

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE – 24TH SEPTEMBER 2008

Title of report	APPLICATION FOR REVIEW OF A PREMISES LICENCE
Contacts	<p>Councillor Nicholas Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Commercial Services Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Licensing Enforcement Officer 01530 454838 emma.mchugh@nwleicestershire.gov.uk</p>
Purpose of report	To determine an application for a review of a premises licence in respect of premises trading as 4 R Convenience and located at 27 Market Place, Kegworth, Derbyshire, DE74 2EE. This report outlines the application and also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's Licensing Policy.
Strategic aims	Strong and Safer Communities
Implications:	
Financial/Staff	Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.
Link to relevant Corporate Action Team	Safer CAT
Risk Management	The usual risks of cost involved of an appeal against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.
Equalities Impact Assessment	Equality Impact Assessment to be undertaken during 2008/9.
Human Rights	See the body of the report.
Transformational Government	N/A

Consultees	Leicestershire Fire and Rescue Service, Trading Standards, Health and Safety, Environmental Protection, Planning and members of the public/local businesses by way of notice at the premises, on the Council's website and at the Council Offices, Coalville.
Background papers	Guidance issued under Section 182 of the Licensing Act 2003 - available for reference at www.culture.gov.uk and Statement of Licensing Policy -available for reference at www.nwleics.gov.uk/licensing
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.

1. Background

- 1.1 The premises currently operate as an off licence and are the holders of a premises licence. The premises licence permits the sale of alcohol for consumption off the premises from 8am until 11pm on Monday to Saturday and from 10am until 10.30pm on Sunday. A copy of the premises licence is attached as appendix 1.
- 1.2 On 4th July 2008, an application for a review of the premises licence was received from the Leicestershire Constabulary. A copy of the application and supporting evidence is attached as appendices 2 and 3. The review application relates to the prevention of crime and disorder, public safety, public nuisance and protection of children from harm licensing objectives and the grounds for review are as stated in the application form:
- The premises licence has been held by Mr & Mrs Vandra since the Licensing Act 2003 came into force. Mr Vandra is the designated premises supervisor (DPS).
 - On the 16th June 2007, the police conducted a test purchase operation at the premises in relation to alcohol sales to under age persons. No sale was made.
 - On the 10th November 2007 another test purchase operation resulted in a member of staff selling alcohol to an under age person. The seller was issued with a £80 fixed penalty ticket and Mr Vandra was issued with a warning letter.
 - On the 14th March 2008, a further test purchase was refused.
 - On the 13th June 2008, a member of staff sold alcohol to an under age test purchaser. She was issued with a £80 fixed penalty ticket
 - On the 14th June a further test purchase took place using a different purchaser than the previous day. Another member of staff sold alcohol to the girl.
 - On the 20th June 2008 police interviewed Mr Vandra regarding these matters.

1.3 Leicestershire Constabulary recommend the suspension of the premises licence for up to 3 months and/or the addition of conditions to the premises licence.

2.0 Representations

2.1 The Licensing Authority is responsible for advertising the review application by displaying prominently a notice at, on or near the premises to which the application related, on the Council's website and at the main offices of the Licensing Authority for not less than 28 consecutive days. The required notices were displayed at the premises, on the Council's website and in the reception area of the Council Offices, Coalville on 1st August 2008.

2.2 In respect of a review of a premises licence, the applicant is responsible for serving the application on the premises licence holder and each of the responsible authorities, namely, the Fire Authorities, Trading Standards Department and the District Council's Health and Safety, Environmental Protection and Planning Sections. Officers are satisfied that the applicant has served all parties as required.

2.3 No representations have been received from any of the remaining responsible authorities.

2.4 Interested parties in the vicinity of the premises are able to make representations within 28 days of the application to the Licensing Authority. No representations have been received from residents in the vicinity of the premises.

2.5 On 27th August 2008, a letter was received from Mr Vandra detailing steps he has taken to promote the licensing objectives. A copy of the letter and supporting evidence is attached as appendix 4. A further letter has been received from a member of staff in support of Mr Vandra. A copy of the letter is attached as appendix 5.

