

**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 Dudley Metropolitan Borough Council, Trading Standards Department

(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 Wood Road Mini Market Shop 2 Wood Road Lower Gornal	
Post town Dudley	Post code (if known) DY3 2LW

Name of premises licence holder or club holding club premises certificate (if known) Mr Palvinder Singh

Number of premises licence or club premises certificate (if known) DY/51/0644

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| 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)

☒

- 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)

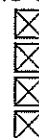
(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mike Chambers Trading Standards Division Dudley Metropolitan Borough Council 3 St James's Road Dudley West Midlands DY1 1HZ
Telephone number (if any) 01384 814683
E-mail address (optional) mike.chambers@dudley.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)

The grounds for this review are based on the serious undermining of the four licensing objectives as listed above. It is clear that the operation and management of the premises is well below that expected illustrating that the Designated Premise Supervisor (DPS) is not meeting his responsibilities in relation to the licensing objectives. The Premise Licence Owner (PLH) and DPS for this premise is Mr Palvinder Singh.

In making this review, it is felt that it would be a reasonable and proportionate response to suspend the premises licence for a period not exceeding 3 months and the following conditions be complied with and be applied to the premises licence before the suspension be lifted :

1. Premises to operate a Challenge 25 proof of age scheme when selling alcohol whereby if a person appears to be under the age of 25 they MUST be asked to provide a valid proof of identification that they are 18 years old or above.
2. Valid proof of identification only to include Passport, Driving Licence (picture card) and Proof of Age Standards Scheme (PASS) proof of age card such as Citizencard.
3. A4 notice must be displayed on the door to the premises, where the alcohol is being offered for sale and near the point of sale stating 'if you look under 25 please do not be offended if we ask for proof of age when you buy alcohol'.
4. A4 notices to be displayed on the door to the premises and near the point of sale stating that it is an offence to buy alcohol for persons under the age of 18.
5. Premises to use a refusals book which is to be completed when a refusal takes

place by the refuser, this to be checked and signed regularly by the DPS and to be made available to any responsible authority upon request.

6. CCTV to be in place at the premises to the specifications of the West Midlands Police - Crime Reduction Officer so that the alcohol display area and the point of sale area can be viewed. All images are to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request within 24 hours.

7. CCTV shall be installed, operated and maintained to the front and side of the premises to the specification of the West Midlands Police - Crime Reduction Officer. All images to be recorded and kept for a minimum of 28 days and made available to any responsible authority upon request within 24 hours.

8. The DPS shall review the premises' CCTV on a daily basis in order to identify persons under the age of 18 who are attempting to buy alcohol or persons over the age of 18 buying on their behalf. A record of these checks shall be maintained and be available for inspection upon request by a responsible authority.

9. The DPS shall attend and complete the Level 2 National certificate for Designated Premises Supervisors, and shall provide proof of qualification to the Police and Trading Standards Department upon request.

10. The DPS shall ensure that all persons authorised to sell alcohol have completed a training programme which includes a written test to verify the competency of that person.

11. The DPS shall conduct monthly reviews with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy.

12. The DPS shall maintain a file at the shop premise for each person authorised to sell alcohol. This file shall contain all training records for each person along with copies of monthly reviews as stated in point 11. This file shall be available for inspection by any responsible authority upon request.

13. All alcohol sold must be clearly labelled with the name of the premises.

The grounds for this review are based on the serious undermining of the four Licensing objectives as listed above.

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

This Service is designated a 'responsible authority' for the purposes of the Act.

03.03.03 - Complaint received regarding the alleged issues of the ongoing sale of alcohol to underage children.

25.01.05 - Complaint received regarding the alleged issues of the ongoing sale of alcohol to underage children.

05.04.05 - Complaint received regarding the alleged issues of the ongoing sale of alcohol to underage children.

In response to the complaints received and additional local information gathered by the Police, this Service initiated a test purchasing exercise where child volunteers are requested to enter premises and attempt to purchase alcohol as an ordinary member of the public. On eight occasions over the past six years these tests have been instigated and on every occasion they have resulted in a refusal. It is surmised that as underage test purchasers are not known to the seller and/or practises of underage sales exercises are known to the seller then sales are always refused. Despite regular interventions by police incidents of ASB and complaints are still received.

On the 22.06.07, a Fixed Penalty Notice (FPN) was issued by PC5544 Martin Hall to Sarwan Singh Sandhu, date of birth 7/12/50 of Coppice Road Mini Market, 2 Coppice Road, Coseley for the offence of selling alcohol to a person under the age of 18, namely 15.

