

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
Naiks Mini Market
3 Gladstone Building
New Street
Post town Dudley Post code (if known) DY1 1LY

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

Number of premises licence or club premises certificate (if known)
DY/51/0219

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
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 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 | <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)

The grounds for this review are based on the serious undermining of the above licensing objective. 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.

On the 22.05.09, the owner and Premises Licence Holder (PLH) of the premises Mr Gurnaik Singh Surma sold alcohol namely one 275ml bottle of 'WKD Vodka Blue' 5.0% volume to a 14 year old child contrary to section 146(1) of the Licensing Act 2003 and in direct contradiction of the licensing objectives, namely the protection of children from harm.

In making this review, it is felt that it would be a reasonable and proportionate response to revoke the licence taking into account previous conduct, if this is deemed not to be appropriate then we request that the premises licence be suspended for a period not exceeding 3 months and the following conditions be complied with and be applied to the premise 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 premises 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.

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.

30.01.04 – Complaint received regarding the alleged issues of the ongoing sale of alcohol to underage children.

On the 17.02.04, the Service made an attempted test purchase of alcohol from the premises as a result of complaints received and additional local information gathered by the Police. On this occasion the request was refused.

On the 24.10.05, the Service made an attempted test purchase of alcohol from the premises as a result of complaints received and additional local information gathered by the Police. On this occasion Mr Rakhvinder Singh Surma the son of the Premises Licence Holder (PLH) Mr Gurnaik Singh Surma sold alcohol namely 1.125 litre bottle of 'Frosty Jacks' strong white cider 7.5% volume to a 15 year old child.

Legal proceedings were instituted by the Service against Mr Gurnaik Singh Surma (PLH) and the Designated Premises Supervisor (DPS) Mrs Gurbakash Kaur Surma under Section 146 of the Licensing Act 2003. On 25th May 2006 at Dudley Magistrates Court, Mr Gurnaik Singh Surma pleaded guilty to the charges and was fined £250.00 and ordered to pay prosecution costs of £400.00 and Mrs Gurbakash Kaur Surma pleaded guilty to the charges and was fined £80.00 for her involvement in this matter. Mr Rakhvinder Singh Surma accepted a Fixed Penalty Notice (FPN) for his involvement in this matter.

11.09.06 – Complaint received regarding the alleged issues of the ongoing sale of alcohol to underage children.

On the 11.10.06, the Service made an attempted test purchase of alcohol from the premises as a result of complaints received and additional local information gathered by the Police. On this occasion the request was refused.

08.02.07 – Complaint received regarding the alleged issues of the ongoing sale of alcohol to underage children.

On the 14.02.07, the Service made an attempted test purchase of alcohol from the premises as a result of complaints received and additional local information gathered by the Police. On this occasion Mr Rakhvinder Singh Surma the son of the Premises Licence Holder (PLH) Mr Gurnaik Singh Surma sold alcohol namely 1.125 litre bottle of 'Frosty Jacks' strong white cider 7.5% volume to a 15 year old child.

Legal proceedings were instituted by the Service against Mr Rakhvinder Singh Surma and also Mr Gurnaik Singh Surma (PLH) and Mrs Gurbakash Kaur Surma (DPS) under Section 146 of the Licensing Act 2003. On 1st May 2008 at Dudley Magistrates Court Mr Rakhvinder Singh Surma pleaded guilty and the DPS and PLH pleaded not guilty to the charges. Mr Rakhvinder Singh Surma was subsequently fined £250.00 and ordered to pay prosecution costs of £287.58. Later on the 20th June 2008, Mr Gurnaik Singh Surma was found to be guilty and fined £1000.00 and ordered to pay prosecution costs of £566.61 and Mrs Gurbakash Kaur Surma was found to be guilty and fined £500.00 and ordered to pay prosecution costs of £561.00.

On the 15.02.07, the Service made an attempted test purchase of alcohol from the premises as a result of complaints received and additional local information gathered by the Police. On this occasion the request was refused.

Between the 4th May and the 15th July 2007 as part of the Home Office national campaign 'Tackling Underage Sales of Alcohol Campaign' (TUSAC), this premises was identified as a 'perceived problem premises' by the Police and the Service and therefore subject to an attempted test purchase once a fortnight up to a total of three times. On all three occasions the child volunteers request for alcohol was refused.

19.06.07 – Complaint received regarding the alleged issues of the ongoing sale of alcohol to underage children.

On the 30.07.08, the Service made an attempted test purchase of alcohol from the premises as a result of complaints received and additional local information gathered by the Police. On this occasion the request was refused.

On the 25.02.09, an officer from the Service visited the premises and spoke with Mr Gurnaik Singh Surma 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 22.05.09, the Service in partnership with the Police carried out a test purchasing exercise in the Dudley town centre vicinity to determine compliance with the law on the sale of alcohol to children. On this occasion Mr Gurnaik Singh Surma (PLH) sold alcohol namely one 275ml bottle of 'WKD Vodka Blue' 5.0% volume to a 14 year old child contrary to the Licensing Act 2003 and it's licensing objectives, namely the protection of children from harm.

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.