3.0 Statutory Guidance

3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 2.1 to 2.31, 2.41 to 2.50 and 11.15 to 11.27 may have a bearing upon the application.

4.0 Statement of Licensing Policy

4.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 7.1 to 7.2, 8.1 to 8.2, 10.1 to 10.5, 10.8 to 10.9 and 11.1 to 11.3 may have a bearing upon the application.

5.0 Observations

5.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 The Committee may take such of the following steps, if any, as it considers necessary for the promotion of the licensing objectives:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence.

5.3 Any determination made by the Sub-Committee shall not come into effect until the end of the period given for appealing against the decision or if the decision is appealed against, until the appeal is disposed of.

5.4 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the applicant, premises licence holder and persons who made relevant representations.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Premises licence number

NWL20005

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

4 R Convenience, 27 Market Place, Kegworth

Post town Derbyshire

Post code DE74 2EE

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

The sale by retail of alcohol for consumption off the premises

The time the licence authorises the carrying out of licensable activities

On weekdays, other than Christmas day 8am to 11pm

On Sundays, other than Christmas day 10am to 10.30pm

On Christmas day, 12 noon to 3pm and 7pm until 10.30pm

On Good Friday, 8am to 10.30pm

The opening hours of the premises

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

The sale by retail of alcohol for consumption off the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr R R Vandra & Mrs R R Vandra
4 R Convenience
27 Market Place
Kegworth
Derbyshire
DE74 2EE

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

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

Mr R R Vandra
4 R Convenience
27 Market Place
Kegworth
Derbyshire
DE74 2EE

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 Designated Premises Supervisor: NWL10032

Issuing Authority: North West Leicestershire District Council

Annex 1 – Mandatory conditions

The permitted hours set out above do not prohibit:

1. During the first twenty minutes after the above mentioned hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
2. The ordering of the alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
3. The sale of alcohol to a trader or club for the purposes of the trade or club;
4. The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
5. Alcohol shall not be sold in an open container and shall not be consumed on the licensed premises.
6. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
7. 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.

Annex 2 – Conditions consistent with the operating schedule

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

Annex 4 - Plans

**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 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 4 R Convenience, 27 Market Place,	
Post town Kegworth	Post code (if known) DE74 2EE

Name of premises licence holder or club holding club premises certificate (if known) Mr & Mrs RR Vandra

Number of premises licence or club premises certificate (if known) NWL20005

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

<p>Please state the ground(s) for review (please read guidance note 1)</p> <p>1. The premises licence has been held by Mr & Mrs Vandra since the Licensing Act 2003 came into force. Mr Vandra is the designated premises supervisor (DPS).</p> <p>2. On the 16th June 2007 police conducted a test purchase operation at the premises in relation to alcohol sales to under age persons. No sale was made.</p> <p>3. On the 10th November 2007 another test purchase operation resulted in a member of staff selling alcohol to an under age person. The seller was issued with a £80 fixed penalty ticket and Mr Vandra was issued with a warning letter.</p> <p>4. On the 14th March 2008 a further test purchase was refused.</p> <p>5. On the 13th June 2008 a member of staff sold alcohol to an under age test purchaser. She was issued with a £80 fixed penalty ticket.</p> <p>6. On the 14th June a further test purchase took place using a different purchaser than the previous day. Another member of staff sold alcohol to the girl.</p> <p>7. On the 20th June 2008 police interviewed Mr Vandra regarding these matters.</p>
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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

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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 30.7.08

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 licences at 4R Convenience Store, 27 market Place, Kegworth.

Background – why we have made the application:

Sir,

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

The problems of crime and anti social behaviour associated with under age drinking are well documented elsewhere. The purpose of test purchase operations is to prevent licensed premises being the source of supply to such persons.

None of the test purchasers were older than 15 years and 6 months at the time they were sold alcohol.

Mr Vandra and his wife are responsible for these sales in their role as premises licence holders.

Both sales were made by members of staff whom Mr Vandra says he has trained in the Challenge 21 policy..

Proposals.

