Line 01962 833345 Your reference
Date 2 August 2013
E-mail paul.worrall@hants.gov.uk

LICENSING ACT 2003

Dear Mr Swan

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

Appendix 2 Closure Notice

CLOSURE NOTICE FOR PERSISTENTLY SELLING ALCOHOL TO CHILDREN

Section 169A(2) of the Licensing Act 2003

This notice offers a period of closure as an alternative to criminal prosecution for an offence of repeatedly selling alcohol to underage persons. It is addressed to the person(s) (which may include a company etc.) who hold the relevant premises licence for the premises concerned. A copy of this closure notice will be sent to the holder of the premises licence at the address for that person set out in the licence.

The premises licence holder(s) should read parts 10, 11, 12 and 13 of this notice with particular care as they contain information concerning their rights. If you have been handed this notice and are not the premises licence holder, you may wish to inform the premises licence holder(s) that this notice has been served.

1. Name of the inspector of weights and measures giving this closure notice.											
Julie Chambers – Team Manager Legal and Compliance											
2. Name of the trading standards officer serving this closure notice. (A closure notice may be served by being handed to a person on the premises who appears to have control of or responsibility for the premises and who need not be the premises licence holder).											
Paul Worrall											
3. Date on which closure notice is given.				2	3	0	7	2	0	1	3

Details of premises and premises licence holder(s).	
4. Address of premises in respect of which this notice is being given.	Clapps Convenience Store, 236 Seafront, Hayling Island, PO11 0AU
5. Premises licence reference number and issuing licensing authority.	HPR0124 issued by Havant Borough Council
6. Name of premises licence holder(s).	IslandWide (Hampshire) Ltd
7. Address of premises licence holder(s). (This is the address to which a copy of this closure notice will be sent).	236 Seafront, Hayling Island, PO11 0AU

<p>8. Particulars of alleged offence under section 147A of the Licensing Act 2003, including:</p> <ul style="list-style-type: none"> • particulars of unlawful sales made to persons under 18; • dates of the sales; and • the individuals making the sales (so far as known). <p>(Note: you can be liable for the offence if you were a premises licence holder at the time each unlawful sale took place on the premises).</p>
--

First unlawful sale:	Friday 26 th April 2013 @ 1929 hours where 4 cans of Fosters Lager was sold to a Hampshire Police volunteer aged 16 by Luke John Smith an employee of Clapps
Second unlawful sale:	On Thursday 18 th July 2013 @ 1620 hours where a Trading Standards volunteer aged 16 bought 4 cans of Strongbow cider. This was sold by Jeremy Podmore Wise an employee of Clapps Convenience Store

9. Proposed period (at least 48 hours but not more than 336 hours (14 days)) during which sales of alcohol by retail are to be prohibited (commencing not less than 14 days after this closure notice was served):

From	Time:08:00	To	Time:08:00
	Date:7 th August 2013		Date:14 th August 2013

10. Effect of accepting of the proposed prohibition (closure)

If you decide to accept the proposed closure (on how to do this, see part 12 below), all sales by retail of alcohol at the premises during the period specified in part 9 of this notice will be unauthorised. An unauthorised sale is a criminal offence (see section 136 of the Licensing Act 2003). A person guilty of an offence under that section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

11. Right to elect to go to trial

You do not have to accept the proposed closure. As an alternative, you may elect to be tried in a court of law for the offence described in part 8 above. That right may exercised by informing the officer named in part 14 in writing or by e-mail.

12. How to accept the proposed prohibition

In order to accept the proposed closure, all premises licence holder(s) should notify the officer named in part 14 of their decision in writing or by e-mail **within 14 days** of this notice being served. Failure to notify the officer named in part 14 of acceptance of the prohibition within 14 days will be taken as a decision to elect for trial for the alleged offence described in part 8.

13. Effect of a failure by one or more of the premises licence holders to accept the proposed prohibition.

The right to be tried for the alleged offence described in part 8 of this closure notice will be taken to have been exercised unless every person who was a holder of the premises licence at the time this notice was given accepts the proposed prohibition.

14. Name of the police officer or trading standards officer to whom notice exercising the option to accept the prohibition should be given, or election to go to trial must be sent, within 14 days.

