



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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Clapps Convenience Store 236 Seafront	
<b>Post town</b> Hayling Island	<b>Post code (if known)</b> PO11 0AU

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Islandwide (Hampshire) Ltd
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<b>Number of premises licence or club premises certificate (if known)</b> HPR0124
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**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) <b>01962 833658</b>
E-mail address (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 2)

Hampshire County Council Trading Standards Service are seeking a review under the prevention of crime and disorder and the protection of children from harm licensing objectives, following three consecutive failed alcohol test purchases in a ten month period.

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

**26/04/13** - failed test purchase

**18/07/13** -. failed test purchase

**07/08/13** – 7 day closure notice in force

**03/10/13** – Review hearing (which included 14 day suspension and conditions)

**20/02/14** - failed test purchase

Following the Review hearing on 3 October 2013 TSO Lawford informed the licence holder's representative that he feared that the conditions imposed by the sub-committee were not sufficient to prevent the store from selling alcohol to persons under the age of eighteen. TSO Lawford confirmed this in an email dated 16 October 2013 :-

"I'm pleased that you are having one of the staff trained on an APLH course. You will be aware of my concerns that the store could fail another test purchase if all staff are not trained to APLH level. I sincerely hope the store does not fail again, because if it did it's likely there would be another Review hearing, and I think we both know what the consequences of that could be."

The store failed a third consecutive test purchase on 20 February 2014, when a member of staff, who had not been trained to BIIAB APLH level, sold alcohol to a sixteen year old girl volunteer working with Trading Standards. Three failed test purchases and each time by a different member of staff.

On 20 February 2014 when TSO Lawford returned to the store directly after the test purchase, he checked the training records and refusals books. The refusals book comprised of a separate sheet for each week. TSO Lawford noted that for week commencing (w/c) 05/01/14 there were 2 entries and the sheet was annotated, "original sheet lost"; w/c 19/01/14 - 2 entries annotated "not good enough"; w/c 26/01/14 – the sheet was missing; w/c 02/02/14 – 3 entries dated 2<sup>nd</sup>, 9<sup>th</sup> and 13<sup>th</sup> February; w/c 09/02/14 – no sheet; w/c 16/02/14 – 2 entries.

The minutes from the Review hearing of 3 October 2013 state :-

In response to questions raised by Mr Lawford, Mrs Chestnutt advised that:

Action would be taken to ensure that all refusals were recorded and the book signed by the DPS: the refusals book would also record where people had been challenged but not refused.

In response to further questions from members of the Sub-Committee and Mr Thorne, Mr Swan, Mrs Chestnutt and Mr Sawyer advised that:

there were approximately 10 to 15 refusals each week; staff had been trained to challenge anyone who appeared to be under the age of 25; after discussing the matter with Mr Thorne, it had been agreed that all challenges would now be recorded.

The following condition was imposed at the Review hearing on 3 October 2013 :-

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.

When the refusals book was inspected by TSO Lawford on 20 February 2014 there were no entries recorded in the refusals book where photographic ID had been produced as per the condition applied at the Review hearing on 3 October 2013. This could be that nobody had been asked for ID or that the store was not adhering to that condition of their premise licence.

Clearly the conditions imposed at the Review hearing on 3 October 2013 have not worked, and the Challenge 25 condition and refusals book condition have not been complied with. It is not appropriate to remove the DPS nor to add further conditions when existing conditions are not being complied with.

Para 11.23 of the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 states :-

Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

We also highlight paragraphs 11.26, 11.27 and 11.28 of the Secretary of State's Guidance.

11.26 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.

11.27 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.

11.28 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.

Hampshire County Council is responsible for the health and wellbeing of Hampshire residents, particularly the vulnerable such as children and it is vital that we do everything we can to protect children from the dangers of alcohol.

This store continues to sell alcohol to children by failing test purchase operations, and shows a complete disregard for the licensing objectives. This cannot be allowed to continue. Staff should not be blamed for this awful record as this is solely down to poor company practices.

Trading Standards' view is that it is appropriate and proportionate that this premises licence be revoked.


**Please tick ✓**

**yes**

Have you made an application for review relating to the premises before

✓

If yes please state the date of that application 09/08/2013

Day Month Year

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**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 S. Lawford

.....

Date 27/03/14

.....

Capacity TSO

.....

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

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<b>Post town</b>	<b>Post Code</b>
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<b>Telephone number (if any)</b>
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<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>
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**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.