



## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

### PREMISES LICENCE

Premises Licence Number

NWL20377

#### Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Whitwick Service Station And Convenience Store  
Talbot Street  
Whitwick  
Coalville  
Leicestershire  
LE67 5AW

**Telephone number**

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities**

Supply by retail of alcohol	Everyday	08:00 - 23:00
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**The opening hours of the premises**

No time restrictions

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption off the Premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

HKS Retail Limited  
Aquis House  
211 Belgrave Gate  
Leicester  
LE1 3HT

**Registered number of holder, for example company number, charity number (where applicable)**

05448285

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

David John Menhams  
38 Blackbrook Close  
Shepshed  
Leicestershire  
LE12 9LD

Telephone Number:

**Personal licence number and issuing Authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**PERSONAL LICENCE NUMBER OF DPS: PERS4863**

**ISSUING AUTHORITY: Charnwood Borough Council**

**Dated: 24<sup>th</sup> October 2007**

**Catherine Gale  
Licensing Enforcement Officer**

## **Annex 1 – Mandatory conditions**

- 1 No supply of alcohol may be made under the premises 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 of alcohol must be made or authorised by a person who holds a personal licence.

## **Annex 2 – Conditions consistent with the Operating Schedule**

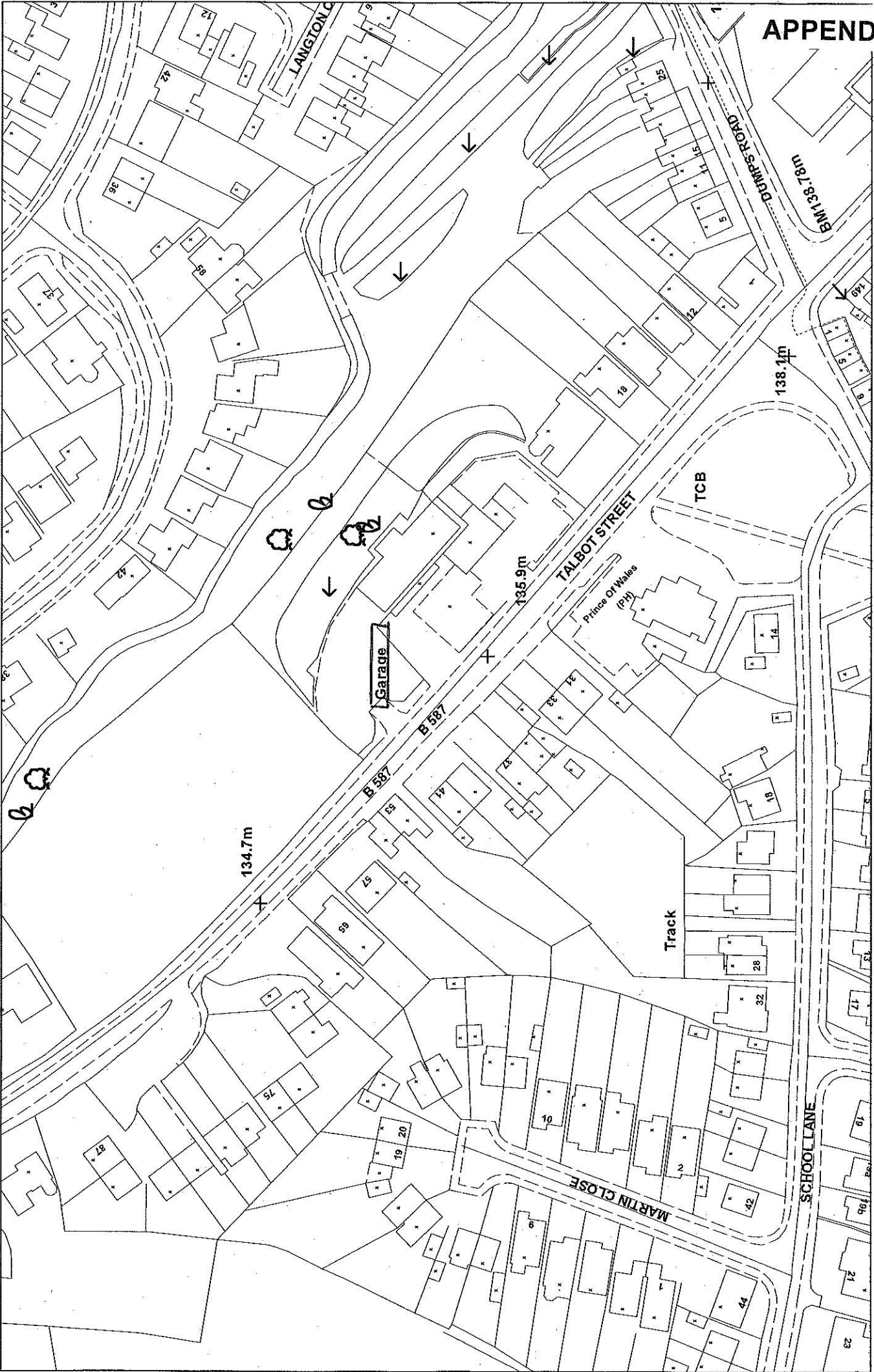
- 1 A CCTV system shall be maintained which is fit for the purpose. The CCTV system shall incorporate a camera covering the entrance and be capable of providing an image which is regarded as identification standard.
- 2 The CCTV system shall incorporate a recording facility and any recordings will be retained and stored in a suitable and secure manor for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- 3 The CCTV system shall be maintained and fully operational throughout the hours that the premises are open for the purpose of licensable activities.
- 4 The precise positions of the camera may be agreed with the police from time to time.
- 5 The applicant shall at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
- 6 Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
- 7 Signage shall be displayed at the exits of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
- 8 All staff shall be trained to request evidence of age from any person seeking to buy alcohol and appearing to the member of staff to be under the age of 18. Such evidence is to be of a photographic nature such as a passport or photographic driving licence until other effective identification technology, such as thumbprint or pupil recognition, is introduced.
9. The plan which accompanies this application indicates the proposed position for the display and storage of alcohol. Alcohol may be displayed or stored, from time to time, in different positions within the store.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