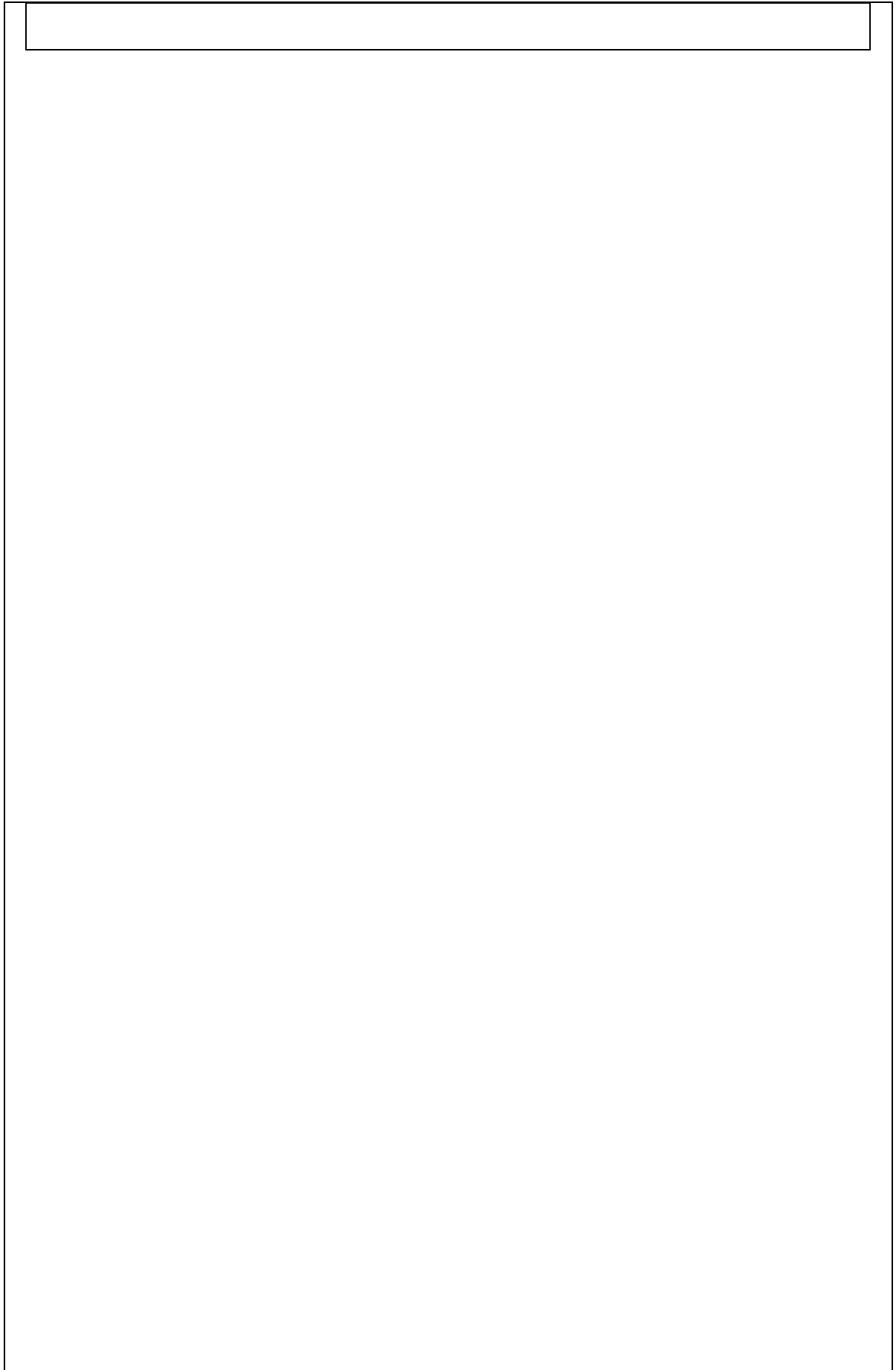
Trading Standards Officer Paul Worrall

The address of the officer in part 14.

Hampshire County Council Trading Standards Service
 Montgomery House
 Monarch Way
 Winchester
 SO22 5PW
 01962 833345

E-mail address of the officer in part 14.

paul.worrall@hants.gov.uk



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

--	--	--	--	--	--	--	--

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

tick ✓ yes

Please

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature P. Worrall

.....

Date **9 August 2013**

.....

Capacity TSO

.....

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.