

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Thursday, 25 January 2024

Dear Councillor

STATUTORY LICENSING SUB-COMMITTEE - THURSDAY, 25TH JANUARY, 2024

I am now able to enclose, for consideration at next Thursday, 25th January, 2024 meeting of the Statutory Licensing Sub-Committee, the following documents that were unavailable when the agenda was printed.

Agenda No Item

- | | |
|---|---|
| 3 | <u>Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Saver Express, 19 Finchfield Road West, Wolverhampton, WV3 8AY (Pages 3 - 40)</u> |
|---|---|

If you have any queries about this meeting, please contact Democratic Services:

Contact Donna Cope

Tel 01902 554452

Email donna.cope@wolverhampton.gov.uk

Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

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STATEMENT OF WITNESS
(Criminal Procedure Rules R16.2; Criminal Justice Act 1967 S9)

Statement of (Name) Adam Yeomans

Agenda Item No: 3

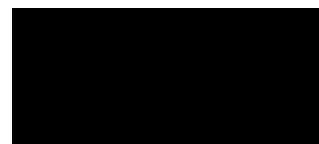
Age **018**

Occupation Wolverhampton City Council Taxi Licence Compliance Investigator

This statement consists of two pages signed by me, is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date 18/1/24

Signed A Yeomans



I am Adam Yeomans a Compliance Investigator for Wolverhampton City Council, Taxi Licencing.

On Saturday 25th November 2023 I worked with Wolverhampton City Council Trading Standards officer Dianne Slack and Marion Wilson as part of an operation with two female children aged 13 and 16 years old. We were also supported by two Police community support Officers from West Midlands Police.

Our operation was for the children to enter open licence premises registered to Wolverhampton City Council to try and purchase alcohol or vapes. My role was to be dressed in plain clothes to be inside the licence premises prior to the children entering to not only protect them, but to witness if they could purchase any alcohol or vapes.

We had earlier attended some premises within Wolverhampton and staff correctly refused to serve the children on purchasing alcohol or vapes.

At about 15:55 I entered Saver Express, 19 Finchfield Road West, Wolverhampton. I entered just prior to the children. There was a female customer who was stood behind the counter at the store. A few minutes later the two female children then came into the store.

Signed

Page 3

Date 18/1/24

STATEMENT OF WITNESS
(Criminal Procedure Rules R16.2; Criminal Justice Act 1967 S9)

I was stood at the counter opposite the female staff member looking at vapes they were selling when the children then came to the counter and purchased alcohol and some sweets.

They paid for the items to the female staff member. The female member of staff did not ask them any questions regarding their identification or age. The children then walked out of the store with the items they had purchased.

I stopped in the store and was joined by Trading Standards officer Dianne Slack and then spoke to the female staff member who sold the items to the children. Ms Slack identified herself as well as I did, and the West Midlands Police community support officers also entered the premises.

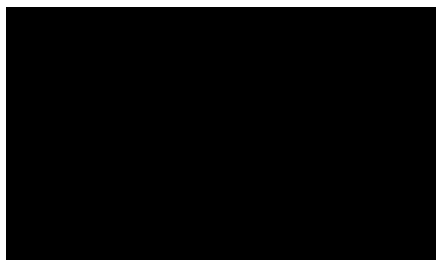
The female member of staff who sold the items to the children stated her name was

Whilst looking at the rear rooms within the store at 17:00 hrs several vapes which I believed were not legal to be sold were within the licence premises. Dianne Slack did recognise them and seized them as exhibit DS/2.