1. The licence be suspended for up to 3 months. This would allow time for the training of staff.
2. 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.)
3. 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.
4. A condition that the Designated Premises Supervisor will obtain the Confederation of Professional Licensees National Diploma for Designated Premises Supervisors level 3 course. This focuses on the role and responsibilities of the DPS above and beyond the syllabus for the level 2 National Certificate for Personal Licence Holders. The DPS must provide the licensing authority with sight of the certificate within the next 3 months.

5. 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



7.8.08

LEICESTERSHIRE CONSTABULARY



Date: 21/11/07

Name: RAJESH RAMESH
VANALA

Premises: 40B CONVENIENCE
REGWORTH

On Saturday 10th November 2007 an Under Age Test Purchase Operation was conducted in Off-License premises in North West Leicestershire. This was conducted by the Leicestershire Police. As part of the operation your premises was visited which resulted in a young person being served with an alcoholic drink. As I am sure you are aware you have a responsibility to ensure staff are suitably trained to prevent them serving under age people and are ultimately responsible for the premises. A DPS is a person who is both 'fit and proper' and the holder of this position should not take the responsibility lightly. On this occasion the Licensing Sergeant PS125 John O'Brien has interviewed you in order that a decision can be made with regards to how the incident may be dealt with in relation to yourself. The standard we apply is whether you have shown 'due diligence' in preventing the sale of alcohol by your staff to young people. You have been given advice with regards to training staff and the keeping of records with regards to this. You have been advised regarding the checking of Identity/ age of people who appear under 21 and the displaying of signage to this effect. All of this advice has been readily accepted by yourself and you have assured that it will be implemented, where possible, with immediate effect.

The decision I have taken on this occasion is that you should receive a written warning. This warning is issued on a once only basis. This will be kept on record by the Police and will be taken into account on any subsequent occasions licensing offences are committed on the premises.

PS125 O'Brien is committed to working with Licence holders to ensure 'Good Practice' and to make your area a safe place to visit. The essence of this is good communication between all parties and I would ask that this continue. Do not hesitate to contact me should you require any further advice.

Inspector Brown
North West Leicestershire
Local Policing Unit Commander

I acknowledge receipt of this
of this letter.

LEICESTERSHIRE CONSTABULARY
PENALTY NOTICE AMOUNT £80

PART 6B

STATEMENT OF WITNESS

(C J Act 1967, S.9; M C Act 1980, Subsection 5a (3a) and 5b s102, Criminal Procedure Rules 2005, Rule 27.1)

IMPORTANT INFORMATION

REMOVE PARTS 1-5 BEFORE WRITING ON THIS PAGE

STATEMENT OF (name) RICHARD PHILLIPS

Age 2/21 Occupation PC 152

This statement, signed by me, is true to the best of my Knowledge and belief: 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.

AT 1730HRS ON THE
10. NOVEMBER 2007, THE
ACCUSED SERVED A 16yr
OLD GIRL WITH AN ALCOHOL
BEVERAGE FOLLOWING A TEST
PURCHASE OPERATION

(Continue on MG11X if necessary and affix firmly to PND)

SIGNED [Signature] COLLAR No. 152

LPU/AREA NW DATE 21/11/2007

DETAILS OF OFFICER CORROBORATING EVIDENCE

NAME

COLLAR No.

SIGNED (Sig)

NOTEBOOK No.

DATE 20

SUPERVISORS DETAILS

COLLAR No. 12

SIGNATURE [Signature]

LEICESTERSHIRE CONSTABULARY
PENALTY NOTICE

PN No. 33 / A 6018652 6 £80

PART 4 CTO COPY

TITLE MISH SURNAME OBODAI

FORENAMES JURKAS

DATE OF BIRTH (ddmmyyy) 12071989 ADDRESS 07

BOKLEY KYSE

KEGWORTH

POST CODE DE7420

OFFENCE TIME 1730 HRS. OFFENCE DATE 10/11/2007 BEAT N26

AT (LOCATION) 40K CONVENIENCE

MARKET PL KEGWORTH

OFFENCE CODE G099 DATE OF ISSUE 21/11/2007

YOU (offence particulars) SOLD ALCOHOL TO
A PERSON UNDER 18 YEARS
OF AGE

CONTRARY TO (Act containing offence) SECT 14(1)(1)
LICENSING ACT 2003

PLACE OF ISSUE: Street Custody

I acknowledge receipt of this Penalty Notice

Signature [Signature]

