

REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES

REVIEW OF PREMISES LICENCE

Premises concerned	Bargain Booze 66 Lenton Boulevard Lenton Nottingham NG7 2EN Please see attached Premises Licence
Premises licence holder	Tariq Mahmood
Party submitting review	Jane Bailey, for & on behalf of Nottingham City Council Trading Standards Service Central Police Station North Church Street Nottingham NG1 4BH Please see attached application.
Date application Received:	15 October 2012
Last date for representations:	12 November 2012 The Licensing Officer displayed public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 from 16 October 2012 to 12 November 2012 inclusive.
Relevant representations received	None
Matters which the Authority has asked the parties to clarify	<ol style="list-style-type: none"> 1. Identification of all issues (both factual legal) which are in dispute. 2. Identification of all areas of law, Guidance and Policy upon which they intend to rely.
Issues	
Issue 1	Whether it is necessary and proportionate to take any one or more of the steps identified below in order to promote (1) the prevention of crime & disorder (2) public safety (3) the prevention of public nuisance (4) the protection of children from harm or whether no action is necessary to promote the licensing objectives.

Relevant Legislation	S51 – 53 Licensing Act 2003
Relevant Policy	Paragraphs 6.44 and 6.45 of the Statement of Licensing Policy.
Relevant Guidance	Chapter 11 of the guidance issued under section 182 of the Licensing Act 2003.
Steps which the Licensing Authority may take	<ol style="list-style-type: none"> 1. To modify the conditions of the licence permanently or for a temporary period of up to 3 months; and/or 2. To exclude a licensable activity from the scope of the licence permanently or for a temporary period of up to 3 months; and/or 3. To remove the designated premises supervisor; and/or 4. To suspend the whole premises licence for a period not exceeding 3 months; or 5. To revoke the licence.
Published documents referred to in compiling this report	<p>Licensing Act 2003</p> <p>Guidance issued under Section 182 of the Licensing Act 2003.</p> <p>Statement of Licensing Policy issued by Nottingham City Council.</p>

Andrew Errington
Director of Community Protection
Central Police Station, North Church Street, Nottingham NG1 4BH


Contact Officer: Zoey Mayes, Licensing Officer 0115 876 1756



Bargain Booze, 66 Lenton Boulevard, Lenton, Nottingham NG7 2EN

 City Boundary

0 39.7 Meters



© Crown Copyright and database right 2012. Ordnance Survey Licence number 100019317. Aerial Photography Copyright: Geoperspectives, 2007

This map is a user generated static output from NOMAD mapping site and is for reference only.



**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.

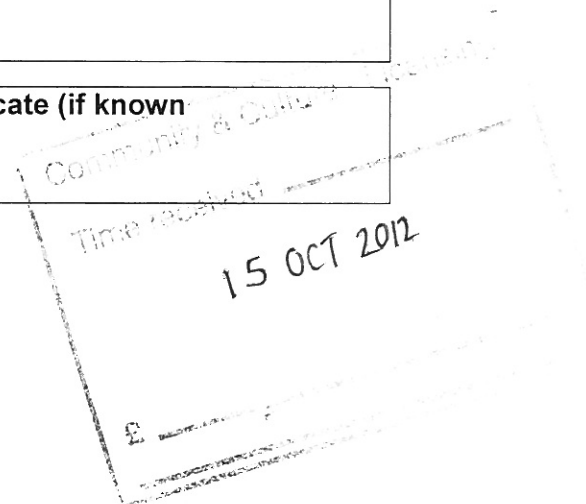
- I Jane Bailey, for and on behalf of Nottingham City Council Trading Standards Service is applying for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description BARGAIN BOOZE, 66 LENTON BOULEVARD, LENTON, NOTTINGHAM	
Post town NOTTINGHAM	Post code (if known) NG7 2EN

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

Number of premises licence or club premises certificate (if known) 033744



Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - 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 Nottingham City Council Trading Standards Service Central Police Station, North Church Street, Nottingham NG1 4BH
Telephone number (if any) 101
E-mail address (optional) jane.bailey@nottinghamcity.gov.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 checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

This application is made because all four of the Licensing Objectives, ie: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, have been seriously undermined in that:

The premises trades as an off-licence. At all material times the Designated Premises Supervisor was Mr Rajit JOHAL, and the Premises Licence Holder was Mr Tariq MAHMOOD.

On the 7th June 2012 a test purchase volunteer aged 15 years old was sold alcohol by a person working at Bargain Booze.

On the 23rd July 2012 a test purchase volunteer aged 16 years old was sold alcohol by a person working at Bargain Booze.

On the 19th September 2012 a test purchase volunteer aged 16 years old was sold alcohol by a person working at Bargain Booze.

1.The Prevention of Crime and Disorder

Sales of alcohol to children under the age of 18 breaches S146 (1) of the Licensing Act 2003.

2. Public Safety

Sales of alcohol to children under the age of 18 can cause concerns for public safety. This could cause intoxicated underage children to be generally engaging in unsafe behaviour, putting themselves, and others at risk. An example of unsafe behaviour due to underage children drinking alcohol could be that they could walk into the path of a moving vehicle, putting themselves and the motorist at risk. The incorrect disposal of glass alcohol bottles could pose further risks to public safety.

3. The Prevention of Public Nuisance

It is alleged that the sale of alcohol to underage children could also cause a public nuisance due to empty cans/bottles being left in the surrounding area as well as possible noise nuisance made by intoxicated underage children. Public urination is also a nuisance.

4. The Protection of Children from Harm

The sale of alcohol to children can expose them to a risk to their health and wellbeing, either from the direct effects of consuming alcohol, or by making them more likely to be the victims, or perpetrators, of violent or sexual crimes.

Mr Tariq MAHMOOD, the Premises Licence Holder of Bargain Booze, is responsible for breaching S146 (1) of the Licensing Act 2003, in that he sold alcohol to a person under 18 years of age on 3 separate occasions. Each of the three sales was witnessed by Trading Standards Officers. A prosecution file is now in the early stages of the legal process relating to these sales.

Summary

By reason of the matters aforesaid, it is felt that it would be a necessary and proportionate response of Nottingham City Council Trading Standards Service to make an application for a review of the premises licence.

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

In April 2012 Nottingham City Council Trading Standards Service received information from the Police that Bargain Booze of 66, Lenton Boulevard, Nottingham was selling alcohol to persons under the age of eighteen.

Due to this information, on the 7th June 2012, two officers from Trading Standards, and one Police Officer carried out a test purchase exercise with a volunteer aged 15 years. At around 4.20pm on that date, the volunteer purchased alcohol (Gallo Wine) from Bargain Booze. The sale was witnessed by Wayne Robinson, Enforcement Officer for the Service. After the sale, Wayne Robinson and PC Bostock returned to the premises and spoke to the seller of the alcohol. The seller, Zuhaib SARWAR, was informed of the sale and told Wayne Robinson and PC Bostock that he was a member of staff. Further business details were provided by Mr SARWAR and he was unable to provide a refusals book. It is our view that these documents are an essential part of systems designed to prevent sales of alcohol to underage persons. Of the 6 test purchases carried out in total that day, the other 5 premises all refused to sell alcohol or cigarettes to the same test purchase volunteer.

In the beginning of July 2012, Nottingham City Council Trading Standards Service again received intelligence from the Police that the same Bargain Booze was again selling alcohol to persons under the age of eighteen.

Due to this further information, on the 23rd July 2012, two officers from Trading Standards, and one Police Officer carried out a test purchase exercise with a volunteer aged 16 years. Around 5.20pm on that date, the volunteer purchased alcohol (Grolsch Premium Lager) from Bargain Booze. The sale was witnessed by Tom Newton, Enforcement Officer for the Service. After the sale, Tom Newton and PC Bostock returned to the premises and spoke to the seller of the alcohol. The seller, Mr SARWAR, (who was the same seller on 7th June 2012) was informed of the sale and informed Tom Newton and PC Bostock that he was a member of staff. Further business details were provided by Mr SARWAR. He was unable to provide a refusals book nor was unable to print from nor show on the till display the previous refusals made. Of the 6 test purchases carried out in total that day, another premises sold alcohol to the same test purchase volunteer and the other 4 premises refused to sell alcohol or cigarettes to the same test purchase volunteer.

Due to having received the 2 separate pieces of information and the two sales, on 19th September 2012, two officers from Trading Standards, and one Police Sergeant carried out a test purchase exercise with a volunteer aged 16 years. Around 6.45pm on that date the volunteer purchased alcohol (a bottle of Disaronno) from Bargain Booze. The sale was witnessed by Laura Chambers, Enforcement Assistant for the Service. After the sale, Fiona Needham (Principal Trading Standards Officer) and PS Tracey Jordan returned to the premises and spoke to the seller of the alcohol. The seller, Omar DRAZ, was informed of the sale and told Fiona Needham and PS Tracey Jordan that he was a member of staff. Further business details were provided by Mr DRAZ. He was unable to provide a refusals book. Of the 7 test purchases carried out in total that day, the other 6 premises all refused to sell alcohol to the same test purchase volunteer.

During a formal interview with Mr MAHMOOD he stated that they (himself and Mr JOHAL) had been running Bargain Booze for between a year and a year and a half. They have two other shops. They also have another Bargain Booze shop in Stapleford which they have had for approximately 6 months and a shop in Carlton which they have owned for approximately 10 years.

He stated that the Premises Licence Holder for the Bargain Booze shop in Stapleford was Mr JOHAL and the Designated Premises Supervisor was Mr MAHMOOD's wife. Broxtowe Borough Council Licensing Department confirmed though that the Premises Licence Holder was Mr MAHMOOD and that Kuzwinder Singh GREWAL was the Designated Premises Supervisor, and he had been the previous Premises Licence Holder.

During the interview, Mr MAHMOOD stated that they had no formal training packages for the staff and had no paperwork regarding the verbal training that they had provided to the staff. When questioned regarding updating the staff every six months on such training, Mr MAHMOOD stated that none of the staff stayed long enough to be retrained.

During a formal interview with Mr JOHAL, he stated that since the second test purchase (and the day before the third test purchase) he had been on an Underage Sales Training package run by Nottingham City Council Trading Standards Service. Trading Standards can confirm that he did attend this training.

A Challenge 25 Policy is designed to prevent sales in circumstances such as the three that have been described. During the interviews with Mr JOHAL and Mr MAHMOOD they stated that they had various posters placed around the shop stating that they operated a challenge scheme, but from their answers they did not follow it through every time to ask those that look under 25 for their identification.

Mr JOHAL and Mr MAHMOOD stated that they had a system on the tills where they could register whether or not a consumer was over 18 or not. The fact that Trading Standards have had 3 failed test purchases at this premises proves that this system is not being used. Mr JOHAL stated that they do not ask students who may look under 25 for identification every time, because they do not have the time to do so. Their priority is to serve customers. Mr JOHAL did state that they had now requested from Bargain Booze head office a till prompt system but they had not upgraded the system as yet.

Summary

As aforementioned it is felt that it would be a necessary and proportionate response of the Nottingham City Council Trading Standards Service to make an application for a review of the premises licence. Licence holders have a duty of care to their customers and as such they should ensure that they do not sell alcohol to persons under the age of eighteen.

Nottingham City Council Trading Standards Service recommends a revocation of the Premises Licence.

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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 Jane Bailey
Date 11th October 2012
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.



Licensing Act 2003

Communities

Derwent Building
Eastcroft Depot
London Road
Nottingham
NG2 3AH
Tel: 0115 915 5555
Fax: 0115 915 2118

Premises Licence

Premises licence number: 033744

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
Bargain Booze 66 Lenton Boulevard Lenton			
Post town	Nottingham	Post code	NG7 2EN
Telephone number	0115 9100944		

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Sale by Retail of Alcohol;



The times the licence authorises the carrying out of licensable activities

Alcohol Sales:

Monday	from 08.00 hrs to 23.00 hrs
Tuesday	from 08.00 hrs to 23.00 hrs
Wednesday	from 08.00 hrs to 23.00 hrs
Thursday	from 08.00 hrs to 23.00 hrs
Friday	from 08.00 hrs to 23.00 hrs
Saturday	from 08.00 hrs to 23.00 hrs
Sunday	from 10.00 hrs to 22.30 hrs
Good Friday	from 08.00 hrs to 22.30 hrs
Christmas Day	from 12.00 hrs to 15.00 hrs and 19.00 hrs to 22.30 hrs

The opening hours of the premises

At the licensee's discretion, but licensable activities are only to be provided as outlined above.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol - Off the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Tariq Mahmood, 78 Foxhill Road, Carlton, Nottingham NG4 1GD

(Transferred: 28 July 2011)

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Ranjit Johal

(Varied: 28 October 2011)

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

11/00874/PERS – issued by Gedling Borough Council

Signed:
Licensing Officer

Dated: 19 June 2005

Annex 1 - Mandatory conditions

S19 Licensing Act 2003

1. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of it or,
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

S19 (4) Licensing Act 2003

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

Embedded Restrictions

Section 60, 63, 86 Licensing Act 1964

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Section 164 Licensing Act 1964

Alcohol shall not be sold in an open container or be consumed in, the licensed premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 – Plans

Drawing dated 17 February 2004 submitted with the application dated 20 April 2005.

Dated 19 June 2005