I also took a copy of the store CCTV camera which showed the two children purchasing their items whilst I was stood opposite the counter facing

A Yeomans

Signed



e 4

Date

18/1/24

STATEMENT OF WITNESS

(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9)

STATEMENT OF Dianne Slack

AGE Over 18 years

OCCUPATION Tobacco Control Officer – Trading Standards

This statement, consists of 5 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date 29 November 2023


Signed 

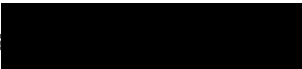
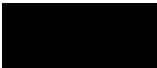
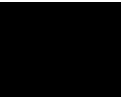
1. I am employed by the City of Wolverhampton Council as a Tobacco Control Officer in Trading Standards. I am also the lead officer for underage sales. I hold an LLB (Hons) law degree and a Diploma in Consumer Affairs; I am a Chartered Trading Standards Practitioner and a full member of the Chartered Trading Standards Institute. I am an authorised officer for a variety of consumer protection and fair-trading legislation. I have been employed by the City of Wolverhampton Council since 1990.
2. On the 27 October 2023, Wolverhampton Trading Standards received a complaint against Savers Express, 19 Finchfield Road West, Wolverhampton, WV3 8AY. It was alleged that teenagers believed to be 13 years old were purchasing e- cigarettes, also known as vapes from this shop.

Signed 

Date 29 November 2023

- [REDACTED]
3. On the 25 November 2023, I organised an underage test purchase operation which included a visit to Savers Express, Finchfield Road West, Wolverhampton. I was accompanied by two child test purchase volunteers (aged 16 and 13 years old), Marion Wilson, a senior trading standards officer and Adam Yeomans a licensing compliance investigator, both employed by the City of Wolverhampton Council.
 4. I ensured the volunteers had no money of their own or identification before commencing the visits and handed them a twenty-pound note for their attempted test purchases. We were also accompanied by West Midlands Police Officers PCSO 31401 TOMKINSON and PC 30161 DENYER.
 5. At 15:55 hours, I observed the two child volunteers enter Savers Express. I followed them into the shop. Adam Yeomans was already there in front of the counter looking at different vapes. A young Asian woman was behind the counter. She was short with a round face and long black hair tied in a ponytail.
 6. I saw the girls choose a can of alcohol and some sweets and put them on the counter. I could not hear what was said but saw the sales assistant add a vape to the counter. One of the volunteers handed over some money and they left the shop with their purchases. I paid for some sweets and left the shop. Adam Yeomans was still there. I followed the children to our vehicle where Marion Wilson was waiting. Mr Yeomans then joined us.
 7. The volunteers had purchased a 250 ml can of Smirnoff Vodka and Coke (5%ABV) and an Elf Bar 600 Mango nicotine disposable vape. These items were placed in a transparent plastic bag and secured with a security seal with a unique reference number 3744942. The volunteers had also purchased [REDACTED]

 chocolate and sweet products. I produce the age restricted test purchases as **exhibit DS/1**, signed and dated by me.

8. Before this test purchase, the volunteers had visited three other shops where they were asked for identification and refused age restricted products.
9. I was aware that it is a criminal offence to sell alcohol to anyone under the age of eighteen under section 146 Licensing Act 2003.
10. In addition, it is a criminal offence to sell e-cigarettes or to vapes anyone under the age of eighteen years, as per The Nicotine Inhaling Products (Age of sale and Proxy Purchasing) Regulations 2015. and section 7 Children and Young Persons Act 1933.
11. Mr Yeomans and I returned to the shop with PCSO 31401 TOMKINSON and PC 30161 DENYER at around 16.01 hours.
12. When I entered Savers Express, the sales assistant was still behind the counter. I allowed her to finish serving a customer. I introduced myself and explained she had sold alcohol and vapes to children under 18. She gave her name as  and called the owner of the shop on her mobile. She appeared bewildered and her English was poor. She could not provide any identification.  did not know how to operate the CCTV or know where the refusals book was. She could not confirm if she was paid for working in the shop and said she had only been working for 'the Gaffer' a friend of hers, for two weeks. She said she had been trained about underage sales but not in writing. She confirmed she knew to sell alcohol and vapes to children was illegal. When asked she said she did not have a personal licence. The owner of the shop repeatedly rang her and spoke in a foreign language whilst we were 

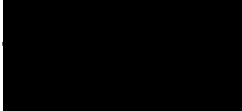
[REDACTED] waiting for him to turn up. I spoke to the owner once and he said he would be at the premises in twenty minutes.

