



**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 Tim Argent**

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Bhupinder MANN & Harjeet MANN Premiere Store / Arlesey Superstore 82 House Lane Arlesey Central Beds	
<b>Post town</b> Arlesey	<b>Post code (if known)</b> SG15 6XX
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Bhupinder MANN	
<b>Number of premises licence or club premises certificate (if known)</b> 2000181	

**Part 2 - Applicant details**

I am Tim Argent

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 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**

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 <b>Tim Argent – Senior Enforcement Officer – Trading Standards Central Bedfordshire Council – Public Protection Priory House Monks Walk Chicksands Beds SG17 5TQ</b>
Telephone number (if any) <b>0300 300 8136</b>
E-mail address (optional) <b>Tim.argent@centralbedfordshire.gov.uk</b>

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input 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 ground(s) for review (please read guidance note 1)**

On the 17<sup>th</sup> August 2010 – The store was prosecuted on 2 counts at Bedford Magistrates court under section 146 of the Licensing Act 2003, for selling alcohol to children on two separate occasions (9<sup>th</sup> September 2009 & 14<sup>th</sup> October 2009).

The store in addition to these sales has sold alcohol to children on two other occasions (26<sup>th</sup> Feb 2007 & 15<sup>th</sup> October 2008).

On 9 separate occasions (listed below) this Service has given the store detailed advice and guidance on implementing and setting up proven systems (including staff training) to prevent sales of age-restricted products to children. The store has failed to implement any of these systems or staff training.

(11/11/2004, 01/11/2006, 26/02/2007, 22/05/2008, 15/10/2008, 09/09/2009, 05/10/2009, 14/10/2009, 26/11/2009)

**Please provide as much information as possible to support the application**

Bhupinder MANN and Harjeet MANN have owned and run the Premiere Store, 82 House Lane, Arlesey, Central Bedfordshire for over 18 years. The store failed the aforementioned test purchase of alcohol operation on 26<sup>th</sup> February 2007. Following the sale the store was given advice and guidance on setting up and implementing adequate quality systems to prevent further sales and substantiating a due diligence defence. This was the same advice and guidance given to them during a visit to the store back on the 11/11/04 during which time they were given a Trading Standards 'Traders Charter' Pack (basic diligence system including refusals register, signage and staff training). This advice was again given to the store during another advisory visit on the 22/05/2008.

The store then failed the aforementioned test-purchase on the 15<sup>th</sup> October 2008, during which time alcohol was sold to a 16 year old. Following the sale Mr MANN was again advised regarding staff training records, refusals systems and implementing a '21 policy'. Mr MANN received a written warning from Trading Standards for this sale in which he was again advised to implement systems such as staff training records, documented monitoring of the refusals book, '21 age check' policy etc to prevent further sales and establish a diligence defence if a sale did occur.

On the 9<sup>th</sup> September 2009 the Premiere Store again sale alcohol to a 16 year old. The seller (the owner's son) was Mr Sundean MANN. Following the sale I spoke to both Sundean MANN & Bhupinder MANN. Sundean was issued with a fixed penalty notice for selling the alcohol. I asked Bhupinder MANN if he had any staff training records to which he replied he didn't. The store was operating a 'Refusals Book' recording the details of when staff had refused an age restricted sale, but no manager or reviewing person had signed the book monitoring its use or identifying issues such as lack of refusal by certain members of staff or the accurate recording of the refusal. MANN was advised to do this on all the previous advisory visits and subsequent correspondences in order to not only have in place a quality system but to evidence that it works or is working. The refusals book had been regularly used up until 18/07/09 for the last two months the book hadn't been used. Mr MANN was again given advice and guidance and told that the store would be re-tested within the next two months.

On the 5<sup>th</sup> October 2009 Mr MANN attended a formal tape-recorded interview at Borough Hall, Bedford. When questioned regarding staff training records which at the time of the sale he stated there weren't any, MANN explained that he thinks he might have received a small booklet relating to underage sales which he's sure all 7 of his staff have read and signed, although he can't recall signing it himself or any of its contents. Mr MANN went on to explain that when I asked for any staff training records immediately after the sale he wasn't thinking straight as he had been relaxing upstairs away from the shop and that he didn't understand what I was asking for or he would have produced the signed training booklet at the time. MANN explained that following both of the sales he spoke to the members of staff in question and told them not to serve anybody who looks underage. No other actions were taken by MANN to prevent the sale of alcohol to under 18's from his shop. Following the interview MANN was again told that the store would be re-tested within the next month.

