

Appendix A

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 Kent County Council Trading Standards

(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 Beverages 39 High Street	
Post town Maidstone	Post code (if known) ME14 1SS

Name of premises licence holder or club holding club premises certificate (if known) K & A Supermarkets Limited

Number of premises licence or club premises certificate (if known) 10/02283/LAPRE

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 Richard Strawson Area Manager Kent County Council Trading Standards PO Box 286 West Malling Kent ME19 4HW
Telephone number (if any) 01732 525291
E-mail address (optional) Richard.strawson@kent.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

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

As per the information provided below, the premises is believed to be failing in the Licensing Act objective of Protecting Children from Harm following a failed test purchase of alcohol to two volunteers (one aged 16 and one aged 15) on 16/2/12

Please provide as much information as possible to support the application

Beverages, situated in Maidstone town centre, was issued with a licence in July 2010. Maidstone town centre is a designated Kent Community Alcohol Partnership zone whereby Kent Trading Standards and other partners work in close liaison to support retailers in respect of age restricted sales.

The core of this work took part during 2010 prior to Beverages opening, however the holder of the premises licence at that time owned and managed another Maidstone town centre retailer that sold alcohol and therefore benefitted from a series of advisory visits carried out in that time.

In January 2012 a report was received from a third party who had been advised by a concerned parent that a 17 year old was regularly being served alcohol at this premises and he would pass the alcohol to other underage persons.

As a result of this information an advisory visit was carried out on 3rd February 2012 where a number of issues were raised with the owner Mr Kambiz Chegini (director of K & A Supermarket Ltd). (Appendix 1 – Statement of Oliver Jewell regarding advisory visit)

The premises licence already contains a condition that all staff will be trained in Challenge 25, that this training will be auditable and notices to advise customers of this policy will be prominently displayed in all areas.

At the time of the visit there were no Challenge 25 posters on display and no training records were available. It was explained that the installation of a new tobacco gantry accounted for the posters and that all staff were either family or had been trained at the owners' previous premises by staff of Kent Trading Standards. Records of this were unavailable and no further training had been carried out.

It was also an existing condition of the licence that a Refusals Book be maintained to record where staff have challenged young people for ID when making age restricted sales. At the time of the visit the most recent recorded entry was for April 2011. When questioned why no refusals had been recorded for approximately 10 months it was stated by Mr Chegini that as they know all the local youths they do not need to make refusals.

On 16th February 2012 a Test Purchase operation was carried out by Kent Trading Standards in the Maidstone area using two female volunteers, one aged 16, one aged 15. A sale of a large bottle of Archer's Aqua was made by an employee of the shop to the volunteers without asking for their age or if they had any identification. (Appendix 2 – Statement of Esther Flinders – witnessing officer)

The person who made the sale advised officers after the sale that he believed the volunteers to be 'over 18' but had not applied a Challenge 25 policy as he was busy. At the time of the test purchase only the witnessing officer was behind the volunteers in the queue and CCTV footage shows one other male enter the shop while the transaction was taking place. At the time of this visit there were still no Challenge 25 posters displayed.

A further test purchase attempt was made on 15th March 2012 which was on this occasion refused by Mr Chegini. Mr Chegini attended an interview with Kent Trading Standards on 19th March 2012 where refusals records were produced starting shortly after the advisory visit in February 2012. Mr Chegini was however still unable to produce training records for his staff.

Due to the failed test purchase and breaches of the existing licence conditions, a 14 day suspension of the premises licence is requested by this department in order to address the seriousness of the matter. In addition to a licence suspension the following additional condition is also requested to be added to the premises licence: -

1. A personal licence holder will be on the premises at all times when alcohol sales are to be made. At times where no personal licence holder is on the premises no sales of alcohol are to be made and a sign must be prominently displayed to advise that 'NO ALCOHOL SALES' at that time.

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

23/3/12

Capacity

ALEX MANAGER

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

Oliver Jewell
Kent County Council Trading Standards
PO Box 286

Post town
West Malling

Post Code
ME19 4HW

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) oliver.jewell@kent.gov.uk

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.

**KENT COUNTY COUNCIL - TRADING STANDARDS
STATEMENT OF WITNESS**

Statement of (full name): Oliver Lee Jewell
Age of Witness: Over 21 Date of birth:
Occupation of Witness: Trading Standards Officer

This statement (consisting of two 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.

Signed *Oliver Jewell* **Date** *20/3/12*

On the 3rd February 2012 I conducted an advisory visit to Beverages, 39 High Street, Maidstone. I met with Mr Kambiz Chegini who advised he was the owner of the business. The holder of the premises licence was K & A Supermarkets Ltd, however Mr Chegini advised me that he was in the process of having the licence transferred into his name. I advised Mr Chegini on best practice measures, including Challenge 25 for which there were no posters displayed and the keeping of refusal books. I was shown a refusal log in which the last recorded entry was in April 2011. I was advised that in the period between that entry and my visit no refusals needed to be made due to staff knowing the local youths and as a result young people not trying to purchase alcohol. Also at the time of my visit the statutory notice regarding the sale of tobacco was not on display. I sent a copy of this notice as well as three Challenge 25 posters on 6th February 2012 and re-visited on 10th February 2012. During this visit I noted that the tobacco notice was now being displayed, however no Challenge 25 posters had been displayed. On 16th February 2012 I was taking part in an Underage Sales operation in

Signed *Oliver Jewell* **Date** *20/3/12*

KENT COUNTY COUNCIL - TRADING STANDARDS STATEMENT OF WITNESS

Continuation of statement of Oliver Lee Jewell

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Maidstone. A sale of alcohol was made from Beverages during that operation and I attended the shop following the sale. At the time of that visit no Challenge 25 posters were displayed in the shop. *OS*

Signed *Oliver Jewell*

Date *20/3/12*

KENT COUNTY COUNCIL - TRADING STANDARDS STATEMENT OF WITNESS

Statement of (full name): Esther Katherine Flinders
Age of Witness: 30 Date of birth: 15/07/1981
Occupation of Witness: Trading Standards Officer

This statement (consisting of 2 pages 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.

Signed *E. Flinders* Date 17/02/2012

I am employed by Kent County Council Trading Standards as a Trading Standards Officer based at 8 Abbey Wood Road, Kings Hill, West Malling, Kent. On 16th February 2012 I was involved in an underage sales operation in the Maidstone area. At approximately 1825 hours I entered Beverages, 39 High Street, Maidstone. I positioned myself by the cold drinks cabinet so that I could witness the entrance of the underage sales volunteers. At approximately 1825 hours I witnessed [redacted] and [redacted] enter the shop, [redacted] picked up a large bottle of Archers Aqua, peach flavour and proceeded to the counter with [redacted] in order to pay for the item. I positioned myself behind them in the queue for the till, there was no one else in the queue at this point. [redacted] placed the Archers Aqua on the counter and was served by an Asian male, of slim build, approximately 5ft4" and approximately 25-30 years old. The seller looked at [redacted] and [redacted] and then asked for £3.29, [redacted] handed him the money and waited to receive her change. At no point did the seller ask [redacted] her age or for any form of identification. [redacted] picked up the bottle of Archers Aqua from the counter and left the premise. I made my purchase and left the premise. At approximately 1835 hours we returned to the car where I witnessed [redacted] pass

Signed *E. Flinders* Date 17/02/2012

KENT COUNTY COUNCIL - TRADING STANDARDS STATEMENT OF WITNESS

Continuation of statement of Esther Katherine Flinders

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Oliver Jewell the alcohol. *E. Flinders*

Signed *E. Flinders*

Date 17/02/2012