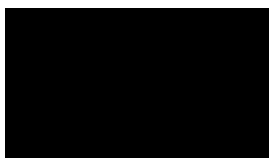
13. There was an open packet of cigarettes on the till. I asked [REDACTED] if she smoked. She said no. I asked if she sold single cigarettes. She claimed she did not understand me.

14. PCSO 31401 TOMKINSON asked where the large vapes were. [REDACTED] indicated they were in the back. I went to have a look and found an ASDA plastic basket and cardboard box containing in total 212 vapes ranging from 4000 to 9000 puffs. The labelling of each individual device with the large number of puffs suggests the tank for the nicotine liquid is greater than the permitted 2ml under The Tobacco and Related Product Regulations 2016. This would be approximately 600 puffs.

15. During this time [REDACTED] who said he was the owner of the business, arrived at approximately 16:45 hours. I introduced myself and explained why we were on his premises. He claimed he was normally in the shop but had to take his son home. He found the Refusals book. There were three entries. He was also able to recover footage of the underage sale on his mobile phone. I watched as Mr Yeomans recorded the footage on his work mobile. [REDACTED] said he had had the shop for 15 years and had never had a complaint against him before regarding underage sales. I informed him that I had.

16. I asked Mr Singh to explain why he had vapes suspected of being illicit in his back room. He said he was not selling them. They had been left by a visitor to his shop and [REDACTED] had been unable to contact him to collect them back when he realized they were illegal. I asked how much he had paid for the vapes. He informed me that he owed the person £200.00 but I could take them

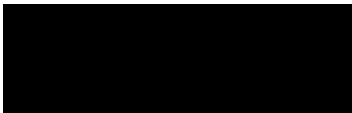
away to destroy. These vapes were counted and bagged up by Mr Yeomans. I produce these vapes as **exhibit DS/2** signed and dated by me. A trader's notice was completed, and we left the premises around 17:20 hours. I produce a copy of the trader's notice, as **exhibit DS/3** signed and dated by me. I produce photographs taken by me in the store as **exhibit DS/4** signed and dated by me 



IN THE WOLVERHAMPTON MAGISTRATES COURT

WOLVERHAMPTON CITY COUNCIL v

This is the Exhibit marked "DS/1" referred to in the Witness Statement of Dianne Slack

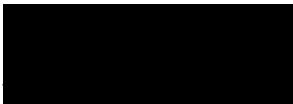
Signed ... 

Dated: 29 November 2023

IN THE WOLVERHAMPTON MAGISTRATES COURT

WOLVERHAMPTON CITY COUNCIL v

This is the Exhibit marked "DS/2" referred to in the Witness Statement of Dianne Slack

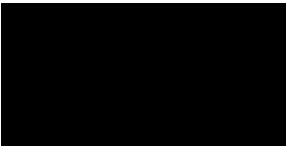
Signed 

Dated: 29 November 2023

IN THE WOLVERHAMPTON MAGISTRATES COURT

WOLVERHAMPTON CITY COUNCIL v

This is the Exhibit marked "DS/3" referred to in the Witness Statement of Dianne Slack

Signed 

Dated: 29 November 2023

TO: [REDACTED]
Savers Express Ltd.
19 Frichfield Road
Wolverhampton

Enquiries to: Dianne Slack
Direct Dial (01902) [REDACTED]
Date: 25/11/23
Page: 1 of 1

Your attention is drawn to the following matters.

Licensing Act 2003

3.56
hrs.

Tobacco & Related Products Reg 2016

To night 1 vape Ely Bar Mango.
+ 1 can Smirnoff Vodka + Cola
were sold to 2 girls age 13 + 16 yrs old.
There ^{are} a number of offences the seller is
Ravinder Kaur. You will be contacted about this.

Also a number of oversized vapes were
found in a rear store room. You have
agreed to sign these over for destruction because
they are not allowed in the UK.

