

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 Gloucestershire Constabulary

(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)

25/00289/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 (PALO) on behalf of Gloucestershire Constabulary 1 Waterwells Waterwells Business Park Waterwells Dr Gloucester GL2 2AN
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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 checked="" 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)

Grounds for review:

The premises, Bargain Booze on Hewlett Road, Cheltenham, was subjected to a review initiated by Gloucestershire Constabulary on the grounds of persistently selling alcohol to children. The hearing took place on 4th September 2024.

The outcome of the hearing was as follows:

1. The immediate removal of the current Designated Premises Supervisor (DPS).
2. Suspension of the premises licence for a minimum period of four weeks to allow for the appointment of a new DPS. This suspension could be extended to a maximum of three months to ensure sufficient time for the nomination of a new DPS.
3. Imposition of new conditions on the premises licence, as detailed in Appendix 1 of this decision notice.

Since 4th November 2024, the premises has been selling alcohol without a DPS in place, up to 23rd January 2025. This is in breach of the mandatory condition of their premises licence and fails to comply with point 2 of the hearing outcome as determined by the sub-committee.

Additional grounds supporting this second review application are provided below to assist the Committee in its considerations.

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

This second review application pertains to the sale of alcohol being conducted otherwise than under and in accordance with an authorisation.

The licensee for Bargain Booze is MRS DALWINDER KAUR.

Evidence:

- **23rd January 2025:** PC 2309 Sansom attended Bargain Booze, Hewlett Road, Cheltenham, and observed the store was open with alcohol visibly on display for sale. There was no Designated Premises Supervisor (DPS) in place, and Part B of the premises licence was neither displayed nor available for production. While I was in situ, customers were coming in attempting to buy alcohol and I provided advice that alcohol cannot be sold at this time to the licensee and her daughter, they adhered to this advice.
 - An MG11 Police Statement was completed, detailing the visit and the conversations that occurred (see Appendix 1).
- **23rd January 2025:** A till receipt was obtained, confirming alcohol sales were taking place (see Appendix 2).
- **23rd January 2025:** Six photographs were taken on-site, showing alcohol on display for sale (see Appendices 3–8).
- **23rd January 2025:** Notes were recorded in my Police Pocket Notebook (PNB) at the time of the visit (see Appendix 9).
- **27th January 2025:** An email was sent to the licensee, Mrs. Dalwinder Kaur, requesting evidence that the premises had complied with the premises licence conditions set during the last hearing, specifically regarding staff completing an online training course. No reply was received. (see Appendix 10).

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

Licensable activities, specifically the sale of alcohol, have been conducted from 4th November 2024 to 23rd January 2025 without a Designated Premises Supervisor (DPS) in place. The licensee has once again disregarded the importance of adhering to the premises licence and legal compliance.

Since the review hearing on 4th September 2024, no contact has been made with the police licensing officer or, to my knowledge, the local authority licensing team by any representative of Bargain Booze seeking advice or guidance.

At the September hearing, a condition was added to the premises licence stating:

"Any staff member involved in the sale of alcohol or age-restricted products must complete an online training course for age-related product sales. The course must produce a certificate of completion upon passing the online test. It must be endorsed by the BIIAB (British Institute of Innkeeping Awarding Body) and refreshed every 12 months."

To date, no evidence has been provided to confirm this condition has been implemented, despite an email sent to the licensee, Mrs. Dalwinder Kaur, on 27th January 2025, requesting proof of compliance.

At the previous hearing, the police made it clear that should the Premises Licence Holder (PLH) fail to learn from that review, the police would seek a revocation of the premises licence in the future.

This submission and appended documents provide the licensing sub-committee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the premises licence.

Appendices

- Appendix 1** – PC 2309 Sansom MG11: Police statement detailing visit
- Appendix 2** – Till receipt for alcohol sale
- Appendix 3** – Photograph showing alcohol on display for sale
- Appendix 4** – Photograph showing alcohol on display for sale
- Appendix 5** – Photograph showing alcohol on display for sale
- Appendix 6** – Photograph showing alcohol on display for sale
- Appendix 7** – Photograph showing alcohol on display for sale
- Appendix 8** – Photograph showing alcohol on display for sale
- Appendix 9** – PC 2309 Sansom: PNB entry
- Appendix 10** – Email from PC 239 Sansom to Dalwinder Kaur (Licensee) requesting evidence of staff training

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
1	6	07
2	0	2
4		

If you have made representations before relating to the premises please state what they were and when you made them

Gloucestershire Constabulary requested a review of this premises licence on 16 July 2024. The original review was initiated on the grounds of the following Licensing Objective:

- **The Protection of Children from Harm**

The review also addressed the offence under:

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

Details of the Original Review Request

Between 4 April and 25 June 2024, this premises sold alcohol to a minor. The Designated Premises Supervisor (DPS) personally conducted one of the sales, and another member of staff failed a Test Purchase (TP) operation, selling alcohol to a 16-year-old tester.

Additionally, a 15-year-old boy was admitted to A&E after alcohol was sold to minors from this premises.

A hearing regarding this matter was subsequently held on 4 September 2024.

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 31-01-25

.....

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) [REDACTED]	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [REDACTED]	

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.

