

**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 Sergeant 1506 Bushell

*(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 (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> T & S Convenience Store 76-78 Market Street	
<b>Post town</b> Chorley	<b>Post code (if known)</b> PR7 2SS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Mehboob Patel / Mr Suhail Patel
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<b>Number of premises licence or club premises certificate (if known)</b> PL(A) 0229
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**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 Sergeant 1506 Bushell Licensing Manager Lancashire Constabulary Southern Division Chorley Police Station St Thomas Road Chorley Lancashire PR7 1DR
Telephone number (if any) 01257 246227
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 | <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 1)

The premises has failed a Trading Standards test purchase operation where a member of staff sold alcohol to a person under 18. Further investigation by the police and trading standards officers into why the sale took place showed that the member of staff had not received the required training and that the premises had therefore breached a number of conditions on it's licence.

The conditions that had been breached were imposed as a result of review hearing to try and prevent test purchase failures. It is clear to both the Police and Trading Standards officers that despite having given the premises the opportunity of improving it's operation the premises licence holder and DPS have failed in this regard and as such both the Police and Trading Standards feel that revocation of the licence is now the only option.

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

On 26<sup>th</sup> August 2010 the Police submitted an application for a review of the premises licence. The review arose as a result of a number of failed test purchase operations and the sale of alcohol from the premises which was leading to anti social behaviour in Chorley Town Centre. This review was supported by Lancashire Trading Standards and was heard by the Licensing Committee on 20<sup>th</sup> October 2010, where after hearing evidence from all parties the committee revoked the premises licence.

The Premises licence holder subsequently submitted an appeal application to Chorley Magistrates against the revocation of the licence. The appeal hearing was listed for hearing on 16<sup>th</sup> March 2011. In the meantime the premises was able to continue trading.

A case management hearing was held at Chorley Magistrates Court on 10<sup>th</sup> January 2011, where the applicant attended with their legal representation instructed by "Licensing Matters" Consultancy.

It transpired that "Licensing Matters" were now working with the premises providing a comprehensive training package, instruction and documentation in order to prevent any further underage sales. After some debate between the legal representatives from the Council, those representing the premises and the police it was felt that the appeal could be resolved by the imposition of conditions on the licence. This decision was not taken lightly but heavily influenced by the fact that "Licensing Matters" would be involved.

The police then drew up a list of conditions that were to be under-pinned by the training provided by "Licensing Matters" and these were agreed with the Premises Licence Holder.

At the appeal hearing a consent order, drawn up by the premises, was presented to the Magistrates containing the list of conditions with the request that they be imposed onto the licence. The order was signed by all parties to the appeal and a copy is attached to this review at No 1.

Although the consent order was agreed and would effectively come into force at that time the premises had apparently been let down by the CCTV engineer in installing the audio equipment. The premises stated it would be done, so an agreement was made that the consent order would be suspended for 10 working days to allow the system to be upgraded to the required standard.

At 11.50 hrs on Tuesday 29<sup>th</sup> March 2011 police, in company with council officers, attended the premises to check the CCTV system was operating as per the licence condition. Tariq Patel, the son of the DPS and the person responsible for previous test purchase failures, was in the shop and demonstrated the system which appeared to be operating to the satisfaction of the police.

Tariq was spoken to and informed that the conditions in the consent order were now in force. It was reiterated to him that there was now a need to move forward and ensure that he and his staff were robust in challenging persons who appeared underage. Tariq stated that he would be a lot stricter where this was concerned.

On the evening of Friday 27<sup>th</sup> May 2011, Trading Standards Officers conducted a test purchase operation in Chorley. It was decided that one of the target premises should be T & S Convenience Store as this was the first opportunity, since the appeal, to test whether the new procedures were working.

About 7pm that night a 15 year old male was sent into the premises, whilst in there he was sold a bottle of wine by the member of staff working behind the till. At no time was the male challenged about his age or asked for any identification. This was the only sale made to this volunteer that evening despite having visited a number of other licensed premises.

The details of the staff member Tahir Badat were obtained after the sale and a few days later CCTV footage of the sale was seized from the premises. It was also discovered that the staff member who had made the sale had now been sacked.

Arrangements were made between the Police and Trading Standards to interview the seller, however it was felt that the reason for the failure needed to be established. The main question being whether or not the staff member had been trained as specified in the conditions of the licence.

At 14.45 hours on Monday 11<sup>th</sup> July 2011, Police, Trading Standards and Council officers attended the premises where they spoke with both Mehboob Patel and Tariq Patel. They were asked if there were any training records for the staff member they both said there wasn't any.

Both were then cautioned and it was explained that if there were no training records then they would be committing offences under the licensing act as they were failing to comply with the conditions on their licence.

After caution it was then confirmed that no training had taken place and therefore no records existed, Mehboob stated that they did not do any staff training until they were permanent members of staff and Tariq confirmed the male had only worked there for 3 weeks, again confirming that no training had been provided.

It was pointed out that they were in breach of the conditions on the licence, details were also obtained of another member of staff working in the shop at the time this visit was taking place.

It was further confirmed that this member of staff had not received any training and in fact there were no records of any training provided for any members of staff.

A check was then made of the refusal/incident book at the premises to ensure that this was being completed in accordance with the licence condition.

Upon examining the book, which had clearly been provided by "Licensing Matters" it showed that the first entry was made on 18<sup>th</sup> February 2011, there were 32 entries until 27<sup>th</sup> March. A further 2 entries on 11<sup>th</sup> and 13<sup>th</sup> May, 2 entries on 3<sup>rd</sup> and 6<sup>th</sup> June and then entries on 1<sup>st</sup>, 4<sup>th</sup>, 6<sup>th</sup> and 8<sup>th</sup> May. The entries in the book were not comprehensive nor did they comply with the example entry in the front. It was in fact suspected that some of the entries were being made by a member of staff behind the counter whilst officers were in the storeroom.

Tariq was then asked to show the CCTV footage corresponding to a number of entries in the book, 4 separate entries were checked all of which seemed to indicate that the entries were not true accounts of challenges made.

It was clear that the refusal book was not completed to the satisfaction of the Police so it was seized as evidence and a copy is attached to this review at No 2.

Due to this a request was made to provide the police with footage corresponding to all the challenges made during July. After a number of requests for the footage it was

eventually supplied on 21st July . A copy of this footage on DVD is attached to this review at No 3.

This footage has been checked against the entries in the refusal register and there have been a number of discrepancies highlighted. These have been documented and a copy is attached to this review at no 4.

Mehboob and Tariq were asked to identify some of the signatures against entries in the refusal book and it was quite apparent they were unable to do so.

IAAt 09:00 hrs Monday 18<sup>th</sup> July Police and Trading Standards conducted a tape recorded PACE interview with Badat. Whilst under caution Badat admitted selling the alcohol to the male and accepted that the male was underage. He was asked if he had been given any training. He stated that Mehboob Patel had explained to him the procedures for using the till and other aspects in running the store. There was mention of checking the age of persons buying alcohol and that he was given a book which explained about underage sales. Badat confirmed that he had not been given any formal training by anyone at the shop and admitted he had only briefly looked at the book. He further stated that he had never had his knowledge of the book tested nor had he signed any training documents. Badat did confirm that Mehboob Patel said he would put him on the course after a number of weeks if he was still at the store.

As a result of all the above information arrangements have been made to interview Mehboob Patel under caution with a view to instigating criminal proceedings under the Licensing Act 2003.

It is clear that there have been breaches of the conditions attached to the premises licence despite assurances given at the appeal hearing that they would make vast improvements to their operation.

A document outlining the breaches in detail is attached to this review at No 5.

The Police and Trading Standards now believe that having been given a second chance Mehboob Patel has demonstrated his inability to run a licensed premises, despite comprehensive guidance from licensing professionals and therefore they request that the premises licence be revoked.

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

2	6	0	8	2	0	1	0
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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

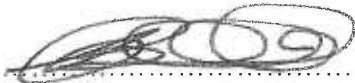
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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

*11<sup>th</sup> August 2011.*

Capacity Southern Division Licensing Manager

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)  
As Above

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.