Received by: [REDACTED]

Name: [REDACTED]

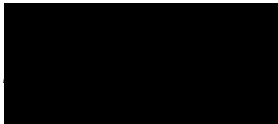
Position: manager

[REDACTED]
Trading Standards
Authorised Officer

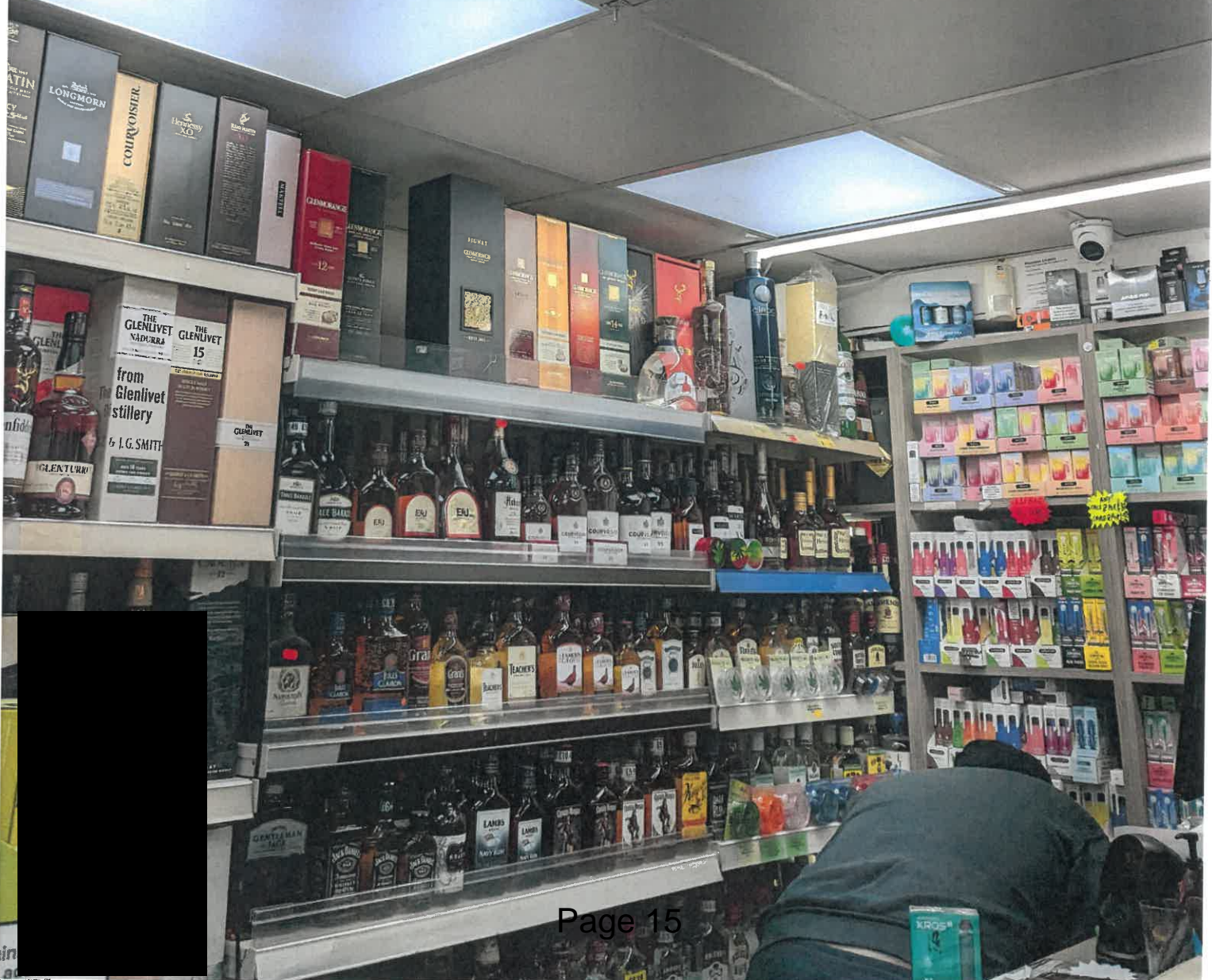
IN THE WOLVERHAMPTON MAGISTRATES COURT

WOLVERHAMPTON CITY COUNCIL v

This is the Exhibit marked "DS/4" referred to in the Witness Statement of Dianne Slack

