



Your reference: **Failed Test Purchase Op**
Our reference: Test Purchase Op 26/11/2022
E-mail: 252309
@gloucestershire.police.uk
Direct dial: 07966 882823 / 01452 754482
Postal Address: As above
Date: 8th December 2022

*****OFFICIAL*****

Dear DPS,

I write to you in your capacity as the DPS to inform you that regrettably your premises, namely Bargain Booze, 216-218 Hewlett Road, Cheltenham, GL52 6UJ, failed a Test Purchase Operation on Sat 26th November 2022, whereby a 16 year old purchased 1 bottle of Old Mout Cider from yourself who is acting in the capacity as the DPS for the store and you failed to ask any age verification questions or challenge the young person.

The sale of alcohol to children is an offence and places children at risk, and fuels anti-social behaviour and crime in our communities. This letter therefore affirms the seriousness with which the Constabulary views this offence.

- Sec.146 of the Licensing Act 2003 provides the offence of the sale of alcohol to children. **Maximum fine on conviction is unlimited**
- Sec.147 provide the offence of allowing the sale of alcohol to children. **Maximum fine on conviction is unlimited**
- Sec.147A of the Licensing Act 2003 provides the offence of persistently selling alcohol to children. An offence is committed if two underage sales take place at any given premises within a three month period. **Maximum fine on conviction is unlimited plus possible three month suspension of alcohol sales (or 14 day closure)**

In light of this recent failure I feel it prudent to advise you that the premises licence is now at risk.

- 1.) First failure results in a Written Warning and affords you appropriate time to review the current working practices and take necessary, positive action to prevent this from occurring again.

- 2.) Second failure may result in a £90 Fixed Penalty Notice for the seller (if appropriate) and a request for the PLH to attend a police station to explain what has happened and discuss further measures to be implemented. A request for a voluntary cessation of alcohol sales for a period of up to 14 days may be requested to avoid being prosecuted.
- 3.) Third failure (within any 12 month rolling period) results in an application being submitted to the Licensing Authority requesting a review of the premises licence.

Under the Licensing Act 2003 the responsibility for the sale of alcohol rests with the DPS and PLH. It is therefore strongly recommended that immediate steps are taken to ensure that no further offences occur. It is imperative that staff are fully aware of their responsibilities and that they challenge for identification where appropriate.

Re-testing will take place again soon.

The licensing objectives are concerned with the avoidance of harm and are there to be positively promoted, particularly the protection of children from harm. Failed Test Purchases negatively impact on these objectives.

Advice for your consideration;

- Ensure all staff involved in the sale of alcohol have received appropriate training on induction, and regular refresher training in respect of the Licensing Act 2003 and their responsibilities. Ensure individual records are signed and dated when completed.
- Adopt a Challenge 25 policy whereby all staff are to ask anyone who appears to be under the age of 25 to produce identification. If the identification cannot be produced then the sale must not be made. Display Challenge 25 notices around the premises to reaffirm this policy.
- Only the following should be accepted as forms of identification: Identity card bearing the PASS hologram, photo card driving licence, passport, military ID.
- Adopt a Refusals' Register requiring staff to record details of when they refuse service. The time and date should be recorded together with a brief description of what occurred. Review this register regularly and countersign it.

A copy of this letter will be kept on police licensing records and will be supplied to the Licensing Authority.

I leave this for your attention and consideration.

Kind regards



Jeremy Sansom
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