

**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 24 Priory Road	
<b>Post town</b> Dudley	<b>Post code (if known)</b> DY1 4ET
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mrs Teresa Michelle Fox	
<b>Number of premises licence or club premises certificate (if known)</b> DY/51/1112	

**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  Christopher King Trading Standards Division Dudley Metropolitan Borough Council 3 St James's Road Dudley West Midlands DY1 1HZ
Telephone number (if any) 01384 818871
E-mail address (optional) christopher.king@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 checked="" 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 objectives. It is clear that the operation and management of the premises is well below that expected, illustrating that the Designated Premise Supervisor (DPS) and Premises Licence Holder (PLH) Mrs Fox is not meeting her responsibilities in relation to the licensing objectives.

On the 15.02.10, an employee Ms Jacqueline Patricia Wheeler sold alcohol namely two 275ml bottles of 'WKD Vodka Blue' 5.0% volume to a 15 year old child contrary to section 146(1) of the Licensing Act 2003 and in direct contradiction to the licensing objectives, namely the protection of children from harm and the prevention of crime and disorder.

In making this review, it is felt that it would be no more than necessary and a proportionate response for the following conditions to be applied to the premise licence :

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. 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.
8. 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.
9. The DPS shall conduct monthly reviews with any persons authorised to sell alcohol in order to reinforce training, promote best practice and policy.
10. 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 9. This file shall be available for inspection by any responsible authority upon request.
11. 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.

On the 1<sup>st</sup> August 2007, Mrs Fox became the DPS/PLH of 24 Priory Road, Dudley; since this time this Service has received one complaint directly from a member of the public and three complaints from the police regarding the alleged sales of alcohol to children.

On the 11th March 2009, an officer from the Service visited the premises and spoke with Mrs Fox specifically about age restricted products and the law. She signed a pro forma to confirm that she understood selling alcohol to under 18's was a criminal offence and she 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 30th October 2009, as a result of complaints received, this Service in partnership with the Police carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On this occasion the request was refused.

On the 15th February 2010, as a result of the complaints received, this Service in partnership with the Police carried out a test purchasing exercise to determine compliance with the law on the sale of alcohol to children. On this occasion Ms Jacqueline Patricia Wheeler, an employee, sold alcohol namely two 275ml bottles of 'WKD Original Blue Vodka' which has a 4.5% volume alcoholic content to a 15 year old child volunteer. Ms Wheeler did not ask the child volunteers for any identification or how old they were. Ms Wheeler accepted a Fixed Penalty Notice (FPN) for her involvement in this matter.

Mrs Fox was not present on the premises when the sale took place, Mr Fox the husband of Mrs Fox was present on the premises but not on the shop floor when the sale took place telephoned Mrs Fox. Mrs Fox was advised of the situation and that Ms Wheeler had just sold alcohol to a 15 year old child volunteer. Mrs Fox stated that the staff were trained but conceded that Ms Wheeler needed some more training, although she thought she 'should have known' to ask for identification. She went onto say that they did not use a refusals register, although she confirmed that they had a 'huge problem' with proxy sales in the area. Mr Fox stated that they may have a refusals book, but did not use it because if they did it would have been full. The 'No ID, No Sale' posters of the type given to Mrs Fox on the 11<sup>th</sup> March 2009 were evident in the premises on the front window and behind the counter.

24 Priory Road locally known as Watton's was the first of eleven premises visited on the 15th February 2010 and the only premises where the child volunteers were not challenged about their age and sale refused.

On this occasion the volunteer who purchased the alcohol was a 15 year old boy who was accompanied by another volunteer; a 14 year old boy. Both volunteers did not look older than their age and were wearing their own normal clothes.

**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

.....

Capacity

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

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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. 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.