

Cheltenham Borough Council Licensing Authority
Municipal Offices
Promenade
Cheltenham
GL50 9SA

**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 Jeremy Sansom

(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**

Part 1 – Premises or club premises details

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

BARGAIN BOOZE SELECT CONVENIENCE
216-218 HEWLETT ROAD

Post town Cheltenham

Post code (if known) GL52 6UJ

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

DALWINDER KAUR

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

21/01158/PRMVPS

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

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 ✓ yes

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 PC 2309 Jeremy Sansom Gloucestershire Constabulary 1 Waterwells Waterwells Business Park Waterwells Dr Gloucester GL2 2AN
Telephone number (if any) XX
E-mail address (optional) jeremy.sansom@gloucestershire.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 2)

The police request a review of the licence on the grounds of Licensing Objective:

- **The Protection of Children from Harm**

And offence of:

- **Section 147A of the Licensing Act 2003 - Persistently selling alcohol to children**

Within a 3 month period between 4th April and 25th June 2024, this premises sold alcohol to a minor DPS (Designated Premises Supervisor) conducted the sale and a separate member of staff failed a Test Purchase (TP) Operation selling alcohol to the 16yr old tester.

The same DPS also failed a previous TP OP in November 2022 serving alcohol to a 16yr old tester.

A staged approach has been adopted and efforts made to try to deal with the concerns at a local level, including PC 2309 Sansom visiting the store in person on two occasions, giving two written warnings and having numerous phone calls & emails with the DPS.

The PLH, who is also the DPS (since 2021) has failed to demonstrate that she can run a safe and responsible premises and has failed to address issues that have arisen thus negatively impacting on the licensing objectives.

Further grounds supporting this review application found below, which will assist the Committee.

Please provide as much information as possible to support the application (please read guidance note 3)

Summary

This application for a review relates to concerns of underage alcohol sales and non-compliance with the licence.

- **06th May 2020** - Intelligence received that staff at Bargain Booze, Hewlett Road in Cheltenham have served 16 year old boy alcohol and tobacco without asking for any ID. He was clearly underage.
- **15th January 2022** – PC Sansom completed a licence check at Bargain Booze. Summary added to the Police Innkeeper system which is the Police Licensing database. At this visit I discussed in detail best practice and due diligence.
Some of the breaches seen while in attendance such as the CCTV system not working which was a licence condition. I discussed having a staff training log, incident log and refusal log. My direct contact details were left advising them to contact me if they required any support. I was in attendance for around 40 minutes. (**See appendix 1**).
- **26th November 2022** – Operation Scorpion - Failed TP OP - DPS Mrs Dalwinder Kaur conducted sale to a 16 year old cadet. PC Matt Hammond provided a Statement in which he detailed the sale of alcohol to the minor and confirmed the tester did not dress or change their appearance to attempt to look older and in his opinion clearly looked under 18 years of age. PC Hammond details in the Statement that he provided advice around age verification and using challenge 25. (**See Appendix 2**).
- **8th December 2022** – Following the above TP Fail, PC Sansom sent a letter to the DPS clearly outlining the seriousness of the failed TP OP, especially her being the DPS. The letter outlined the offences under the Licensing Act 2003 which included section 147a persistently selling alcohol to children and advised her of the staged approach we use. The letter outlined and explained her responsibilities around preventing under age sales, training of staff members, checking ID and Challenge 25. (**See appendix 3**).
- **4th April 2024** – DPS Mrs. Dalwinder Kaur allegedly served an underage youth alcohol. Details below to keep this in chronological order.
- **09th April 2024** – PC Sansom received an email from Trading Standards (**See appendix 4**) which was a complaint they had received that stated 'on Thursday 4th April 2024 Bargain Booze Hewlett Rd in Cheltenham a lady working in this branch served a 17-year-old boy with a £15 bottle of Glens Vodka. This vodka made its way to my 15-year-old son, who consequently ended up in A and E as he was found unresponsive and covered in his own vomit'. PC Sansom called the complainant to check on the welfare of the son and obtain further details and ask if they would make a Statement, which was refused, but they did provide details of the youth that allegedly purchased the alcohol describing his clothing, time he entered etc.