The store was tested again on the 14<sup>th</sup> October 2009. A bottle of wine was sold to a 16 year old operative. The seller was a Sharon TRUETT. TRUETT had questioned the operatives age and asked for id, when they said they didn't have any, and that they come in the store all the time, TRUETT replied 'F\*\*k it, if I get in trouble ill kill you' and made the sale.

When I entered the store following this sale and questioned TRUETT her attitude was very aggressive. Although she had questioned the operatives age she gave the impression that she had made the sale of alcohol as she thought they were locals. This is a significant problem faced by Trading Standards & the Police when tackling issues of high levels of alcohol fuelled anti-social behaviour in identified areas. The result of young people drinking to excess is recorded via complaints and Police Intel but the supply of the alcohol is often distorted as irresponsible traders will only sell to local children and not the test purchase operatives sent in who for safety reasons are never local to the area. This giving the impression the store is trading responsibly as their underage sales failure rate is lower than a true reflection of the stores actions.

TRUETT was asked under caution if she had signed any training records to which she replied she had not. TRUETT was also not fully aware of the 25 policy and what it meant; she explained that it had not been explained to her. TRUETT said she had worked in the store for over a year and was clearly not a new member of staff. She had been left on her own to run the store. MANN was questioned at the time and asked to produce the signed training record/booklet that he claimed all staff had signed prior to the sale on the 9<sup>th</sup> September. MANN failed to produce the booklet and said he could no longer find it. He went on to say that TRUETT hadn't been trained regarding the new refusals books as 'Peggy' his manager doesn't work when TRUETT does so hadn't trained her.

MANN attended another formal tape-recorded interview on the 26<sup>th</sup> November 2009. During the interview he claimed he had actually asked Peggy to get all the staff to sign the training booklet previously mentioned and hadn't checked if she had done this. He also went on to explain that he had explained the new 25 policy age check to all staff including TRUETT although he hadn't asked or checked if they understood it. When questioned why TRUETT claimed to have received no training MANN claimed she had panicked at the time of my questioning and that she 'wasn't the sharpest tool in the box'. MANN went on to explain that it was Peggy who had photocopied and given out the new training records and refusals books, and that he hadn't checked to see if this had been done or if any of the refusals book were being used.

Attention should be brought to the fact that MANN lives above the store and works in there 6-7 days a week. The store is not a big store and usually has only 1-2 members of staff working at any one time. MANN seems to have delegated responsibly for staff training and quality systems to his employee Peggy but despite having extremely close contact with the store on a daily basis has done nothing to make sure any of this has happened or that staff are trained to a competent level. This is despite the several visits from this service advising him to do so, and the 3 failed test-purchases within a year. MANN stated that he was in the process of implementing a stickering and till prompt system following the sale on the 9<sup>th</sup> September. Following the sale on the 14<sup>th</sup> October this still hadn't been done. MANN claimed during the first interview that all staff went through a 2-3 week shadowing/training programme with him, this then changed during the second interview to the training being carried out by Peggy, and again he had never checked if this had been done. MANN claims to have spoken directly to TRUETT on at least two occasions prior to the sale on the 14<sup>th</sup> October 09 but when questioned she stated that she hadn't received any training from MANN. The current systems in store including a training booklet and refusals register for each member of staff had been partly implemented by Peggy but MANN had again carried out no checks to see if this had been done or was being used. The refusals registers in questions were kept under the store sales counter, the same counter MANN stands behind on a daily basis.

Recommended License Conditions:

<b>Problem/issue</b>	<b>Condition Sought</b>
Inadequate ID signage	Challenge 25 display materials
No clear/consistent ID policy	Challenge 25 scheme at premises
Sales to local underage youths	No sales of alcohol after 5pm can be made without the purchaser producing sufficient Identification (passport, photo driving licence, accredited proof of age card)
Inadequate records of refused sales	Refusals book or electronic point of sale refusals log
	Refusals book to be checked and signed weekly by DPS for use by staff and correct completion.
Staff making underage sales / a lack of supervision at the premises	DPS or a personal licence holder to be present on shop floor when all alcohol sales are made
DPS ineffective but appears capable of improvement	Training for DPS – e.g. specified BIAB course or similar qualification.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this 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, 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** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date: 14/09/2010

Capacity : **Senior Enforcement Officer – Trading Standards**

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> tim.argent@centralbedfordshire.gov.uk	

**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.