

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Brandon Cook

(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

Part 1 – Premises or club premises details

| | |
|---|--------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Todays Convenience Store 130 Belvedere Road | |
| Post town Burton upon Trent | Post code (if known) DE13 0RE |

| |
|--|
| Name of premises licence holder or club holding club premises certificate (if known) Mr David Raymond Symons |
|--|

| |
|---|
| Number of premises licence or club premises certificate (if known) PLO305 |
|---|

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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 Brandon Cook Trading Standards Manager Staffordshire County Council 57 - 60 High Street Burton on Trent Staffordshire DE14 1JS |
| Telephone number (if any) 01785 895568 |
| E-mail address (optional) brandon.cook@staffordshire.gov.uk |

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

This application to review relates to the failure of the premise to meet the licensing objective for the protection of children from harm.

Responsible Authority:

Section 13(4) of the Licensing Act 2003 and Regulation 7 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 makes a Local Weights and Measures Authority a responsible authority for the purposes of the legislation. Staffordshire County council is a Weights and Measures Authority and that function is carried out by the Public Protection Trading Standards Team.

Staffordshire County Council seeks a review of the premise licence on the grounds that the Premise Licence Holder (PLH) and Designated Premises Supervisor (DPS) Mr David Symons has failed to take adequate steps at the premises to protect children from harm and prevent crime and disorder, which raises questions as to whether the business is operated in accordance with the promotion of the licensing objectives.

Protection of Children from Harm

By virtue of section 4 of the Licensing Act 2003, offences under s.146(1) of the Act, involving the sale of alcohol to an individual aged under 18 are relevant offences when considering a personal licence. Such offences can lead to the suspension or forfeiture of a personal licence.

Revised guidance issued by the Home Office in April 2018 states that the Government believes that it is completely unacceptable to sell alcohol to children (para 2.23) and that Licensing authorities should give considerable weight to representations about child protection matters (para 2.29).

Para 11.27 further states that - there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

Staffordshire County Council seeks a review of the premise licence on the grounds that the PLH/ DPS has failed to take adequate steps at the premises to protect children from harm and engage with Trading Standards in accepting the proposal to apply appropriate conditions for 'Protecting Children from Harm' to the licence, by way of a voluntary minor variation.

Please provide as much information as possible to support the application (please read guidance note 3)

Supporting documentation is provided in appendices to this application as follows;

Appendix 1 – Copy of premise licence

Appendix 2 – Copy of underage sale notification left at the premise 15/01/2018

Appendix 3 – Copy of letter to PLH/ DPS regarding discussion over MV application

Appendix 4 – copy of 'Protecting Children from Harm' set of conditions

Here is a summary of events supporting this application.

Premise history:

31/07/15 Premise passed alcohol test purchase.

15/01/2018 Premise failed alcohol test purchase – staff member sold alcohol to 16 year old volunteer. Offence under s.146 Licensing Act 2003. Seller issued with CR1 by Staffordshire Police.

05/04/2018 Age Restricted Sales advice visit to premises to discuss with PLH/DPS the proposal of minor variation to the licence.

29/06/2018 Letter sent to PLH/DPS following telephone conversation to further discuss the proposal of minor variation to the licence. See appendix 3.

Trading Standards does not feel confident that Mr Symons has taken all reasonable steps to prevent his staff selling alcohol to a person under the age of 18, since the failed test purchase on 15/01/2018.

Trading Standards are further concerned that the PLH/ DPS has more recently failed to engage and to reply to correspondence with Trading Standards in regards to the proposal of a minor variation, the deadline set being 13th July 2018.

Para 8.48 of the s.182 guidance promotes that "All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

Trading standards has sought to work together to resolve concerns and harm. Trading standards have sought to engage and advise Mr Symons on several occasions, to no avail, regarding bringing the premise licence up to a standard commonly accepted by all responsible bodies, to ensure that the premise licence has enforceable conditions, and to ensure that a level playing field is created within the district.

Recommendations:

Trading Standards ask that the sub-committee consider their powers to apply a minor variation to the licence, for the addition of conditions 'Protecting Children from Harm' as set out below:

- 1) A Challenge 25 policy must be adopted and enforced at the premise where all persons who appear to be under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.
- 2) The only acceptable forms of identification must be a valid photo driving licence, valid

passport or a valid PASS approved proof of age card.

3) Challenge 25 posters must be displayed at all entrances to the premise, all areas where alcohol is displayed and at the cash till payment area.

4) Posters must be displayed prominently and in sight of customers & staffs.

5) At each till there must be placed a date of birth check card which must be kept updated at all times with the current date at which a person must be born to be aged 18 or over.

6) Cash registers in the premises must be fitted with automatic till prompts to ensure that Challenge 25 is implemented at all times.

N.B – Only 5 or 6 is required.

7) A refusals register with details of all refusals must be maintained at the premise. The register must contain details of the staff member refusing the sale and must be checked on a 2 weekly basis by the Designated Premises Supervisor and signed and dated by the Designated Premises Supervisor.

8) The refusals register or when on the till a print out of refusals must be produced and made available for inspection at the time of the visit by any Responsible Authority.

9) Prior to selling alcohol, all persons involved in the sale of alcohol & age restricted products who are not the holder of a Personal Licence must receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor or external training provider with regards to the law in relation to the sale of alcohol & age restricted products and responsible retailing.

10) Such training must be recorded and up to date training records of all such persons must be maintained at the premise and produced and made available for inspection at the time of the visit by any Responsible Authority. Both initial and subsequent refresher training in relation to the sale of alcohol & age restricted products must contain a test to be undertaken by the staff member and this test or online certificate must be made available at the time of the visit to any Responsible Authority. Records for each person must be retained for a minimum of 12 months.

The attachment of conditions would firstly act as a deterrent whilst also affording the business an opportunity to remedy the non-compliances and retrain staff, thus not exposing the business to risk of further unauthorised sale of alcohol and potential risk to children from harm, from the supply of alcohol.

A warning is also requested for Mr Symons regarding future appearance before the licensing subcommittee.

Please tick ✓ yes

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

If yes please state the date of that application

| Day | Month | Year |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

If you have made representations before relating to the 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 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 
.....

Date 6 August 2018
.....

Capacity **Trading Standards Manager**
.....

| | |
|---|-----------------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Mark Wilson Principal Trading Standards Officer – Crime & Licensing Staffordshire County Council Floor 1, Castle House Barracks Road | |
| Post town Newcastle under Lyme | Post Code ST5 1BL |
| Telephone number (if any) 01782 297004 | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) mark.wilson@staffordshire.gov.uk | |

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix 1

Licensing Act 2003

PL0305

Premises Licence

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Todays Convenience Store

130 Belvedere Road, Burton upon Trent, Staffordshire, DE13 0RE.

Telephone 01283562874

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
|--|--------------------|-----------|---------|
| J. Supply of alcohol for consumption OFF the premises only | | | |
| | Monday to Saturday | 8:00am | 11:00pm |
| | Sunday | 10:00am | 10:30pm |
| | Good Friday | 8:00am | 10:30pm |
| | Christmas Day | Noon | 3:00pm |
| | Christmas Day | 7:00pm | 10:30pm |

THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|-------------|-----------|---------|
|-------------|-----------|---------|

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

Part 2

(NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

David Raymond Symons

130 Belvedere Road, Burton upon Trent, Staffordshire, DE13 0RE.
Telephone 01283562874

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

David Raymond SYMONS

130 Belvedere Road, Burton upon Trent, Staffordshire, DE13 0RE.
Telephone 01283562874



Licensing Act 2003
Premises Licence

PL0305

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. PA0330

Issued by East Staffordshire

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

This licence is subject to the mandatory conditions set in section 19 Licensing Act 2003 reproduced below :-

Mandatory conditions - supply of alcohol

- (1) No supply of alcohol may be made under the premises licence the licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Licensing Conditions Order 2010

Condition 4

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Embedded Restrictions

Unless otherwise stated in the accordance with paragraphs 6(8) and (9) of Schedule 8 Licensing Act 2003, -
This licence is granted subject to any restrictions imposed on the use of the premises by any of the following enactments:

Licensing Act 1964
Children and Young Persons Act 1933
Cinematograph (Safety) Regulations 1955
Sporting events (Control of Alcohol etc) Act 1985

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

None

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEX 4 - PLANS

The plan attached to this licence shows the area at the premises used for each licensable activity.
The plan is marked with reference 200905/305 held by East Staffordshire Borough Councils - Licensing Section ("The Plan")

The part of the premises shown edged red on the attached Plan is authorised for:



Licensing Act 2003

PL0305

Premises Licence

ANNEXES continued...

Sale by retail of alcohol

HEAD OF SERVICE
Issued under delegated powers

Date original licence issued:



Premises Licence Summary

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Today's Convenience Store

130 Belvedere Road, Burton upon Trent, Staffordshire, DE13 0RE.

Telephone 01283562874

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
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| J. Supply of alcohol for consumption OFF the premises only | | | |
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THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|-------------|-----------|---------|
| | | |

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

NAME (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

David Raymond Symons

130 Belvedere Road, Burton upon Trent, Staffordshire, DE13 0RE.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

David Raymond SYMONS

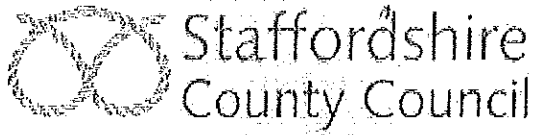
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable



Appendix 2

EVU 191361
I090208



Trading Standards - Underage Sale Notification

23/11/18 Licensing Act 2003

Notice for: David Symons

Premises details: 130 Belvedere Road

SYMONS DEIZ ORE

On 15/11/2018 a 16 year old child visited your premises and purchased, 1x 500ml Reckonday cider

The sale was made by Gillian Wigley

The supply of Alcohol to any person under the age of 18 years constitutes an offence under the above legislation.

It is now necessary to discuss this matter with a representative of the business. It is our policy to have regard to all relevant facts before making any decisions and you should be aware that it would be unfortunate if the absence of information resulted in you being brought before the courts when otherwise that would not have been the case.

It would be appreciated if you could contact me at your earliest convenience in order that a date and time for a meeting can be arranged.

Officer Name: Kathryn Bewer

Signature: [Signature] Contact Number: 01782 297008

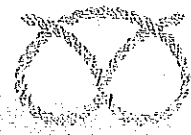
Witnessing Officer: _____

Signature: [Signature] Date & Time Issued: 15/11/18 20.22

Person Receiving Notice: David Symons

Signature: [Signature]

Staffordshire Trading Standards
1 Staffordshire Place, Wedgwood Building,
Tipping Street, Stafford, ST16 2DH
Tel: 0300 111 8000
Minicom: 01785 276207
Email: businessadvice@staffordshire.gov.uk
Or visit our website at: <http://www.staffordshire.gov.uk/business/tradingstandards/>



Appendix 3

Public Protection
Trading Standards
2 Staffordshire Place
Tipping Street
Stafford
ST16 2DH

Mr David Symons
130 Belvedere Road
Burton-upon-Trent
DE13 0RE

Telephone: 01785 277380
Facsimile: 01785 259760
E-mail: stephanie.dwight@staffordshire.gov.uk
Website: www.staffordshire.gov.uk

Please ask for Stephanie Dwight
For hearing impaired callers only, please call
Minicom (01785) 276207

EVU 191361

27th June 2018

RESTRICTED

Dear Mr Symons

Re: Licensing Act 2003

On 15th January 2018 a 16 year old child visited Symons, 130 Belvedere Road and purchased a 500ml Rekorderlig Cider. The sale was made by Gillian Wigley.

With reference to the case of the above alcohol test purchase and further to a telephone discussion with Mark Wilson (Principal Trading Standards Officer) on 26th June 2018, I write to confirm details of the discussion and request to submit a voluntary minor variation application as a means to adding conditions to the current premise licence.

As discussed with Mark, in the absence of an application being made a Responsible Body may wish to make an application for licence review to ensure that the community is protected for supply of alcohol to underage persons, as another means to add conditions to a premise licence.

I enclose the relevant paperwork from East Staffordshire Borough Council, along with guidance notes. For further guidance and assurance regarding the application please contact Licensing Officer Kathryn Critchley kathryn.critchley@eaststaffsbc.gov.uk tel: 01283 508030 (main switchboard -please ask for Licensing).

The proposed timescale for submitting the forms is... in the meantime if you would like a further discussion please don't hesitate to contact us using the above details.

Yours Sincerely

Stephanie Dwight
Enforcement Officer – Community Safety

Appendix 4

Licensing Conditions

Protecting Children from Harm

1. A Challenge 25 policy must be adopted and enforced at the premise where all persons who appear to be under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.
2. The only acceptable forms of identification must be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
3. Challenge 25 posters must be displayed at all entrances to the premise, all areas where alcohol is displayed and at the cash till payment area.
4. Posters must be displayed prominently and in sight of customers & staffs.
5. At each till there must be placed a date of birth check card which must be kept updated at all times with the current date at which a person must be born to be aged 18 or over.
6. Cash registers in the premises must be fitted with automatic till prompts to ensure that Challenge 25 is implemented at all times.

N.B – Only 5 or 6 is required.

7. A refusals register with details of all refusals must be maintained at the premise. The register must contain details of the staff member refusing the sale and must be checked on a 2 weekly basis by the Designated Premises Supervisor and signed and dated by the Designated Premises Supervisor.
8. The refusals register or when on the till a print out of refusals must be produced and made available for inspection at the time of the visit by any Responsible Authority.
9. Prior to selling alcohol, all persons involved in the sale of alcohol & age restricted products who are not the holder of a Personal Licence must receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor or external training provider with regards to the law in relation to the sale of alcohol & age restricted products and responsible retailing.
10. Such training must be recorded and up to date training records of all such persons must be maintained at the premise and produced and made available for inspection at the time of the visit by any Responsible Authority. Both initial and subsequent refresher training in relation to the sale of alcohol & age restricted products must contain a test to be undertaken by the staff member and this test or online certificate

must be made available at the time of the visit to any Responsible Authority.
Records for each person must be retained for a minimum of 12 months.

Conditions Agreed by(Print Name)

Signature:

Date: