

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 David Peers

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 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 Simply Food And Drinks 24B Wellington Road	
Post town Oxton	Post code (if known) CH43 2JE
Name of premises licence holder or club holding club premises certificate (if known) Wine Cellar	
Number of premises licence or club premises certificate (if known) LN/205000920	

Part 2 - Applicant details

I am

- 1) an interested party (please complete (A) or (B) below) Please tick yes
- 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 David Peers, Sergeant 6555 Wallasey Police Station Manor Road Wallasey CH441DA
Telephone number (if any) 0151 7772944
E-mail address (optional) 6555@merseyside.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

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

There have been two sales of alcohol to under aged persons within the last 7 months. Both sales were as a result of a Police operation.

These sales clearly undermine the objectives of protecting children from harm and the prevention of crime and disorder.

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

The conduct of these premises are a cause of concern to Merseyside Police.

Since September 2008 there have been three test purchases conducted and this has resulted in two sales on 17/09/08 and 05/03/09.

The history of this premises is as follows :-

17/09/08 Test Purchase - sale
31/10/08 Test purchase -- no sale
05/03/09 Test Purchase -- sale

The History of the above Police Test Purchases is as follows:-

On 17th September 2008 a under age volunteer entered the store and purchased a bottle of wine. There were no questions asked and the sale was completed. This was witnessed by Police Officers. A short time later Constable Barrell returned to the store and spoke to the seller Christopher HENDY. A short PACE interview was conducted and he was then issued with a fixed penalty notice. The Designated Premises Supervisor, Steven Fuller was later interviewed by Constable Cottrell and produced due diligence. No further action was taken in respect of the sale.

On 31st October 2008 the sale of alcohol was refused to an under age volunteer.

On 5th March 2009 a under age volunteer entered the store and purchased a bottle of wine. There were no questions asked and the sale was completed. This was witnessed by Police Officers. A short time later Constable Jones returned to the store and spoke with the seller Gemma ROBERTS. A short PACE interview was conducted and she was then issued with a fixed penalty notice. The DPS Deborah Stott, was later interviewed and due diligence was produced. No further action was taken.

These premises are located in a residential area. There can be no doubt that the selling of alcohol to under age persons can lead to an increase in anti social behaviour. It also impacts on the health of the young people and can make them more vulnerable to becoming a victim of crime. In addition it clearly undermines the licensing objective of protecting children from harm. Merseyside Police accept that due diligence has been accepted following each sale however clearly the fact that two sales have taken place within seven months suggests that the due diligence in operation is not effective.

It is suggested that the following conditions be placed on the licence to ensure due diligence is implemented and maintained.

1. Adoption of Think 21 policy and display of appropriate posters.
2. Acceptance of passport, photo driving licence or passaccredited identification only in support of till checks.
3. Maintenance of 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, training records maintained and that staff attend Trading Standards training when arranged.

Have you made an application for review relating to this premises before **Please tick yes** ☒

If yes please state the date of that application

Day Month Year

0	2	0	9	2	0	0	8
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If you have made representations before relating to this premises please state what they were and when you made them

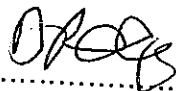
- Please tick yes
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
 - I understand that if I do not comply with the above requirements my application will be rejected ☒

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

12th March 2009

Capacity

Licensing Sergeant

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.

000 05090299,7

UNDERAGE INTOXICATING LIQUOR SALES

Premises Visited: Simply Drinks Wellington Rd.

Name: Simply Drinks

Address: 24 B Wellington Rd.
Oxon. Buckenard

Post Code: CH43-2JE

Date of Visit: 5/3/09 Time: 1915

Item(s) Purchased: Blossom Hill

Price: £ £ 4.99.

I am (name): Rita Jones (7036) from Merseyside Police. You have
just sold this 14 + 15. year old child (show photograph Ref

No:) intoxicating Liquor (enter details) Blossom Hill
11.5% volume - 75cl.

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)

Review

OCC 05090299,7

PERSON SERVING NOT OWNER

SELLER DETAILS

Full Name: Gemma Louise Roberts

Home Address: 18 Westwood Rd
Upton Wmral.

Post Code: CH49-9BG

Telephone Number: 512-2713

Date and Place of Birth: 31/1/85

Position: Breeder

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: 1925 8/3/09 am/pm

Persons present: Officer 1/c

Q What is your position in the business?

Response Sales assistant

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

Response yes

Q Why did you sell intoxicating liquor to this child?

Response She looked over 18, I should have asked. I've already asked for ID tonight.

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? Company

Response yes

Q How long have you worked in this shop?

Response Since Christmas

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 I have been trained, verbally and I went to a trading Standards meeting

Q If yes, what were these instructions?

Response - look at them, ask for ID, if they have none, refuse the sale

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 last night.

Q How was this reminder given to you?

Response Verbally by Trading standards

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 no

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

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 no.

Declaration:

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

Signed: JL. Roberts Time: 1930 Date: 5/3/09

Witnessed:

Name: Regina Time: 1930 Date: 5/3/09

Name: _____ Time: _____ Date: _____

GREEN

LICENSEE INTERVIEW/EMPLOYEE MADE SALE

OWNER DETAILS

Full Name: Deborah Jane Stott

Home Address: 80 Woodcrown Road

Post Code: CH42 9LP

Telephone Number: 0151 201 9276

Date and Place of Birth: 3/6/70 WIRRAL

Ownership Details: Sole Trader/Partnership/Ltd Company

Name(s): WING CELLAR

Home Address/Registered Office: RUNCORN

Date and Place of Birth: _____

Q What is your position in the company?

Response MANAGER

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: 10.34 am/pm

Persons present: Mr Simon Jones Mr Andrew Lewis

Q On (date) 5/3/09 at (time) 19.15

(Name of seller) Gemma Roberts sold this intoxicating
liquor (Ref No:) to this child (Photograph reference REF 13).

Was (name of seller) Gemma Roberts working for you at this time? REF 14

Response Yes

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

Response Since 24th December 2008

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

Response SALES ASSISTANT

Q How many staff do you employ?

Response SIX

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

Response Yes

Q What instructions do you give to your staff about selling intoxicating liquor to children? WE'RE CHALLENGE 30, IF THEY DON'T LOOK 30 NO ID NO SALE

Response _____

Q How do you give staff these instructions?

USUALLY AND ALSO WE HAVE IN OUR REFUSALS BOOK THERE IS A LEGALS PAGE AND WE GO THROUGH THAT IF THEY DON'T UNDERSTAND THEY DON'T SIGN AND THAT'S REVIEWED EVERY 6/8 WEEKS

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?

THEY ARE TOLD USUALLY EVERY EVENING BEFORE
Response LEGAL AND ALSO GEMMA DID THE TRAINING STANDARDS COURSE THE DAY BEFORE

Q Does 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 THERE WASN'T ONE IN PLACE AT THE TIME BUT
THERE IS NOW

Q Do you have a refusals book?


Response YES WE HAVE ALSO BROUGHT ALL THE CHALLENGES
WE ALSO HAVE THE PROMPTS

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 I AM ABSOLUTELY MORTIFIED
MORE SO BECAUSE I FEEL SING HAS
ADEQUATELY TRAINED

Declaration:

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

Signed:  Time: 10.44 Date: 12/3/09

Witnessed:

Name: Mr Simon Jones Time: 10.44 Date: 12/3/09

Name: _____ Time: _____ Date: _____

OCC 0508122322

UNDERAGE INTOXICATING LIQUOR SALES

Premises Visited: SIMPLY FOODS

Name: _____

Address: WELLINGTON RD

COTTON

Post Code: CH43 2JE

Date of Visit: _____ Time: 1931

Item(s) Purchased: £5.99 1x BOTTLE CAWARRA

Price: £ £5.99

I am (name): S. BARRELL from Merseyside Police. You have just sold this 15 year old child (show photograph Ref

No:) intoxicating Liquor (enter details) 1x BOTTLE of
CAWARRA WHITE WINE 12%.

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)

0CC 0508122322

PERSON SERVING NOT OWNER

SELLER DETAILS

Full Name: CHRISTOPHER MICHAEL HENDY

Home Address: 1 FARNDON WAY
PRENTON

Post Code: CH43 2NW

Telephone Number: 0181 652 8032

Date and Place of Birth: 6/11/84

Position: SALES ASSISTANT

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: 1946 am/pm

Persons present: AS ABOVE

Q What is your position in the business?

Response SALES ASSISTANT

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

Response YES

Q Why did you sell intoxicating liquor to this child?

Response IT WAS JUST BUSY IN THE SHOP ITS BEEN
ONE PERSON AFTER ANOTHER.

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

Response NO I DIDN'T I WAS THINKING IT
BUT I DIDN'T.

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

AS ABOVE.

Q Are you paid a wage by the licensee?

