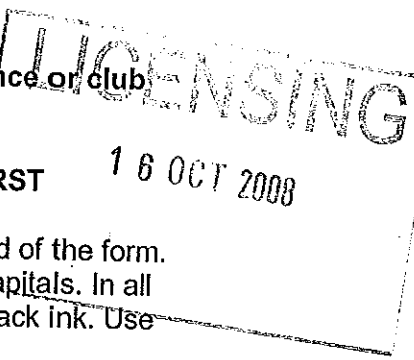


Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003



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 John Malone

(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 Moreton Food and Wine, 345 Hoylake Road, Moreton	
Post town Wirral	Post code (if known) CH46 0RW

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

Number of premises licence or club premises certificate (if known) LN/206000593

1) A responsible authority (please complete (C) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Wirral Trading Standards Wallasey Town Hall Brighton Street Wallasey CH44 8ED
Telephone number (if any) 0151 691 8535

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

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

This licence was issued on the 24th November 2005 and was a continuation of a licence previously issued by the Magistrates Court.

On the 10th January 2008 two under age volunteers aged 14 and 16 years of age under the supervision of Merseyside Police was sold a bottle of Pinot Grigio Rose wine (11.5% ABV) The seller was issued with an £80 Penalty Notice for Disorder. The DPS, Mrs Ranjan, was interviewed by Merseyside Police and the police were content as to the procedures she had in place. A decision was made not to prosecute her.

On the 15th April 2008 a test purchase was attempted by Merseyside Police. No sale was made.

On the 17th June 2008 officers from Trading Standards visited the premises and advised Jaseetharan Karthidusu of a planned training session at Wallasey Town Hall on the 3rd July 2008. Jaseetharan Karthidusu did not attend that training session.

On the 14th August 2008 Wirral Trading Standards conducted Operation Marton, a test purchasing exercise using two 15-year-old child volunteers to attempt to purchase alcohol. Moreton Food & Wine failed a test purchase. Jaseetharan Karthidusu was operating the till and sold two bottles of WKD Red alcohol (5% ABV), to a 15 year old child volunteer. The seller has been issued with a Penalty Notice for Disorder for £80.00.

On the 10th September 2008 the DPS, Valarmathy Ranjan, attended at the Town Hall Wallasey for a formal PACE interview. In response to the questions put to her during the interview the following points were raised: -

- Mrs Valarmathy Ranjan is the Manager and Designated Premises Supervisor (DPS) for Moreton Food & Wine.
- Mrs Ranjan has been the DPS of Moreton Food & Wine for over six years.
- When asked how old someone had to be to buy alcohol Mrs Ranjan confirmed that you had to be 18.
- In relation to training for underage sales Mrs Ranjan has done the personal licence holder course.
- There is only one employee at Moreton Food & Wine – Mr Karthidusu. He has been employed since January this year and works approximately 35 to 40 hours per week.
- Mrs Ranjan was asked what training she has provided to Mr

Karthidusu. She showed a letter to confirm that Mr Karthidusu had received a day's training from "Inn Confidence" surrounding underage sales. Mr Karthidusu has also been given tests on underage sales regularly.

- Mr Karthidusu will be attending the training to become a personal licence holder. He has not done so yet owing to staffing/ holiday commitments.
- Mrs Ranjan regularly reminds Mr Karthidusu verbally about his responsibilities and advises him how to check for identification.
- In the shop there are posters relating to underage sales and Mr Karthidusu has been given badges to wear.
- The shop has a refusals register in place. Mr Karthidusu writes down refusals on a separate piece of paper, as his English is not too good, and Mrs Ranjan writes this in the refusal register.
- Mrs Ranjan has a 21 policy in store.
- When asked the reason that Mr Karthidusu sold on this occasion Mrs Ranjan stated that he had said he was nervous because a few hours later someone had stolen some things from the shop.

It was agreed after the interview on the 10th September that Trading Standards would visit Moreton Food & Wine on Wednesday 24th September to provide one to one training to Mr Karthidusu. This training has been completed.

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

LICENSING OBJECTIVE - THE PROTECTION OF CHILDREN FROM HARM

The purpose of prohibiting the sale of alcohol to under 18s is to protect young people from harm and to protect the wider community from anti-social behaviour.