- **12th April 2024** – PC Sansom contacted the DPS via a phone call and discussed the complaint received. Request was made to secure the CCTV and to contact me once ready so I could attend and view it and complete a follow up licence inspection (**See appendix 5**).
- **23rd April 2024** – PC Sansom called the DPS again as no contact received from her. DPS stated on this call she did not have the CCTV footage as the CCTV system does not record. I already knew that in 2022 I had advised the DPS the CCTV needed to work as it was a licence condition. Due to the seriousness of the incident (youth ending up in hospital), I advised I would attend the store the following day to complete a licence check and my intention was to also serve a Section 19 Notice under the Criminal and Police Act 2001, once I had confirmed the CCTV was not working and alcohol had been served within the previous 24hrs to meet the requirement of the Notice. (**See appendix 6**).
- **24th April 2024** – PC Sansom attended the premises and was in situ for approximately 60 minutes. DPS and her daughter were present. We were actually able to get the CCTV working, so this negated the Section 19 Notice and the potential breach of this condition. The CCTV timings were out, but I believe we did see the youth who was alone, wearing the clothes as described around the time the alleged purchase a bottle of spirits took place. CCTV showed the DPS fetching the bottle from the shelves behind her which she confirmed to me is where the spirits are located. CCTV is unclear if ID was asked for, but as I informed the DPS, on the balance of probability she had served this minor and not asked for ID otherwise the sale would have been refused. A receipt for this sale was asked for, but I was informed this was not possible. A confusing response as to why was given.

I also discussed again, the seriousness of this incident and importance of Challenge 25, requesting ID and how to check it correctly (holographic markings, raised print, checking the DOB for example). I also emphasised my concerns around the lack of understanding of their licence and the licensing objectives. Based on the above, I discussed them putting in a licence variation and explained it was not compulsory, but I would like them to consider it as it would bring their licence up to date. This would assist in promoting the licensing objectives and ensure staff training in underage sales would be officially completed with a written record kept. This would also allay some of the concerns I had around this premises selling alcohol to minors. They both agreed to complete the variation and agreed it would benefit them. (**See appendix 7**).

- **26th April 2024** – PC Sansom sent email to DPS and CBC summarising the visit and details for the variation. To help the DPS, PC Sansom sent a link for the variation and all the wording for the conditions I suggested to be added to the licence. I requested this variation to be completed by 17th May 2024. Offer of any further assistance and my contact details included on this email (**see appendix 8**).
- **16th May 2024** – PC Sansom made a phone call chasing this matter as no variation received. DPS promised it was being done and that her daughter was dealing with it. Re-sent original email about the variation again and included her daughters email address. (**See appendix 9**).

- **20th May 2024** – Reply from Mrs Kaur (DPS) apologising for the delay and stating she has been busy at work and her sister in law will help sort it. (**See appendix 10**).
- **30th May 2024** – Chase email from PC Sansom sent (**See appendix 11**).
- **6th June 2024** – 2 x emails sent from Mrs Kaur to PC Sansom apologising for delay and informing me her sister will complete it immediately. (**See appendix 12**).
- **20th June 2024** – PC Sansom makes call to DPS to inform her the variation has not been completed and the offences being looked at are serious and I have concerns around the premises continuing to sell alcohol to underage children. The reason for the variation is to ensure the DPS is implementing processes to negate any further underage alcohol sales. On this call I also informed her I would be looking at calling a review of their licence if the variation was not completed due to my concerns and would give a further 4 days for them to submit the variation. This was recorded onto the police data base Innkeeper (**See appendix 13**).
- **21st June 2024** – Picture of submitted variation sent to PC Sansom via email (**See appendix 14**).
- **24th June 2024** – Email received from CBC with copy of the variation attached informing me it was lacking the details I had requested (licence conditions), however I did note the DPS had added in the operating schedule 'we are also asking ID to everyone who look under 25, also we are logging all the details for refuse sale in log book, I'm also going to take refreshment training regularly and also I will make sure our staff fully trained'. (**See appendix 15 and 16 for the variation**).
- **25th June 2024** – TP OP conducted on the premises at 19:25hrs using two 16 year old Police Cadets. When I saw the Police Cadets I immediately thought all the premises I tested would pass as they were both very young looking, small in stature with young looking faces (male had no facial hair etc.) and in my opinion certainly looked no older than 16. Eight tests were conducted in Cheltenham & Tewkesbury in the course of the operation with only this premises failing.