On the 06.02.08, the DPS signed up to a Social Responsibility Scheme (SRS) which is a multi-agency initiative led by this Service and Community Renewal in partnership with West Midlands Police and local businesses and is part of a package of measures designed to tackle underage drinking and its associated community issues. The SRS is based on a code of good conduct, introduced amongst off licences in areas where there is considered to be a problem of binge drinking amongst young people leading to crime and anti-social behaviour. There is also the detrimental impact on a young person's health and well being to consider. Signing up to the scheme demonstrates that a retailer is acting responsibly in the interests of young people and the wider community and potentially could be used to support any licence application in terms of meeting the licensing objectives i.e. the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

On the 25.02.09, an officer from this Service visited the premises and spoke with Mr Palvinder Singh Sandhu (DPS) specifically about age restricted products and the law. He signed a pro forma to confirm that he understood selling alcohol to under 18's was a criminal offence and he received a 'No ID, No Sale' information pack which contained information about the 'Challenge 25' initiative, information about the three forms of acceptable proof of age, posters and till stickers used to promote these initiatives, a poster advising the public that it is a crime to buy alcohol on behalf of someone under the age of 18 and refusals register.

On the 24.04.09, PC5453 Cresswell and PC2282 Jones were on patrol in Wood Road, Lower Gornal following reports of anti-social behaviour and intoxicated youths. Two children, child A (dob 30/03/92, male aged) and child B (dob 20/05/92, male aged 15) were encountered who had in their possession one bottle of Stella and one bottle of WKD; this was seized and poured away. The officers continued with their patrol and within 5 minutes the same children were stopped in the same location with

another bottle of alcohol. The only store they could have obtained the alcohol in the given timescale was Wood Road Mini Market. PC5453 Cresswell and PS2398 Simpson returned to the Wood Road Mini Market and spoke with Mr Parvinder Singh Sandhu the DPS and his brother Harjit Singh, who denied that any such sale had taken place. A request was made to view the CCTV recording but they were informed that the equipment was not currently working and therefore could not be viewed. Mr Parvinder and Harjit Singh were then advised of the law and the implications for selling alcohol to under age children.

On or around the 26.04.09, a 'Record of Nuisance/Anti-Social Behaviour' log was received by PS2398 Simpson from a local resident for the period 14.0409 to the 26.04.09. This document highlights that this premise is directly responsible for a prolonged disregard for the law and the four licensing objectives.

A joint operation took place on the 15.05.09 to determine the level of non compliance by the premises with the licensing objectives. The only person present on the premises between the hours of 15:00hrs and 20:35hrs was Mr Sarwan Singh Sandhu the father of Palvinder Singh Sandhu the DPS/PLO. The following are the findings of this operation:

PC6520 ROBERTS/PC8331 DAVIES

15:57hrs encounter along WOOD FIELD ROAD – child D (dob 26/4/94, female aged 15) and child E (dob 12/7/94, female aged 14) who were found to have in their possession and subsequently seized two bottles of 20cl Vodka and a can of lager.

17:15hrs encounter along WOOD ROAD – child F (dob 5/10/91, male aged 17); child G (dob 29/10/94, female aged 14); child H (dob 22/6/95, female aged 13); child I (dob 16/8/95 female aged 13) 12 cans of Strongbow Black cider seized.

17:33hrs encounter along BOUNDARY HILL – child J (dob 12/4/93, male aged 16); child K (dob 19/9/92, male aged 16) drinking Lager from open cans, seized and poured away.

20:38hrs WOODFIELD ROAD – group of males encountered, child L (dob 28/1/94, male aged 15); child M (dob 30/10/93, male aged 15) were passing a bag between them which contained two cans of lager and three cans of cider. This alcohol was seized.

PC9198 JOHAL/PC5453 CRESSWELL

16:30hrs encountered on WOOD ROAD – person N (dob 24/9/90, male aged 18); person O (dob 18/4/91, male aged 18) who had in their possession eight cans of Kronenburg in their possession. Andrew has purchased them and was on his way home, no reason to seize them.

18:45hrs WOOD AVENUE – child P (dob 8/10/91, male aged 17) one can of lager in his possession poured away at scene, assumed to be purchased from off licence as was in close proximity.

18:30hrs WOODFIELD AVENUE – child B (dob 20/5/92; male aged 17); child Q (dob 29/5/92; male aged 17); child R (dob 30/12/91, male aged 17). It was established that child Q and R had entered premises and purchased eight can of Fosters lager and had distributed them amongst group of youths. Encountered and seized.

19:00hrs WOODFIELD AVENUE - Advised by resident that a group of youths had

deposited 4 cans of Strongbow cider in a salt bin outside their premises having seen the police. These were recovered.

PC2282 JONES/PC21350 BALLANTYNE

18:30hrs encountered on STICKLEY LANE - person S (dob 1/3/90, male aged 19); entered wood Road Mini Market and purchased 10 cans of Lager. He then met up with younger individuals and was seen to be walking towards the woods in STICKLEY LANE where the alcohol was most likely going to be consumed. As person S was accompanied by under age children the alcohol was seized.

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 : *M. Chambers*

Date : *17.8.2009*

Capacity

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)

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.