The DCMS guidance states;

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

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

Harm to young people

In 2007 Trading Standards Northwest, an umbrella organisation for Trading Standards authorities, commissioned research into the alcohol purchasing and drinking habits of 15 and 16 year olds. In total 11,724 questionnaires were returned and the following results were noted;

29% who drank alcohol admitted to having been violent whilst drunk - this

figure rose to 32% amongst young males.

15% claimed to have been in a car with a young person who had been drinking.

12% stated that they had regretted having sex after drinking alcohol.

Conclusion

In relation to the sale on the 14th August 2008 Mrs Ranjan can satisfy the statutory defence of exercising all due diligence to prevent a conviction under section 146 of the Licensing Act 2003 and will not face prosecution.

Despite this statutory defence the premises have sold alcohol to under age volunteers twice in 7 months during 2008 and concerns remain over the staff's ability to confidently deal with the refusal to sell alcohol to children.

Trading Standards ask that the following conditions be place on the licence to ensure due diligence is implemented and maintained;

- 1 Adoption of a Think 21 policy and display of the appropriate posters
- 2 Acceptance of passport, photo driving licence or pass accredited identification only in support of till checks.
- 3 Maintenance of a refusal log with regular checks by management to ensure that it is being used.
- 4 Sufficient trained staff to ensure coverage during times when alcohol is sold.
- 5 Regular staff training and that staff attend Trading Standards training when arranged

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

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

No previous application made.

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

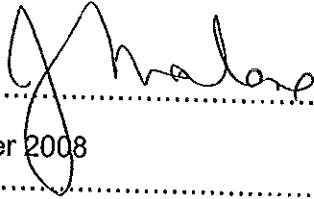
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS

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 14th October 2008

Capacity Trading Standards Manager

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.

Leyland, Richard K.

From: Blakeley, Chris (Councillor)
Sent: 18 October 2008 14:58
To: Williams, Chris D.
Cc: Mountney, Simon R. (Councillor); Moseley, Suzanne D. (Councillor); Leyland, Richard K.; O'Donnell, Margaret
Subject: RE: Licensing Act 2003 - Moreton Food and Wine, Hoylake Road, Moreton

Chris

We fully support this review. Whilst the premise may have held a license for a number of years it is clear from both failures of the test purchases that the premises is inclined to dispense alcohol to customers who are under-aged.

We make this representation on behalf of any individuals who submit representations as well as individuals who live and work in Moreton

We would ask that when this license is reviewed, that the strongest possible action is taken by Wirral's Licensing Panel in order to ensure that young children are protected from harm

Please ensure our views are made known to the Licensing Panel and inform us when this hearing will take place in order that we may make representation again.

Regards

Chris Blakeley, Suzanne Moseley, Simon Mountney
Conservative Councillors for Moreton West and Saughall Massie
t. 0151 677 9040
f. 0151 606 9193
M. 07803 614418

 Please consider the environment. Don't print this email unless you really need to.
<http://www.chrisblakeley.com>
<http://www.moretonconservatives.com>

Working Harder for Moreton and Saughall Massie

Conservatives - standing up for the issues that matter.

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Chris Blakeley
Conservative Councillor for Moreton West and Saughall Massie
t. 0151 677 9040
f. 0151 606 9193

20/10/2008

M. 07803 614418



Please consider the environment. Don't print this email unless you really need to.

<http://www.chrisblakeley.com>

<http://www.moretonconservatives.com>

Working Harder for Moreton and Saughall Massie

Conservatives - standing up for the issues that matter.

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From: Williams, Chris D.

Sent: 17 October 2008 14:33

To: Blakeley, Chris (Councillor); Mountney, Simon R. (Councillor); Moseley, Suzanne D. (Councillor)

Subject: Licensing Act 2003 - Moreton Food and Wine, Hoylake Road, Moreton

Dear Councillors

Please see the attached for your information.

Regards

Chris Williams

Licensing Assistant

Wirral Council

tel - 0151 691 8019

fax - 0151 691 8215

email - chriswilliams@wirral.gov.uk

web - www.wirral.gov.uk

20/10/2008

01517772939

Police - Notification of Representation

Date: 20/10/2008

Name	Sgt Dave Peers
Title	Licensing Sergeant
Postal address	Merseyside Police, Licensing Unit, Wallasey Police Station, Manor Road, Wallasey, CH44 1DA
Contact telephone number	0151 777 2944