- 1 No later than 5th March 2008 the licence holder will change the top of the wall at the front of the premises to make it less comfortable to sit on. When the licensing officer is satisfied that the licence holder has complied with this condition, the condition will be removed from the licence.

## Annex 4 – Plans

APPENDIX.2



Date: 17 April 2008  
SLA: Not Set  
Scale: 1:1250

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**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 Sean Moore Ps567

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Whitwick Service Station and Convenience Store, Talbot Street, Whitwick,	
<b>Post town</b> Coalville	<b>Post code (if known)</b> LE67 5AW

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> HKS Retail Ltd., Aquis House, 211 Belgrave Gate, Leicester LE1 3HT
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<b>Number of premises licence or club premises certificate (if known)</b> NWL20377
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**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  PS567 Sean Moore, Leicestershire Constabulary Licensing Department, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG
Telephone number (if any)
E-mail address (optional)

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

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

1. On the 9<sup>th</sup> November 2007 police officers conducted a test purchase operation at the premises. A member of staff sold alcohol to the test purchaser and was issued with an £80 fixed penalty ticket. The designated premises supervisor (DPS) Mr Menhams, was given a warning letter.
2. On the 14<sup>th</sup> March 2008 a further test purchase operation was conducted by the police and another member of staff sold alcohol to the 14 year old test purchaser. This matter is currently under investigation.

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

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

**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

*Seán Loane*

Date

17.3.08

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.



Leicestershire  
Constabulary

**Licensing Act 2003 - Report to the Licensing Committee regarding the Police application to review the premises licence at Whitwick Service Station and Convenience Store.**

**Background – why we have made the application:**

Sir,

I report in my capacity as the licensing officer for the Leicestershire Constabulary

TWY - Trouble With Youths is the most common heading found on police incidents. Hardly an evening goes by without complaints being received about groups of noisy youths gathering in urban areas.

It is frequently the case that such behaviour is fuelled by alcohol and those that have consumed it are under 18 years of age. This is dangerous drinking because it is unsupervised and such young people do not understand the strength of different alcoholic drinks and the time it takes to have effect. Typically they will drink spirits such as vodka and rum as if they were orange squash or lemonade. Clearly this can have serious health implications and the antisocial behaviour that can result has to be seen to be believed.

Whether the sales to young people are the result of greed or simply through negligence makes no difference – the result is the same - problems for the police, the NHS and the community as a whole.

This unhappy state of affairs has been recognised at Government level resulting in both the police and trading standards officers being encouraged to tackle the problem by mounting test purchase operations.

Here in Leicestershire these operations have been run, since 2002. Sadly the results have been very disappointing with over half the premises visited selling to under age test purchasers.

Where possible premises that have sold have been re-visited in later operations and I am pleased to say, the majority have not re-offended. Unfortunately this premise is in the minority that have sold twice.

Those of us involved in the administration and enforcement of the Licensing Act are well aware of the difficulty in accurately assessing the age of young people.

