

APPENDIX B

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



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

061963

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 Insp Nigel Rixon

(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

39 WESTERN BOULEVARD

Post town LEICESTER

Post code (if known) LE2 7HN

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

SCHNAPS OFF LICENCE

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

LEIPRM1423

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 Insp Nigel Rixon, Force Licensing Department Leicestershire Police, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG
Telephone number (if any) 101 Ext 4430
E-mail address (optional) licensing@leicestershire.pnn.police.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)

This application is made with regards to the licensing objective "the protection of children from harm"

1. The application is made following a result of 2 test purchase operation failures within a 12 month period.
2. These premises began trading as a new premises in May 2012 under the present Premises Licence Holder and Designated Premises Supervisor Mustafa KELES.
3. On the 03rd July 2012 Mr KELES requested a Challenge 21 pack from the Licensing Team at Leicestershire Police.
4. On the 19th November 2013 a test purchase operation was conducted by Leicestershire Police and a 15years 5 months old female was sold a bottle of wine by the Designated Premises Supervisor Mr Mustafa KELES. 13 premises were visited during the operation with a sale being made at 3 premises including this sale.
5. On the 05th December 2013 an interview was conducted with Mr Keles regarding the sale of wine on the 19th November 2013. During the interview he stated that he sold due to a silly mistake. He had recently lost his father and should not have been in work however his staff had had a day off so he was there but couldn't really focus. He was issued a penalty notice for disorder fine.
6. On the 15th April 2014 a second test purchase operation was conducted by Leicestershire Police using a 15 years 10 months old female. On this occasion a 568ml bottle of Stella Cider was sold by Mr Abdul RAUF a member of staff.

7. On the 21st May 2014 an interview was conducted with Mr Rauf regarding the sale made on 15th April. During the interview RAUF stated that he had argued with his wife that morning which caused him to be emotional and stressed and he was not concentrating. He admitted that he did not look at the young girl when she purchased the alcohol. RAUF was issued with a £90 penalty notice.

8. Whilst not wishing to restrain the Committees discretion we ask that the following conditions be considered in order to promote the licensing objective

(a) A condition that all alcohol sales be made by the holder of a Personal Licence.

(b) A condition that the licence holder will introduce an age verification policy requiring the production of "proof of age" for any sale where there is suspicion that the customer is under 25. Such proof must be in the form of a valid passport, driving licence, P.A.S.S. hologram card or HM Forces Identity card.

(c) The Licence holder will ensure that a minimum of 5 notices are displayed in prominent positions on the premises informing customers that Challenge 25 is in operation at the premises.

(d) The Licence holder will ensure that the premises has a digital CCTV system installed and that images are recorded at all times during the premises opening times and retained for a minimum 31 days. This system will be maintained in accordance with the Information Commissioners CCTV Code of Practice and recorded images will be made available to Police or Responsible Authorities within 24 hours of making a formal request being made.

(e) The Licence holder will ensure that all staff are trained at three monthly intervals and that the training is documented. The training must include their responsibilities in relation to the Licensing Act 2003 and Age Verification procedures as a minimum before they are allowed to sell alcohol. A signed record of the training and a copy of the documented training to be kept on site and made available to any responsible authorities on request.

(f) The Licence holder will operate and maintain a refusals register which must remain on the premises and be made available immediately upon request to any responsible authority.

We further request that the Committee consider the removal of Mr Mustafa KELES as the designated Premises Supervisor.

We request the Committee consider the licence be suspended as described in 11.23 of the Guidance issued under Section 182 of the Act

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

The premises is a small shop where 90% of the stock is alcohol. It is situated close to both a large open park area and the De Montfort University campus.

Supplied with the application is a copy of the Contemporaneous Note Interview conducted on 05th December 2014 with Mr Mustafa KELES by PC1790 Webb in relation to the sale of alcohol on the 19th November 2013.

A copy of the Contemporaneous Note Interview conducted on 21st May 2014 with Mr Abdul RAUF by PC1790 Webb in relation to the sale of alcohol on 15th April 2014.

Also supplied is a copy of the refusal register and training documents supplied by Mr RAUF when he attended for the interview on 21st May 2014.

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

22nd May 2014

Capacity Licensing Officer

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.