

**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 Charlotte Edwards

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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

Eagle News
6 Grover Walk

Post town
Corringham

Post code (if known)
SS17 7LY

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

Hirenbhai Mafatbhal Patel

Number of premises licence or club premises certificate (if known)

10/00923/LAPRE

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

Please tick ✓ yes

I am 18 years old or over

**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 Charlotte Edwards Trading Standards Manager Thurrock Council Civic Offices New Road Grays Essex RM17 6SL
Telephone number (if any) 01375 652477
E-mail address (optional) chedwards@thurrock.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 2)

As per the information provided overleaf, the premises is believed to be failing to meet the Licencing Act objective, “protection of children from harm” by allowing a sale of a nicotine product (disposable vape) to a 16-year-old volunteer working with Trading Standards.

Such products are age restricted and like alcohol, can only be sold to persons over the age of 18. This is intended to prevent children having access to potentially harmful goods.

This review is brought about to amend and add to the existing conditions on the license in order to ensure alcohol is not sold to children.

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

This department is fully aware that this sale was in relation to a nicotine vaping product and not alcohol. Despite this however, taking into the account the circumstances of the sale, the recent history of the premises and the same age restriction on vapes as with alcohol there is a significant concern that this business is not meeting the Licencing Act objective - "protection of children from harm." It is a firm belief that due to the actions of the seller on the day in question, it is highly likely they would have sold alcohol to the volunteer as well as the vape had the child picked up an alcoholic drink.

On 19th October 2022, officers from Thurrock Council's Trading Standards department carried out an underage test purchasing operation. They were accompanied by a 16-year-old female volunteer who was instructed to attempt to purchase a nicotine product (disposable vape) from six premises.

At 12.05pm the volunteer entered Eagle News, 6 Grover Walk, Corringham and was able to purchase a Zu Strawberry Vape (containing 20mg/ml nicotine). The sale was made by Jigna Patel the wife of the owner.

There are concerns about the manner in which this sale was made as Mrs Patel did not ask the volunteer for ID or to confirm her age. The shop was well lit and Mr Patel was on the premises at the time.

Out of the six premises tested that day four businesses refused the sale after asking for ID or the volunteer's age.

Mr Patel, the Premises Licence Holder was interviewed on 8th December 2022. He was given the opportunity to outline any age verification policies and any mitigating factors as to why this sale was made.

Key factors from the interview;

- Mr Patel and his wife are partners in the business which they have owned since 6th March 2022.
- Mr Patel does not have any previous retail experience.
- He stated he has gained experience of shop keeping by visiting a friend's shop.
- He has no records of training
- Mr Patel could not remember if he was a Personal licence Holder and said he did not recall doing any training for it.
- He stated he has another member of staff who works at the shop, but as that person owns his own shop, he has not provided training.
- He doesn't maintain a refusals log at present.

Mrs Patel was also interviewed separately that day and stated;

- She has a separate job in beauty.
- She was training on the day of the sale.
- Her husband had given her verbal instructions on preventing underage sales and said she should ask him before doing anything.
- She decided to sell the vape without referring to her husband who was on the premises at the time.
- When shown a photo of the volunteer she stated, "she looks mature." When she was told the volunteers age, she went on to say, "I didn't have any experience of anything."

Transcripts of the interview and exhibits from the officers' statements will be made available to the Licensing Committee and Premises Licence Holder in advance.

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

- On 26/7/22 the business had received an advisory visit from Trading Standards to advise them about the sale of vapes and other age restricted items. During this visit they were advised to operate a Challenge 25 policy and to ask customers looking 25 and under to show ID when purchasing age restricted items like alcohol and vapes.
- A Challenge 25 test purchase was carried out on 18/8/22. The 18-year-old volunteer was able to purchase an electronic cigarette without being asked any questions about their age or to provide ID. The officer on the day returned to the store and alerted Mr Patel to the failure. He stated that he thought the volunteer was 21 and that he didn't operate a Challenge 25 policy. Mr Patel was sent a Challenge 25 failure letter the next day with advice to use a Challenge 25 policy.

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.

1. A refusals record shall be maintained at the premises that details all refusals to sell age restricted products. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. All staff should be trained how to use it and the DPS or his appointed deputy will inspect and sign this at least once a week. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
2. A Challenge 25 policy will be adopted at the premise 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 to advertise the fact a Challenge 25 policy is in operation. The premises shall clearly display signs at each point of sale. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
3. The only acceptable forms of identification will be a photographic driving licence, passport or a "PASS" approved identification card.
4. Written training records will be kept for all staff for the duration of their employment and for at least 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.
5. All staff engaged in the sale or supply of age restricted products on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
6. No sale of alcohol or other age restricted products will be made by any person who has not received training on age restricted products.
7. The premises shall display prominent signage indicating at any point of sale, at the entrance to the premises and in all areas where alcohol is located that it is an offence: for a person under the age of 18 to buy or attempt to buy alcohol; or buy, or attempt to buy, alcohol for a person under the age of 18.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
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. 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.