Premises	Moreton Food and Wine
Address	385/387 Hoylake Rd Moreton

Which of the four licensing Objectives does representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting the representation. Or the reason for the representation. Please use separate sheets if necessary
The protection of children from harm	Y	There is no satisfactory policy outlined in this application as to how this objective will be met.
Public safety		
The prevention of crime and disorder	Y	<p>The purpose of this application is to support Wirral Trading Standards in thier application for a review of the premises licence.</p> <p>Within the last 18 months Merseyside Police have carried out test purchase operations at the premises on three occasions and out of these visits one sale was made this was on the 10th of January 2008. On this occasion the seller was given a fixed penalty notice. On this occasion no further action was taken against the DPS.</p> <p>On the 14th August 2008 Trading Standards officers carried out an underage test purchase operation at the premises. A sale of alcohol was made to two 15 year old volunteers. Again the seller was given a fixed penalty notice and the DPS interviewed by Trading standards officers.</p>
The prevention of public nuisance		

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<p>Suggested condition(s) that could be added to the licence to remedy the representation.</p> <p>OTHER</p>	<p>Trading standards have supplied all of the relevant legislation and documentation in order to support of this application. Merseyside police will concur with the information provided.</p> <p>Merseyside Police will also ask that the following conditions be placed on the licence to ensure due diligence is implemented and maintained.</p> <ol style="list-style-type: none">1. Adoption of a Think 21 policy and display of the appropriate posters.2. Acceptance of passport, photo driving licence or pass accredited identification only in support of till checks.3. Maintenance of a refusal log with regular checks by management to ensure that it is being used.4. Sufficient trained staff to ensure coverage during times when alcohol is sold.5. Regular staff training and that staff attend Trading Standards training when arranged.
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UNDERAGE INTOXICATING LIQUOR SALES

Premises Visited: MORETON FOOD + WINE

Name: 385-387

Address: HOVLACE RD MORETON

Post Code: _____

Date of Visit: 10/1/07 Time: 19.08

Item(s) Purchased: 1 BOTTLE 'ROSE WINE'

Price: £ 3.99

I am (name): Sgt DPars from Merseyside Police. You have

just sold this 16yrs + 11yrs year old child (show photograph Ref

No:) intoxicating Liquor (enter details) 1 BOTTLE PINOT

GRIGIO ROSE WINE

Date and Place of Birth: _____

It is an offence to sell intoxicating liquor to someone under 18 years of age. I therefore need to speak to you about this matter.

Age Check material displayed? Yes / No

Q Are you the licensee of this shop?

- Response Yes Go to YELLOW sheets (licensee made sale)
- Yes Go to GREEN sheets (employee made sale but licensee interview)
- No Go to PINK sheets (employee made sale)

~~Action~~

NICHE 0508006777.

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LICENSEE OF PREMISES/LICENSEE MADE SALE

OWNER DETAILS

Full Name: _____

Home Address: _____

Post Code: _____

Telephone Number: _____

Date and Place of Birth: _____

Ownership Details: Sole Trader/Partnership/Ltd Company

Name(s): _____

Home Address/ Registered Office: _____

At this point, I must caution you and tell you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. You are not under arrest, and are free to leave at any time, you may obtain legal advice before answering any questions. Do you understand that?

Response _____

Q If, at any time during the interview you wish to take legal advice, please tell me and the interview will be stopped. Do you understand?

Response _____

Time Of caution: _____ am/pm

Persons present: _____

Q What is your position in the business?

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Response _____

Q Did you know it was an offence to sell intoxicating liquor to persons under the age of 18?

Response _____

Q Why did you sell intoxicating liquor to this child?

Response _____

Q Did you make any enquiries regarding the age of the purchaser on this occasion?

Response _____

If yes, what enquiries took place? If no, why not?

Q Do you have a refusals book?

Response _____

Q How long have you been trading from these premises?

Response _____

It is an offence to sell intoxicating liquor to any person under the age of 18 years and you will be reported for the offence. Do you wish to make any comment?

01517772939

Declaration:

I have read the above information and agree that it is a fair and balanced account of what was said.

Signed: _____ Time: _____ Date: _____

Witnessed:

Name: _____ Time: _____ Date: _____

Name: _____ Time: _____ Date: _____

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PERSON SERVING NOT OWNER

SELLER DETAILS

Full Name: DONNA DUFFY

Home Address: 90 CHURCH RD
BEBINGTON

Post Code: CH63 3ED

Telephone Number: 334 1121

Date and Place of Birth: 11-8-63 - B'HEAD

Position: SHOP ASS?