The male staff member behind the counter I know to be Mr. Mejor Singh sold the alcohol, namely a 4 pack of WKD Blue with ABE of 4% without asking for any identification. A brief account was taken by PC Sansom from Mr. Singh who did not speak English and a family member translated for me who admitted the sale and that he did not ask for any ID. (**See appendix 17**). PC Sansom also requested a receipt of the transaction (**See appendix 18**) and photo of the alcohol sold (**See appendix 19**). At this time I was being asked a lot of questions by Mrs Kaur who has returned from being upstairs and stated she had only been gone 5 minutes and Mr. Singh was animated and unhappy stating when he has refused the sale of alcohol to youths in the past they kick the shop door and shout at him and he didn't feel it was fair that I had tested the store. I explained the store was empty and there were no youths in the store other than the testers so there was no reason for him not to challenge their age. I explained that he worked in a licensed premises, by law they are not allowed to sell alcohol to anyone under 18 years of age and are required

to have an age verification process in place. They also adopted challenge 25, so should be asking for ID on anyone that does not look older than 25 years of age.

- **1st July 2024** - Letter sent to premises in post advising them I would be requesting a review of their licence. (**See appendix 20**).
- **3rd July 2024** – PC Sansom – Email sent with a copy of the letter to CBC Licensing Team, Enforcement Team and the local Neighbourhood Policing Inspector (**See appendix 21**).

The following sections of the Revised Guidance issued under section 182 of the Licensing Act 2003 are relevant to this review application. The officer has highlighted the relevant wording in each section.

Section 11.10 - 'Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. **A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.** Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.'

Section 11.17 - The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. **It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.**

Section 11.18 - 'However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, **licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.**

Section 11.21 - For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

Section 11.22 - '**Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented.** Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

Section 11.23 – ‘Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises.

But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.’

Section 11.24 - ‘Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. **The licensing authority’s role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.’**

Conclusion

The DPS, who is also the PLH, has dismissed the importance of the licence and legal compliance.

Even after three failed underage sales (two conducted by the DPS), two written warnings, two personal visits by the Police Licensing Officer and numerous phone calls and emails, the PLH continues to operate other than in accordance with the authorisation and exposing young people to harm by allowing underage sales.

The police respectfully recommend to the Sub-Committee, a suspension of the licence, imposed conditions and removal of the DPS. This would allow for the amendment of requested condition(s) to be implemented and a change of DPS before re-opening.

The police are not seeking revocation, and do not want to see the demise of the off-licence however, it is felt that a suspension, change of DPS and amendment of conditions are fully justified in the circumstances.

Should the PLH fail to learn from this, then the police would be seeking a revocation in the future.

Condition on licence sought:

Any staff member concerned in the sale of alcohol or age related products will take an online training course for age related product sales which produces a certificate of completion at the end of the course once the online test has been passed. This course must be endorsed by the BIIAB (British Institute of Innkeeping Awarding Body) and refreshed every 12 months.

** To assist the committee some examples of online courses BIIAB approved are:

Inn Dispensable - www.inn-dispensable.com £20 + VAT

My Training Academy – www.mytrainingacademy.org.uk £14.99 Inc VAT

Appendices

- Appendix 1** – Police system Innkeeper entry detailing visit by PC Sansom
- Appendix 2** - SOE provided by PC Matt Hammond
- Appendix 3** – Copy of Letter sent to PLH and LA in regards to failed TP OP
- Appendix 4** – Copy of email from Trading Standards
- Appendix 5** - Police system Innkeeper entry detailing call by PC Sansom
- Appendix 6** - Police system Innkeeper entry detailing call by PC Sansom
- Appendix 7** - Police system Innkeeper entry summary of visit by PC Sansom
- Appendix 8** – Copy of email from PC Sansom to DPS re variation
- Appendix 9** - Police system Innkeeper entry detailing call by PC Sansom
- Appendix 10** – Email from DPS to PC Sansom
- Appendix 11** – Email from PC Sansom to DPS (Chase up)
- Appendix 12** - Email from DPS to PC Sansom
- Appendix 13** - Police system Innkeeper entry detailing call by PC Sansom
- Appendix 14** - Email from DPS to PC Sansom
- Appendix 15** – Email from CBC Licensing to PC Sansom
- Appendix 16** – Copy of Minor Variation application
- Appendix 17** – PNB entry signed by staff member that failed TP OP
- Appendix 18** – Transaction receipt for alcohol purchased on TP OP
- Appendix 19** – Photo of alcohol purchased on TP OP
- Appendix 20** – Warning letter and advice of impending review sent to DPS
- Appendix 21** – Email sent by PC Sansom to CBC Licensing

Please tick ✓ yes

Have you made an application for review relating to the 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 the premises please state what they were and when you made them

N/A

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

..... 

Date

15/7/24.....
...

Capacity **Police Inspector**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Gloucestershire Constabulary Hucclecote Road Hucclecote Gloucestershire GL3 3RT	
Post town	Post Code
Telephone number (if any) 07966 882823	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) jeremy.sansom@gloucestershire.police.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.