Response ITS A BIL COMPANY.

Q How long have you worked in this shop?

Response ABOUT FIVE YEARS.

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

WE'RE JUST RECENTLY GOING THROUGH THE
TRAINING AGAIN WE'VE GOT A NEW MANAGER
AND ITS CHALLENGE 30.

Q If yes, what were these instructions?

Response ITS SUPPOSED TO BE IF THEY LOOK
UNDER TAIRTY WITH NO 'D DON'T
SELL IT.

Q Were these instructions given to you in writing?

Response WE DID DO AGES AGO.

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

Response ITS WEEKLY.

Q How was this reminder given to you?

Response ITS MORE A VERBAL THING.

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 WE DONT GET TESTED NO.

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


Response WE HAVE BUT ITS NOW ELECTRONIC
ON THE TILL.

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.

Declaration:

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

Signed: ☒  Time: _____ Date: 17/9/08

Witnessed:

Name: _____ Time: _____ Date: _____

Name: _____ Time: _____ Date: _____

LICENSEE INTERVIEW/EMPLOYEE MADE SALE

OWNER DETAILS

Full Name: STEVEN FULLER

Home Address: FLAT 2 12 MARKET STREET
BIRCHHEAD

Post Code: CH41 5ER

Telephone Number: 0753 1527840

Date and Place of Birth: 5/5/57 LEER

Ownership Details: Sole Trader/Partnership/Ltd Company

Name(s): WINE CELLAR LTD

Home Address/ Registered Office: THE HEATH BUSINESS
BRUNCONN CROSWINE WA7 4QX

Q What is your position in the company?

Response: DPS

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: YEH

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 YEH

Time Of caution: 10.27 am/pm ~~pm~~

Persons present: NIL

Q On (date) 17/9/08 at (time) 19.31

(Name of seller) CHRISTOPHER HENDY sold this intoxicating liquor (Ref No:) to this child (Photograph reference).

Was (name of seller) CHRISTOPHER HENDY working for you at this time?

Response YES

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

Response 3 1/4 YEARS

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

Response SALES ASSISTANT

Q How many staff do you employ?

Response 6

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

Response YES

Q What instructions do you give to your staff about selling intoxicating liquor to children? IF IN DOUBT DON'T SELL LIQUOR OR CIGARETTES IF IN DOUBT DON'T SELL

Response UNLESS THEY HAVE I.D.

Q How do you give staff these instructions?

Response UNUSUAL AND THEY SIGN THE LEGAL OBLIGATIONS & SOCIAL RESPONSIBILITIES

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 4TH AUGUST 2008

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 YES THEY READ AND SIGN THE ABOVE FORMS

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 NO

Declaration:

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

Signed: J. Full J Time: 10:33 Date: 23/9/08

Witnessed:

Name: STINGW Time: 10:33 Date: 23/9/08

Name: _____ Time: _____ Date: _____

Trading Standards - Notification of Representation

Date: 16th March 2009

Name	John Malone
Title	Trading Standards Manager
Postal address	Wallasey Town Hall Brighton Street Wallasey CH44 8ED
Contact telephone number	0151 691 8640

Premises	Simply Food & Drinks LN/205000920
Address	24B Wellington Road, Oxtou, CH43 2JE

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	Yes	<p>This representation from Trading Standards, a responsible authority for the purposes of the Licensing Act, is in support of the application for licence review submitted by Merseyside Police on the 12th March 2009.</p> <p>Trading Standards records show that the only contact with the business was an advisory visit carried out on the 15th August 2007.</p> <p>Licensing objective - The protection of children from harm</p> <p>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.</p> <p>The DCMS guidance (attached) states;</p> <p>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:</p> <p>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</p> <p>Harm to young people</p> <p>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;</p>

		<p>whilst drunk - this figure rose to 32% amongst young males.</p> <p>15% claimed to have been in a car with a young person who had been drinking.</p> <p>12% stated that they had regretted having sex after drinking alcohol</p> <p>Trading Standards are concerned that despite due diligence being in place it is not being properly observed. The panel have the power to suspend the licence if wider considerations such as the prevention of crime come into play, that suspension acting as, if not punishment, at least deterrence - R (Bassetlaw District Council) v Worksop Magistrates' Court</p> <p>Trading Standards support the conditions proposed by Merseyside Police to ensure that good practice is implemented and maintained to assist in the protection of children from harm.</p>
Public safety		
The prevention of crime and disorder		
The prevention of public nuisance		

John Malone

16th March 2009