ISSUED BY: Surname PHILLIPS Signature [Signature]

Collar no. 0152 LPU/Area NW

Rank PC

MUST BE COMPLETED

ADDITIONAL DETAILS OF RECIPIENT

Gender: M F IC Code 4 Self Defined Ethnicity AI

Occupation SALES ASSISTANT

3rd Party Witness Statement: Particulars Obtained?

Y N

Notebook No.

Local Authority Code NW

A/S No.

Custody (Pic) No.

C.I.S. No.

PNC ID No.

LEICESTERSHIRE CONSTABULARY
PENALTY NOTICE AMOUNT £80

PART 1

STATEMENT OF WITNESS

(C J Act 1967, S.9; M C Act 1980, Subsection 5a (3a) and 5b s102, Criminal Procedure Rules 2005, Rule 27.1)

IMPORTANT INFORMATION
REMOVE PARTS 1-5 BEFORE WRITING ON THIS PAGE

STATEMENT OF (name) RICHARD PHILLIPS

Age 0/21 Occupation PC152

This statement, signed by me, is true to the best of my Knowledge and belief: 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.

AT 1445 HRS ON 13 June 2008
I WAS ON PLAIN CLOTHES DUTY
CONDUCTING A TEST PURCHASE
OPERATION WHEN I WITNESSED
THE ACCUSED SEIZE A 15 YR
OLD GIRL WITH A CAN OF
FOSTERS LAGER

(Continue on MG11A if necessary and affix firmly to PND)

SIGNED [Signature] COLLAR No. 0152

LPU/AREA NW DATE 20062008

DETAILS OF OFFICER CORROBORATING EVIDENCE

NAME JOHN O'BRIEN

COLLAR No. 129

SIGNED (Sig) [Signature]

NOTEBOOK No.

DATE 20062008

SUPERVISORS DETAILS

COLLAR No. 129

SIGNATURE [Signature]

LEICESTERSHIRE CONSTABULARY
PENALTY NOTICE

PN No. 33 / A 6018279 2 **£80**

PART 4 GTO COPY

TITLE MRS SURNAME WOBASZAK

FORENAMES COLLEEN

DATE OF BIRTH (ddmm/yyyy) 07061959 ADDRESS 15

HEAFLEYS BR

KEGNOKTH

POST CODE LE77 290

OFFENCE TIME 1453 HRS. OFFENCE DATE 13062008 BEAT N24

AT (LOCATION) 4R

CONVIENANCE STORE

MARKET PL. KEGNOKTH

OFFENCE CODE G099 DATE OF ISSUE 20062008

YOI (offence particulars)
DOCS ACCORD TO A POLICE
UNDER 15 YEARS OF AGE

CONTRARY TO (Act containing offence)
SECTION 196(1) + 7 LICENSING
ACT 2007

PLACE OF ISSUE: Street Custody

I acknowledge receipt of this Penalty Notice
Signature [Signature]

ISSUED BY: Phillips [Signature]

Collar no. 0152 LPU/Area NW

Rank PC

MUST BE COMPLETED
ADDITIONAL DETAILS OF RECIPIENT

Gender: M F IC Code 1 Self Defined Ethnicity W1

Occupation SHOP ASSISTANT

3rd Party Witness Statement: Particulars Obtained?

Y N

Notebook No.

Local Authority Code NW

AVS No.

Custody (Pic) No.

C.I.S. No.

PNC ID No.

**LEICESTERSHIRE CONSTABULARY
PENALTY NOTICE PENALTY AMOUNT £80**

PART 6B

STATEMENT OF WITNESS:

I. Act 1967, S. 9; M.C. Act 1980, ss. 5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

IMPORTANT INFORMATION:

REMOVE PARTS 1-5 BEFORE WRITING ON THIS PAGE

STATEMENT OF (name) RICHARD PHILLIPS

Age 51 Occupation PC 152

This statement, signed by me, is true to the best of my knowledge and belief: 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.

At 1650L on the 14th June 2008 I was on plain clothes duty taking part in a test purchase operation when I witnessed the accused serve a 14 year old girl with a bottle of white wine.

**LEICESTERSHIRE CONSTABULARY
PENALTY NOTICE**

PN No. 33/A 6016409 3 £80

PART 4 CTO COPY

TITLE MR SURNAME

L J

FORENAMES YANG

DATE OF BIRTH (dd/mm/yyyy) 24/03/1985 ADDRESS 24

BOKOOGH ST

KESWORTH LEICS

POST CODE

OFFENCE TIME 1650 HRS. OFFENCE DATE 14/06/2008 BEAT N21

AT (LOCATION) UR

CONVIENENCE STORE

MARKET PLACE KESWORTH

OFFENCE CODE G099 DATE OF ISSUE 14/06/2008

YOU (offence particulars)
Sold Alcohol to a person under 18 years of age

CONTRARY TO (Act containing offence)
See 146(1) of Licensing Act 2003

PLACE OF ISSUE: Street Custody

I acknowledge receipt of this Penalty Notice
Signature Yang

ISSUED BY: Surname Phillips Signature [Signature]

Collar No. 0152 LPU/Area NW

Rank PC

**MUST BE COMPLETED
ADDITIONAL DETAILS OF RECIPIENT**

Gender: M F IC Code 5 Self Defined Ethnicity CL

Occupation: Self-employed

3rd Party Witness Statement: Particulars Obtained? Y N

Notebook No.

Local Authority Code NW

A/S No.

Custody (Cor) No.

C.I.S. No.

PNC ID No.

(Continue on MG11A if necessary and affix firmly to PND)

SIGNED [Signature] COLLAR No. 152
LPU/AREA NW DATE 20062008

DETAILS OF OFFICER CORROBORATING EVIDENCE

NAME JOHN O'BRIEN

COLLAR No. 125

SIGNED (sig) [Signature]

NOTEBOOK No.

DATE 20062008

SUPERVISOR DETAILS

COLLAR No. 125

SIGNATURE [Signature]

Licensing Act 2003 - Test Purchase - Interview
Notes with DPS - Not Under Caution.

Name: RAJESH VARMA
Date of birth: 11/09/74
Address: 2 VALE CLOSE
LEWISBOROUGH

1. I am investigating an incident which occurred on 13.14 June 2008 where a person entered the 4R CONVENIENCE STORE KETTER which is a premise subject to the Licensing Act 2003 and was sold BEER AND WINE an alcoholic based drink. This person was 15 years old at the time of the sale and therefore under the legal age of 18 to be sold alcohol. Are you aware of the incident?

R. YES

2. How are you aware of the incident?

R. STAFF TOLD ME

3. Are you the DPS?

R. YES

4. Who is the premises licence holder?

R. I AM

5. What involvement do they have regarding licensing issues at the premises?

R. ALL ACCOUNTS / CIGARETTE / ALCOHOL SALES
ENSURING THE LICENSING ACT IS ADHERED TO

6. Are you in day to day control of running the premises?

R. YES

7. On average how often and at what times are you on the premises?

R... EVERY DAY.....

8. How long have you been the DPS?

R... 4 1/2 YEARS.....

9. Can you tell me your personal licence number and issuing authority?

R... CARL RICHARDS... LIC. NUMBER: NW 2 AC.....

10. How long have you worked in the licensing trade?

R... 4 1/2 YEARS.....

11. Who employs staff at the premises?

R... I DO.....

12. How many staff are there?

R... TWO... YONG AND COLLEEN.....

13. How many staff have personal licences?

R... JUST COLLEEN.....

14. Who provides the training for the staff?

R... I DO.....

15. What training do you give to the staff regarding under age sales?

R... ON GOING TRAINING ON A REGULAR BASIS. I INCREASE THEIR WAGES WHEN I FEEL THEY ARE COMPETENT. WHICH IS AFTER ABOUT FOUR WEEKS

16. Are the details of the training given, written down anywhere?

R. Yes in A Folder

17. Who trained ~~Yancy & Colleen~~ with regards to under age sales?

R. I did

18. Did you authorise him/her to sell alcohol on the day of the test purchase?

R. Yes

19. Do you train staff regarding the Challenge 21 policy?

R. Yes I do

20. Do you consider the training given to the staff at your premises regarding under age sales adequate?

R. Yes - I'm so dissatisfied with them

21. Do you have record of staff working at the time of this incident?

R. Yes

22. Were there any door staff on duty?

R. N/A

23. Can you think of a reason why the volunteer was sold alcohol?

R. Lapse in concentration

24. Is there anything you wish to add to this interview?

R. I WOULD LIKE THE LOCAL OFFICERS TO VISIT THE STAFF ON A REGULAR BASIS JUST TO KEEP THEM AWARE OF THE CHALLENGE 21 Policy

Time, date and place of interview:

1445 20/06/08 (STORE)

Rank, name and number of Officer conducting:

PC 152 PHILLIPS

A report will be submitted to our licensing department. This may lead to an application to review the premises licence.

Questionnaire prepared by the Leicestershire Constabulary Licensing Department 20th June 2008. Extension 4330.

LICENSING ACT 2003**REVIEW APPLICATION in respect of 4R CONVENIENCE, MARKET PLACE,
KEGWORTH****Representations of Premises Licence Holder**

1. I am Rajesh Ramesh Vandra. Jointly with my wife I am Premises Licence Holder for the above premises. I am Designated Premises Supervisor.
2. We have had the business now for about 4½ years – it will be 5 years at Christmas. It is a general store. Previously it had a Justices' Off-Licence which was converted under Licensing Act 2003.
3. I have no criminal convictions. The matters referred to in the Police application are the only problems we have ever had running the shop.
4. Normally I am the one in the shop. I reckon that I must work about 100 hours per week. We are open from 5.30am when I start to deal with the newspapers. We do not stay open late in the evening. My wife does not work much in the store but she does some of the book-keeping at home.
5. We usually employ either 1 or 2 staff, working between 15 and 20 hours per week, mainly to give me cover when I have to go to the cash & carry or to do the banking.
6. On all 3 occasions when there were sales to persons underage it was staff who made the sales. I was not present on any occasion. I think that twice I was at the cash & carry and only learnt of the incident on my return. On the third occasion I was around but not actually in the shop.
7. I believe that twice the Police have attempted to make test purchases which have been refused, and that on both those occasions I was the person behind the counter.
8. These 3 occasions have caused me considerable concern, not least because I have always impressed upon my staff the importance of age limits etc when serving customers. Apart from alcohol we sell the following items for which there are age restrictions on sales or at least recommendations: tobacco, lottery tickets and scratch cards, solvent substances (e.g. super glue), paracetamol, fireworks, DVDs. Some of these we keep behind the sales counter so that people have to ask us for them but it is not practical to keep everything behind the counter. With alcohol, for example, I keep spirits and red wine on the shelves behind the counter, but beer and white wine are kept in a refrigerated cabinet elsewhere although within view of the sales counter.
9. I do not stock alco pops or similar promotions which are aimed at teenagers.
10. I have an induction/training programme for new staff and I don't put them on to full wages after they have started until I am satisfied that they know it all. That

usually takes between 2 weeks and 4 weeks. Attached is the training programme for Yang Liu. It was he who made the third underage sale. You can see that I have been through every line of the training programme with him, and that he has signed each page. He noted the age of 18 as the age limit for selling alcohol and tobacco. I have to make sure that staff also know the permitted hours. Although we open at 5.30am permitted hours for selling alcohol do not start until 8am (10am on a Sunday) and it is surprising how many customers try to buy alcohol before we are "open" to sell it to them. When the Challenge 21 Scheme was introduced I incorporated it in staff training although it is not actually referred to on the check list.

11. Most of our customers are local people, from the village, and I know them. With most of the younger ones I have had to check their ages at some time. I am usually behind the counter and I don't find that the younger people try it on with me. From time to time one of the teenagers in the village will come in and will make quite a thing of just having had a birthday and being old enough to buy a lottery tickets or cigarettes or alcohol. Of course I check this. It is actually the lottery scratch cards which seem the greatest attraction. I know that Camelot have attempted test purchases underage and been unsuccessful – I had a letter from them some time ago to confirm that. I believe they visit all their outlets periodically to check up.
12. I keep a record of refusals of sales to people underage or out of licensing hours. Keeping a record used to be a problem because the details had to be written in a book and it took time which was difficult if there was a queue of people waiting to be served. However since the last incident I have devised a system which can be rung up on the shop till. It gives the date and time, says "refuse" and whether it was a boy or a girl. It prints out like a till receipt. I can then check it against the CCTV record. Yang and Colleen who are the 2 staff working in the shop at the moment have both recorded quite a few refusals in the last few weeks, including tobacco, lottery and cigarettes. Sometimes they have noted that the customer was "not happy" and sometimes they have noted that the customer later produced ID showing age. I have one record of a young man who came in on 16 August. Yang was serving. He actually came in twice. Yang refused him both times and he was abusive. He then produced ID which showed his year of birth as 1991.
13. I have thought very hard what more I can do to train staff to make sure that they get things right and do not sell alcohol to persons underage. I thought my system was good enough. Colleen, who sold the can of lager on 13 June, has been in the licensed trade for many years, mainly in restaurants and public houses, and actually has a Personal Licence under Licensing Act 2003. When she joined us I went through the induction/training programme with her but I thought that with a Personal Licence she would know the law and apply it. I asked Yang after his incident why he served the girl. He said he thought that she was over the age limit, and that was why he didn't question her or ask for identification. He has written me a letter which I attach to these Representations confirming that he had received training.

NAME YANG

Date

SAFETY

~~ONLY AUTHORISED STAFF BEHIND COUNTER~~
~~NO REPS BEHIND COUNTER EXCEPT LOTTERY REP~~
~~STAY ON SHOP FLOOR ALL TIMES~~
~~CHECK AROUND YOU ALL THE TIME~~
 ~~OPENING PROCEDURES FOR THE SHOP~~
~~WHERE THE PANIC BUTTONS ARE?~~
~~PROCEDURE WHAT TO DO~~

MONEY

~~CHECKING NOTES 5 10 20~~
~~WHERE THE NOTES ARE TO BE PLACED~~
~~NO MORE THAN £200 IN NOTES IN THE TILL~~
~~NO MONEY IS TO BE KEPT BY STAFF BEHIND THE COUNTER SET UP A/C~~
~~ALWAYS CHECK YOUR TRANSACTIONS CORRESPONDES WITH ITEMS AND MONEY~~
~~EMERGENCY PHONE NO~~
~~KEYS~~

LOTTERY

~~SIGN ON~~
~~LOTTO~~
~~THUNDERBALL~~
~~HOT PICKS~~
~~DREAM NUMBER~~
~~DAILY PLAY~~
~~EURO MILLIONS~~
~~PAYOUTS~~
~~CLEARING THE SCREEN~~
~~TILL ROLL CHANGING~~
~~RIBBON~~
~~EMPTY LOTTERY BIN~~
~~RE STOCK OF SLIPS~~
~~RE ORDERING OF LOTTERY STOCK~~
~~END OF DAY PRINTOUTS~~
~~TERMINAL IS CLEAN AND TIDY~~
~~REFUSAL REGISTER SELLING UNDER 16S~~
 ~~ENSURE PENS ARE ATTACHED~~
~~WHERE THE LOTTERY MANUAL IS KEPT~~

Yang

GAMES

~~SCRATCH CARDS AMOUNTS~~
~~PAY OUTS~~
~~ORDERING~~
~~END OF DAY PRINTOUTS~~

~~E-TOP~~

~~DIFFERENT FUNCTIONS~~
~~WHERE THE MANUAL IS KEPT~~
~~TILL ROLL CHANGE~~
~~PASSWORD~~
~~ENSURE MONEY IS TAKEN FROM CUSTOMER BEFORE TRANSACTION~~
~~WHERE TO KEEP OUR COPY~~
~~END OF DAY PRINTOUT~~

~~Change top~~

SWITCH MACHINE

~~TILL ROLL CHANGE~~
~~PROCEDURES~~
~~WHERE THE MANUAL IS KEPT~~
~~WHERE TO KEEP OUR COPY~~
~~END OF DAY PRINTOUT~~

LN

EPOS SYSTEM

~~PASSWORD~~
~~ENSURING CORRECT FLOAT B4 STARTING~~
~~SIGNING ON~~

#142

Yunbi

- ~~RUBS IN~~
- ~~RUBS OUT~~
- ~~NEWS/MAGS~~
- ~~CARDS/STATIONERY~~
- ~~CONFECTIONARY/SNACKS~~
- ~~MIS/VAT~~
- ~~NON-VAT PET FOOD~~
- ~~MILK~~
- ~~STAMPS~~
- ~~LOTTO~~
- ~~EUROMILLIONS~~
- ~~LOOK UP~~
- ~~NO SALE~~
- ~~CHEQUE~~
- ~~RECIPT RECALL~~
- ~~DRY CLEANING~~
- ~~SINGLE HAMLET~~
- ~~DVD SALE~~
- ~~GIRTS~~
- ~~LOTTO PAID OUT~~
- ~~GAMES PAID OUT~~
- ~~E-TOP UP~~
- ~~ON ACCOUNT~~
- ~~RAY ACCOUNTS~~

10

~~OTHERS~~

~~DOUBLE CHECK SHOPPING CORRESPONDS WITH TILL
CORRECTION
VOID~~

ALCOHOL
TOBACCO

~~AGE LIMIT AND PERMITTED HOURS OF SALE
AGE LIMIT~~

18

18

~~GENERAL MAINTANCE C
CLEANING HOOVER
DUSTING
CHECKING DATES OF PRODUCTS
FILLING STOCK
RE-ORDERING STOCK
CUSTOMERS QUERIES WHERE TO LOG
ENSURING~~

Justin

~~MORNING PROCEDURE
BRING IN ALL PAPERS
COUNT ALL PAPERS
20 PAPERS EACH IN THE SHOP
START PUTTING PAPERS TOGETHER WITH ROUND
CHARGING~~

LICENSING LAWS

~~ALCOHOL
LOTTERY
LIGHTER FUEL
SUPER-GLUE~~

18

~~BAKE N BITE
TEMPERATURES
PROBE
BAGGING
ORDERING
CLEANING~~

Dear Sir or Madam:

I sold alcohol to a 14 years-old girl. I feel sorry for this Criminal offence but it was not because of lack of training. I have received the training from the manager (Mr. Raj Vardra) from my first day working in the shop. The training log includes all the items of selling alcohol/tobacco/lottery (Please refer to the Training Log of Yang Liu of 4R Convenience).

Thank you.

Best wishes.

Yours sincerely.

Langtin

x2 Station Rd

Kegworth

Derbys

DE74 2FE

26/8/08

Dear Sir/Madam,

I am writing this letter to confirm that whilst I was employed by Mr & Mrs R Varda, at 27, Market Place, Kegworth, Derbys during December 2003 up to October 2004, the shops policy on selling alcohol to 'under-age' customers was observed strictly.

Since I left the above position Mr & Mrs Varda have totally overhauled the 'CCTV' equipment - & even whilst I was there the machinery to record data was always operating. I also had to inform Mr & Mrs Varda of any attempted purchases of alcohol, cigarettes or lottery by under-age customers.

I would like to confirm Mr & Mrs Varda's total commitment to abide by any current legislation, & hope that they will not be penalised by a genuine mistake caused on by a current member of staff.

Yours sincerely,

Susan A. Wall - (M)