In order to assist the trade the ACPO and DCMS have promoted the "Challenge 21" approach where staff are instructed to require identification from anyone who appears to be under that age.

There has been a massive amount publicity surrounding this issue in the media. The Leicestershire Constabulary produced over 2000 information packs, which were distributed amongst retail outlets in the County prior to the commencement of the new Act. Information is readily available from the BII, the Portman Group and trading standards departments.

No doubt you have seen signs in supermarkets and elsewhere stating that it is company policy to operate this scheme.

**Do you think it would have been possible for these sales to have taken place if the licensee and staff had embraced the challenge 21 policy?**

I note the existing licence has a condition which reads:

**"All staff are to be trained to request evidence of age from persons seeking to buy alcohol and appearing, to the member of staff, to be under the age of 18 ..."**

**During the operation which produced the sale on the 14<sup>th</sup> March 2008 thirty seven premises were visited using the same test purchaser and only two premises sold to her.**

The bottom line is that both the Police and the City trading standards department no longer have any confidence in the licence holder's effectiveness in promoting the licensing objectives.

#### **Proposals.**

I started this report by referring to the bigger social picture, which provides the background to these particular incidents. The Licensing Act 2003 is a liberalising piece of legislation but it is balanced by providing you with the power to prevent abuses of the law.

Paragraph 11.25 of the Guidance published under Section 182 of the Act states, in relation to reviews,

"There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously."

There follows a list which includes, "for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people."

The following paragraph includes, "it is expected that the revocation of the licence – even in the first instance – should be seriously considered."

If you are not minded to take that course of action may I ask you to consider the following:

1. The licence be suspended for up to 3 months. This would provide time for the training of staff.
2. The removal of the current designated premises supervisor.
3. A condition that the licensee will ensure that CCTV is installed following advice from the Leicestershire Constabulary Crime Reduction Officer and maintained in accordance with the Information Commissioner's CCTV Code of Practice. (This can prevent as well as detect crime.)



4. A condition that the licensee will adopt the Challenge 21 policy and provide adequate, documented training for staff before they are allowed to serve alcohol.
5. A condition that the Designated Premises Supervisor will undertake the BII level one award in Responsible Alcohol Retailing within the next 3 months. This course is recommended by Hazel Blears, the Home Office Minister, as it focuses on the importance of not selling to under age persons.
6. A condition that no alcohol will be sold unless the container bears a label identifying the store from which it was sold. This will assist the responsible authorities in identifying the source of recovered alcohol and containers.

Sean Moore Ps567  
Licensing Officer  
17th March 2008

## Witness Statement


(CJ Act 1967, s9; MC Act 1980, s5A (3A) and 5B; M.C.Rules 1981, r70)

Statement of: **Dwight Barker**

Age: Over 18

This statement (consisting of 2 page(s), 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: 28/03/2008

Signature: 

I am Police Constable 2005 of the Leicestershire Constabulary, currently based at Coalville Police Station.

I have worked at Coalville Police station since March 2004, initially as a general duty local police officer. From November 2004 onwards I had been affiliated to the "N24" beat, consisting of Whitwick and Thringstone. Since February 2007 I have been in the role of the Principal Beat Officer (PBO) for Whitwick and Thringstone. For the whole time I have been aware of the area, problems associated with young people acting in an anti-social way has been one of the main problems on the beat. Further investigation into this problem as part of my current role has suggested the consumption of intoxicating substances, particularly alcohol, is one of the main elements of this problem. To address this element of the problem there have been plain clothes alcohol confiscation patrols operating in the area. When alcohol is confiscated from the young people, they are always questioned about the source of the alcohol they have with them. In addition the parents of the persons involved are spoken to. From the information provided; as well as other community sources, I have been informed by several sources that the young people are currently congregating outside the JET PETROL Station, HKS retail, on TALBOT STREET, WHITWICK, LEICESTERSHIRE. They then ask person over 18 years old to purchase alcohol for them and this is the main source of alcohol for young people in the area. This problem leads to other associated problems such as litter, vandalism (including arson), trespassing, and more serious criminal offences, as well as complaints of anti-social behaviour through loud noise, abusive language and inconsiderate and offensive behaviour. This is a cause of considerable harassment, alarm and distress to the residents and users of the area and Leicestershire Constabulary are trying to address this problem. In addition to this indirect selling of alcohol as described, I am also aware of direct sales to under age persons on 2 occasions and alcohol being stolen from the store as well. I would ask that the store be addressed about this problem at any

Signature:




Signature witnessed by:

Continuation Statement of: Dwight Barker

subsequent licensing review.



Signature:		Signature witnessed by:	
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