At this point, I must caution you and tell you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. You are not under arrest, and are free to leave at any time, you may obtain legal advice before answering any questions. Do you understand that?

Response YES

Q If, at any time during the interview you wish to take legal advice, please tell me and the interview will be stopped. Do you understand?

Response YES

Time Of caution: 1922 10-1-08 am/pm

Persons present: _____

Q What is your position in the business?

Response SHOP ASSISTANT

Q Did you know it was an offence to sell intoxicating liquor to persons under the age of 18?

Response YES

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Q Why did you sell intoxicating liquor to this child?

Response HE LOOKED OLD ENOUGH

Q Did you make any enquiries regarding the age of the purchaser on this occasion?

Response NO

If yes, what enquiries took place? If no, why not?

Q Are you paid a wage by the licensee?

Response YES

Q How long have you worked in this shop?

Response WEEK AND A ^{NO} SHOP HALT

Have you been given any instructions by the owner(s) of this shop about selling intoxicating liquor to persons under 18 years of age?

YES

Q If yes, what were these instructions?

Response ALWAYS ASK FOR ID

+ CHECK ANY ID PRODUCED

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Q Were these instructions given to you in writing?

Response NO

Q When were you last reminded about the law about selling intoxicating liquor by the owner (s)?

Response WHEN I STARTED

Q How was this reminder given to you?

Response VERBALLY

Q Does the owner ever test to see if you know what the law is about selling intoxicating liquor to children? If, yes how does (s)he do this?

Response I DON'T KNOW

Q Do you have a refusals book? (If yes, ask to see it)

Response NO

It is an offence to sell intoxicating liquor to any person under the age of 18 years and you will be reported for the offence? Do you wish to make any comment?

Response NO REPLY

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Declaration:

I have read the above information and agree that it is a fair and balanced account of what was said.

Signed: X *[Signature]* Time: 1927 Date: 10-1-08

Witnessed:

Name: *DArs* Time: 1922 Date: 10-1-08

Name: _____ Time: _____ Date: _____

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LICENSEE INTERVIEW/EMPLOYEE MADE SALE

OWNER DETAILS

Full Name: VALAMARTHY RANJAN

Home Address: 385-387 HOYLAKE RD MORETON

Post Code: CH46 0RW

Telephone Number: 678 1863

Date and Place of Birth: 23/10/68 SRI LANKA

Ownership Details: Sole Trader ~~Partnership~~ Ltd Company

Name(s): SIVASUBRAMANIAM RANJAN

Home Address/ Registered Office: _____

Q What is your position in the company?

Response D.P.S.

At this point, I must caution you and tell you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. You are not under arrest, and are free to leave at any time, you may obtain legal advice before answering any questions. Do you understand that?

Response YES

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Q If, at any time during the interview you wish to take legal advice, please tell me and the interview will be stopped. Do you understand?

Response YES.

Time Of caution: 1320 am/pm

Persons present: DPS + 1/2 OFFICER

Q On (date) 10/1/08 at (time) 1922.

(Name of seller) DONNA DUFFY. sold this intoxicating liquor (Ref No: DPS) to this child (Photograph reference DP/1/2/3/4).

Was (name of seller) DONNA DUFFY. working for you at this time?

Response YES.

Q How long has (name of seller) worked for you?

Response SINCE THE 20TH DECEMBER.

Q On what basis is (name of seller) employed by you?

Response SALES ASSISTANT.

Q How many staff do you employ?

Response SHE IS THE ONLY ONE

Q Did you know that it was an offence to sell intoxicating liquor to persons under the age of 18?

Response YES.

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Q What instructions do you give to your staff about selling intoxicating liquor to children?

Response AS PER DOCUMENTATION

Q How do you give staff these instructions?

Response AS PER DOCUMENTATION.

Q When did you last remind staff of the legal situation relating to the sale of intoxicating liquor? Did you record the information when you gave instructions?

Response AS PER DOCUMENTATION

Do you ever test your employees to see if they know what the law is about selling intoxicating liquor to children? If, yes how do you do this?

Response AS PER DOCS.

Q Do you have a refusals book?

Response YES

It is an offence to sell intoxicating liquor to any person under the age of 18 years and you will be reported for the offence. Do you wish to make any comment?

Response YES.

01517772939

Declaration:

I have read the above information and agree that it is a fair and balanced account of what was said.

Signed: *[Signature]* Time: Date:

Witnessed:

Name: *[Signature]* Time: 1330 Date: 25/1/07

Name: Time: Date: