

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS

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 as necessary. You may wish to keep a copy of the completed form for your records.

I Charlotte Edwards – Thurrock Council Trading Standards

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87 for the premises described in Part A1 below (delete as applicable).~~

Part 1 Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey reference or description Costcutter (formerly trading as East Tilbury Supermarket) 87-89 Coronation Avenue	
Post Town East Tilbury	Post Code RM18 8SW

Name of premises licence holder or club holding club premises certificate (if known) Mr <u>Tajinder</u> Gurver, Brick Lane, Northolt, UB5 6NH <u>Tajinder</u> Singh Khurana, 100 Rushdene Crescent, Northolt, UB5 6NH
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Number of premises licence or club premises certificate (if known) 05/00672/LAPRE

Part 2 – Applicant details

I am	Please Tick ✓ yes
1) an interested party (please complete (A) or (B))	<input type="checkbox"/>
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
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name	
Charlotte Edwards - Principal Trading Standards Officer	
Address	
Thurrock Council, Civic Offices, New Road, Grays Essex, RM17 6SL	
Telephone number (if any)	01375 652477
Email address (optional)	chedwards@thurrock.gov.uk

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

Please tick ✓ one or more boxes Yes

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

As per the information provided overleaf, the premises is believed to be failing to meet the Licensing Act objective 'protection of children from harm' by allowing a sale of alcohol to a 16 year old volunteer working with Trading Standards.

This review is brought about to amend and add to the existing conditions on the licence in order to prevent the sale of alcohol to children in the future. We also seek a 14 day suspension of the premises licence to give the premises licence holders time to implement the majority of the requested conditions and to reflect on the implications of breaching the licensing objective.

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

On 14 August 2017 officers from Thurrock Council's Trading Standards department carried out an underage test purchasing operation in Thurrock. They were accompanied by two female volunteers, aged 15 and 16, who were instructed to attempt to purchase alcohol or cigarettes from five premises. The Trading Standards Officers in attendance on this day were Clare Cunningham and Steve Dorning.

At about 4.20pm the 16 year old volunteer, accompanied by the 15 year old, purchased a bottle of Blossom Hill rose wine (11% ABV) from Costcutter on Coronation Avenue, East Tilbury. The seller was Tajinder Singh Khurana, one of the premises licence holders at these premises. Mr Khurana did not ask the volunteer for ID or to confirm her age but merely asked whether she wanted a bag. A covert camera was used to record the test purchase.

Out of the five premises tested that day only two premises made a sale of an age restricted product to our volunteers.

Mr Khurana was subsequently interviewed on the 14 September 2017 to discuss the procedures he had in place to prevent underage sales from occurring.

The key points raised in the interview include:

- The business is Seth's Supermarket Ltd – the directors are Tajinder GRUVAR and Tajinder Singh KHURANA.
- The shop is open 7am-10pm. In addition to Khurana and Gruvar there are two part-time female employees who may work alone in the shop.
- Mustafa ER, listed as the Designated Premises Supervisor, has no involvement in the business.
- On the day of the sale Mr Khurana was very tired. His colleague had been to a wedding all weekend so Mr Khurana had worked extra-long shifts.
- Mr Khurana believed the 16 year old volunteer to be 27/28 years old, and possibly the mother of the 15 year old volunteer.
- The shop is still not displaying any Challenge 25 posters displayed nor the statutory tobacco notice.
- Mr Khurana last attended underage sales training 3-4 years ago to get his personal licence (Since the sale Mr Khurana has attended the DoYouPass? age restricted sales training run by Thurrock Trading Standards).
- Mr Khurana couldn't find his refusals book at the time of the test purchase due to the shop being refurbished. He produced his refusals book during the interview – it had just 2 entries in it (19 May and 1 June 2017).
- No underage sales training has been given to the two female staff other than to remind them to check id.
- They have till prompts but this isn't comprehensive – some age restricted items when scanned will not trigger the prompt.

A transcript of the interview and exhibits from the officers' statements can be made available to the Licensing Committee but have not been submitted at this stage due to their sensitive nature.

In addition to the facts of this sale, the Licensing Committee may wish to consider the following points:

- In July 2016 a sale of illicit tobacco was made from these premises to our adult test purchaser
- In September 2016 a multi-agency visit to these premises resulted in a seizure of illicit tobacco and non-duty paid alcohol
- A Challenge 25 test purchase attempt of alcohol in April 2017 by a 19 year old volunteer resulted in no sale being made
- In April 2017 we received a complaint from a local resident, who believed that these premises were selling alcohol and other age restricted products to children.

Following this complaint Trading Standards Officer Clare Cunningham visited the premises in April 2017 to offer further advice on the law and due diligence measures in respect of age restricted products. The owners were not there therefore Miss Cunningham spoke to an employee who was working there alone. The employee advised she had not received any training on age restricted sales since working there, was not aware of whether the shop followed a Challenge 25 policy and was not aware of the existence

of a refusals book. Miss Cunningham left an underage sales pack with the employee to pass on to the owners, consisting of Challenge 25 posters, advice on the law and due diligence procedures and a blank refusals book.

Following the visit Miss Cunningham made two phone calls to 'Tajinder', who confirmed he was one of the owners of the business. It is believed that the conversation was with Tajinder Gurver. She advised him about the complaint that the department had received and reiterated her advice on due diligence procedures, including the provision of staff training (and keeping records of training), maintaining records of refused sales, following a Challenge 25 policy etc. It would appear that none of these measures were put into place at the time of the test purchase three and a half months later.

In order to prevent alcohol being sold to persons under the age of 18 in the future, and to ensure compliance with the Licensing Act objective 'protection of children from harm', this department would like to request that some of the current conditions are improved and further conditions are added to the Premises Licence.

We request that the following conditions are attached to the licence:

1. A Challenge 25 policy will be adopted at the premises and all staff will be trained in its operation. Any person who appears to be under the age of 25 will be asked for ID and the sale will be refused if they are unable to provide valid identification. Signage will be prominently displayed within the premises and particularly near the alcohol aisle to advertise the fact a Challenge 25 policy is in operation.
2. The only acceptable forms of identification will be a photographic driving licence, passport or a "PASS" approved identification card.
3. Written training records will be kept for all staff for the duration of their employment and for up to six months after the individual may leave employment. This should include signed and dated forms from employees that state they have received and understood the training.
4. The premises licence holder(s) will ensure that ongoing staff training is provided in relation to age restricted products and such training will be provided at least once every six months.
5. No sale of alcohol will be made by any person who has not received training on age restricted products.
6. A system will be in operation on all electronic points of sale which prompts staff to verify the age of a purchaser when age restricted products are scanned. The premises licence holder or DPS will conduct checks at least once every six months to ensure the system is functioning properly and keep a record of these checks.
7. A Trading Standards approved refusals book will be used to record all sales of alcohol which are refused including where possible the date, time, product, description of the purchaser, reason for the refusal and member of staff refusing. All staff should be trained how to use it and the DPS or premises licence holder will inspect and sign this at least once a week.
8. All new staff selling alcohol will attend the PASS Training as arranged by Thurrock Council within six months of starting employment at the premises, or other equivalent training as agreed with Thurrock Trading Standards. All existing staff should attend the PASS training or agreed equivalent before the end of March 2018.
9. As a refresher the premises licence holders and designated premises supervisor will attend an accredited training course such as the BIIAB Personal Licence Holders Level 2 Award, BIIAB Level 2 Award for Designated Premises Supervisors, or an equivalent training course as agreed with Thurrock Trading Standards, by 30 June 2018.

It is also requested that the current DPS is reviewed and replaced by a Personal Licence Holder that is in day to day control of the sale of alcohol.

In addition to these conditions we would request that the premises licence be suspended for 14 days. This will give the business time to fully implement the majority of the requested conditions and act as a reminder of the importance of meeting their licensing objectives.

Please Tick ✓ yes

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

If yes please state the date of that application

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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. (please read guidance note 4) If signing on behalf of the applicant please state in what capacity

Signature..... C Edwards

Date..... 2/7/17

Capacity..... Principal Trading Standards officer

Contact name (where not previously given) and 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 objective.

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.

STATEMENT OF WITNESS

(Criminal Procedure Rules 2011, r 27. 1 (1); Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5a & s.5B)

STATEMENT OF: Clare Cunningham

Occupation of Witness: Senior Trading Standards Officer

Age of Witness: Over 18

This statement consisting of 3 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Dated:

Signed:

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1. I am a Senior Trading Standards Officer employed by Thurrock Council, based at the Civic Offices, New Road, Grays, Essex. I am authorised to enforce a wide range of consumer protection legislation. I hold certificate number 10034 issued under section 73 of the Weights and Measures Act 1985 and have been appointed by Thurrock Council to act as an Inspector of Weights and Measures.
 2. On 14 August 2017 my colleague Steve DORNING and I carried out an underage sales test purchasing operation. One of the premises tested was Costcutter, Coronation Avenue, East Tilbury. At the time of my previous visit to these premises the business had been trading as East Tilbury Supermarket.
 3. The history of the premises is that on 20 April 2017 East Tilbury Supermarket had been tested on its Challenge 25 policy, in that a 19 year old volunteer attempted to purchase some alcohol. On that occasion no sale was made as ID was requested and the sale declined when the volunteer stated that she had none.
 4. On 26 April 2017 the Trading Standards department was contacted by a resident of East Tilbury who believed that alcohol and other age restricted products were being sold to children from these premises. Following the complaint I conducted an advisory visit to the premises on 28

Signature.....

April. At the time of the visit none of the owners/licence holders were present therefore I spoke to an employee and carried out a general inspection.

5. I advised of the complaint we had received and asked the employee about what policies and procedures the store had in place to prevent underage sales. She advised me that she had not been trained on age restricted sales here, although she had previous retail experience and had been trained elsewhere. She was not aware of any Challenge 25 policy in the shop but tended to adopt one anyway. She was not aware of the existence of a refusals book. I gave her an underage sales pack to pass on to the owners, consisting of Challenge 25 posters, advice on the law and due diligence procedures and a blank refusals book. She gave me the telephone number for the owner of the business, 'Tajinder'.
6. I followed my visit up with a phone call to Tajinder, who I spoke to on two occasions (4 and 9 May) as on the first occasion his mobile reception was poor. I reiterated my advice on due diligence, of ensuring all staff were trained and that records were kept of training, of keeping records of refusals and of following a Challenge 25 policy. I advised him that Trading Standards carry out test purchasing, of which he was aware, having received notification of the previous Challenge 25 test purchase result.
7. On 14 August, the day of the test purchasing operation, we used two female volunteers, OP aged 15 and AL aged 16. At the beginning of the operation I conducted a briefing of the two volunteers, explaining the process of test purchasing and the importance of telling the truth. I took five images of the two girls and measured their heights: OP measured 1.66m and AL 1.67m. Two of the images are produced as exhibits **CC/ET/1** (image of AL) and **CC/ET/2** (the two volunteers together). None of the images has been altered, retouched or enhanced in any way, each being a faithful reproduction of the image on that date.
8. At approximately 16.20 I instructed the girls to attempt to purchase alcohol from East Tilbury Supermarket/Costcutter. I reminded them to tell the truth if questioned about their age. I gave them £20 and then switched on the covert camera. They had agreed between them that AL would be buying the alcohol. I watched them walk towards the shop and disappear around the corner. My colleague Steve DORNING was observing the entrance from another location.
9. A few minutes later I observed the girls walking towards me, with AL holding a bottle of Blossom Hill wine (alcohol content 11%). She handed me the bottle, which I immediately sealed in a bag

with tag number A002041. I produce the bottle of wine as exhibit **CC/ET/3**. She described the seller to me as male, wearing a turban, aged approximately in his 40's and having a beard. No questions were asked about her age or ID, just whether she wanted a bag. She paid £6 for the wine.

10. Steve DORNING then returned to the shop to speak to the seller and take photos in the shop.

The seller was identified as Tajinder Singh KHURANA.

11. On 14 September 2017 I interviewed Mr KHURANA. During the interview Mr KHURANA produced a document titled 'Challenge 25 – Record of refusals'. I produce a copy of this in evidence as exhibit **CC/ET/6**.

12. I produce the master disc of the interview as **CC/ET/7** and a transcript of the interview as **CC/ET/8**.