

APPENDIX 'A'



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

Postal address of premises or, if none, ordnance survey map reference or description Camp Stores 20 Bedford Road Henlow Camp Beds	
Post town Henlow Camp / Lower Stondon	Post code (if known) SG16 6EA

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

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 Tim Argent – Senior Enforcement Officer – Trading Standards Central Bedfordshire Council – Public Protection Priory House Monks Walk Chicksands Beds SG17 5TQ
Telephone number (if any) 0300 300 5090
E-mail address (optional) tim.argent@centralbedfordshire.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)

An application for review has been submitted due to the continued supply of age-restricted products to children from the Camp Store, 20 Bedford Road, Lower Stondon, Henlow Camp, Bedfordshire, SG16 6EA

Mr Dhimant Patel claims to have owned the store for 3 years; in addition he has owned a similar store in Luton for over 20 years. In the last 3 years the store has received 4 separate advisory visits from Trading Standards specifically on setting up and maintaining systems and procedures in the store to prevent sales of age-restricted products to children. These systems include adequate documented staff training, the use of a refusal book to record when members of staff make a refusal (this allows the licensee the ability to monitor members of staff to make sure they are refusing, it allows for identification of peak times that refusals are made and have additional experienced staff on duty at such times, it also identifies any possible training needs or identifies weak members of staff). Advice was also given on checking the refusals book at least weekly and signing to record the check. The advice also includes the implementation of an age check policy such as 'Think 21' or preferable 'Think 25' to assist staff and signage to display this to customers.

Mr Patel has also received the Trading Standards Traders Charter Pack which includes a refusals book, signage and basic staff training as well as the penalties faced if such products are sold to children. The pack also gives contact details of the service should any further advice or guidance be wanted.

On the 5th September 2011, following complaints from members of the public a test-purchase operation was conducted by Trading Standards who sent underage operatives into the store to attempt to purchase age-restricted products. Alcohol namely: 1 x 70cl bottle of Smirnoff Black Ice 5%abv was sold to the 16 year old operative by a Kiran Patel. Following the sale Officers entered the store there was no staff training record, signage or apparent age check policy. There was no refusals book produced. The store was again advised to implement measure to prevent further sales. There were informed that the store would be re-tested within 3 months. A business card was left with the instructions that should the owner require further advise on setting up systems to prevent further sale he should contact the number on it.

On the 8th November 2011 a re-test was carried out. Alcohol was again sold to a 16 year old operative namely 1 x 75cl Bottle of Ecco Falls Rose wine 12%abv as well as a packet of cigarettes. The seller was a Suneel Mamidipalli. Mr Mamidipalli claimed to have received little training, none of it was documented. He stated there was no refusals book or age check policy. There were no posters or signage indicating any age check policy. Advice on setting up systems to prevent further sales was again given, including the use of till prompts and an Date of Birth identifier to help staff working out some bodies date of birth. The store was informed that a further test-purchase would be carried out in the next 3 month. Again a business card was left giving instruction for the owner of the store to call should they require additional advice.

On the 25th January 2012 a re-test was carried out. On this occasion the 16 year old operatives purchased alcohol and cigarette, namely 1 x 75cl Bottle of Ecco Falls Red wine 13%abv, 1 x 35cl Bottle of Glens Vodka 37.5% abv and 1 x Packet of 10 Mayfair Cigarettes. The seller was again Mr Kiran Patel. Following the sale officers entered the store and identified that still no refusals book was in operation. Mr Patel stated there was a Think 21 policy in store but no signage or indication of this was evident. No staff training record was present and Mr Patel stated he had no signed any such records. There was no till prompt in operation either.

On the 8th February 2012 Mr Dhimant Patel attended a formal tape-recorded interview at the Council. During the interview he claimed no knowledge of the advisory visits but did acknowledged receiving the Traders Charter Diligence pack. He claimed that after each of the sales he had spoken to all the staff reaffirming not to sell to under 18's. He produced a signed training record single sheet of paper for all the staff but he failed to bring the training manual/workbook that the staff signed to say they had completed.

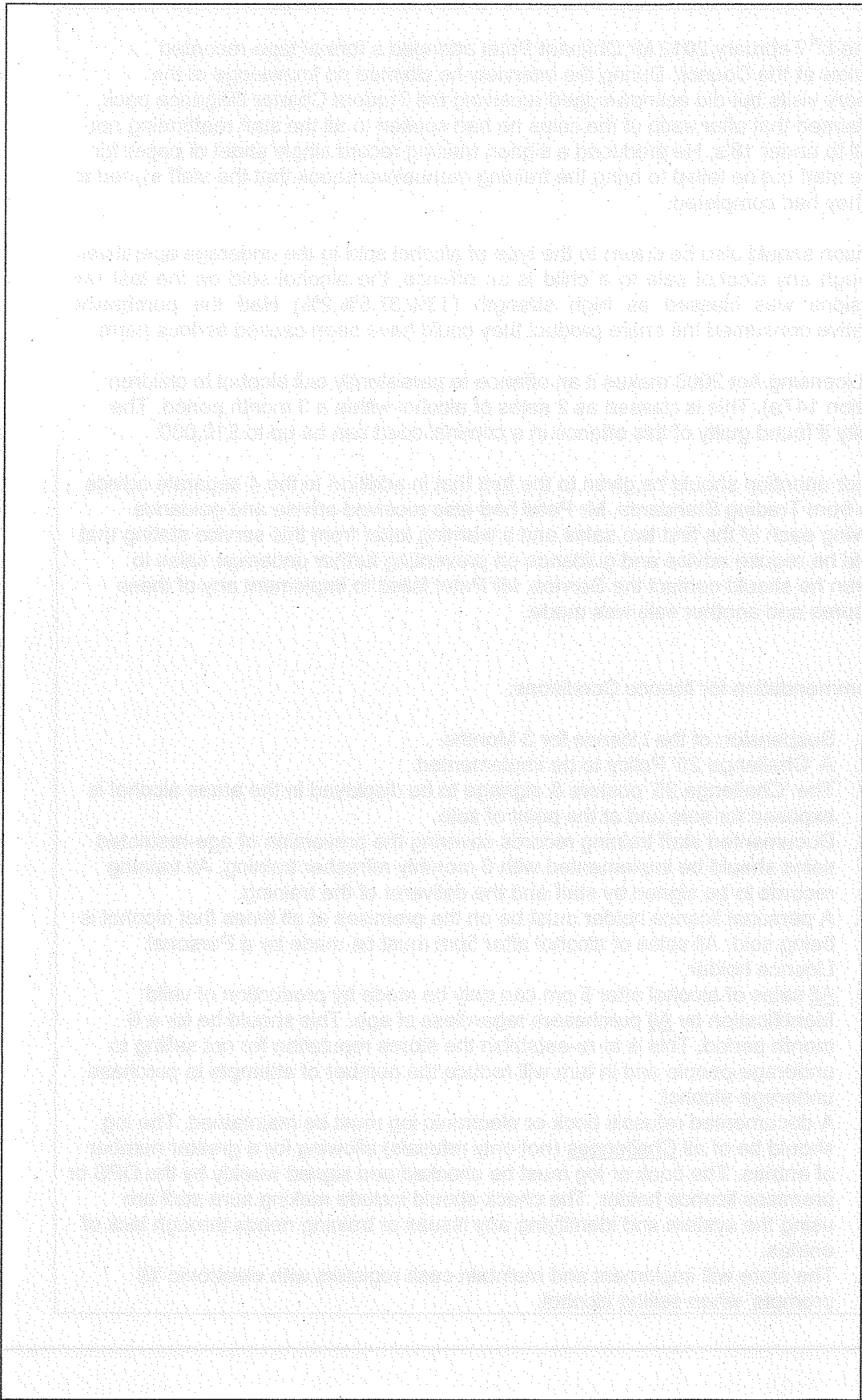
Attention should also be drawn to the type of alcohol sold to the underage operatives. Although any alcohol sale to a child is an offence, the alcohol sold on the last two occasions was classed as high strength (13%,37.5%,2%) Had the purchasing operative consumed the entire product they could have been caused serious harm.

The Licensing Act 2003 makes it an offence to persistently sell alcohol to children (Section 147a). This is classed as 2 sales of alcohol within a 3 month period. The penalty if found guilty of this offence in a criminal court can be up to £10,000.

Further attention should be given to the fact that in addition to the 4 separate advice visits from Trading Standards, Mr Patel had also received advise and guidance following each of the first two sales and a warning letter from this service stating that should he require advice and guidance on preventing further underage sales to children he should contact the Service. Mr Patel failed to implement any of these measures and another sale was made.

Recommendation for licence Conditions:

1. Suspension of the Licence for 3 Months.
2. A 'Challenge 25' Policy to be implemented.
3. The 'Challenge 25' posters & signage to be displayed in the areas alcohol is exposed for sale and at the point of sale.
4. Documented staff training records covering the prevention of age-restricted sales should be implemented with 6 monthly refresher training. All training records to be signed by staff and the deliverer of the training.
5. A personal licence holder must be on the premises at all times that alcohol is being sold. All sales of alcohol after 5pm must be made by a Personal Licence holder.
6. All sales of alcohol after 5 pm can only be made by production of valid Identification by All purchasers regardless of age. This should be for a 6 month period. This is to re-establish the stores reputation for not selling to underage people and in turn will reduce the number of attempts to purchase underage alcohol.
7. A documented refusals book or electronic log must be maintained. The log should be of all Challenges (not only refusals) allowing for a greater number of entries. The book or log must be checked and signed weekly by the DPS or premises licence holder. The check should include making sure staff are using the system and identifying any issues or training needs through lack of entries.
8. The store will implement and maintain cash registers with electronic 'till prompts' when selling alcohol.



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

<p>NO REPRESENTATIONS MADE BEFORE RELATING TO THIS PREMISES</p>

Please tick yes

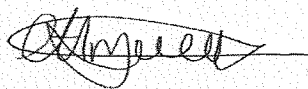
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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: 26/04/2012

Capacity : Senior Enforcement Officer – Trading Standards

Contact name (where not previously given) and postal 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 an e-mail address your e-mail address (optional) 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.