Signed 

Dated: 29 November 2023





Wolverhampton
City Council

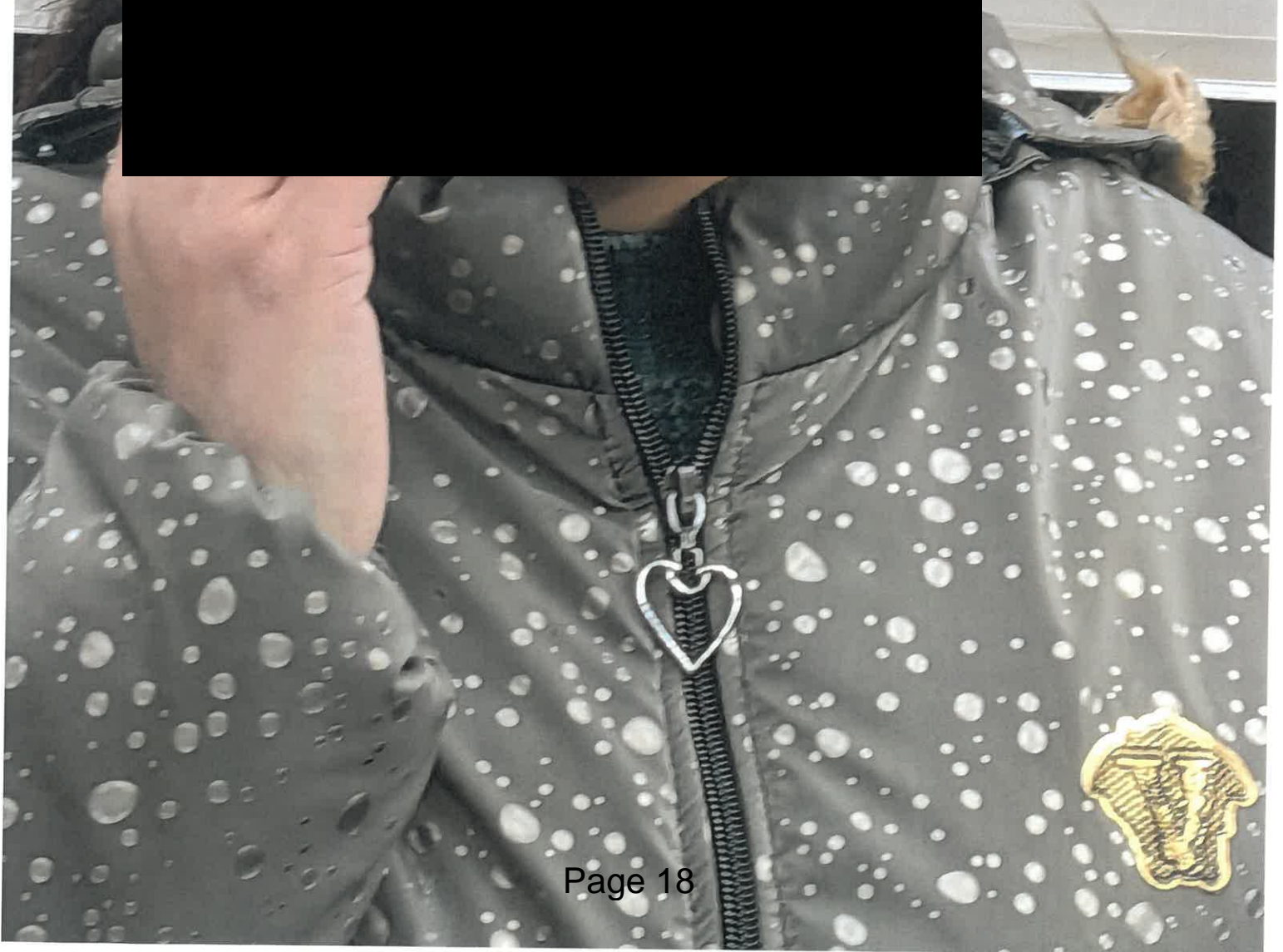
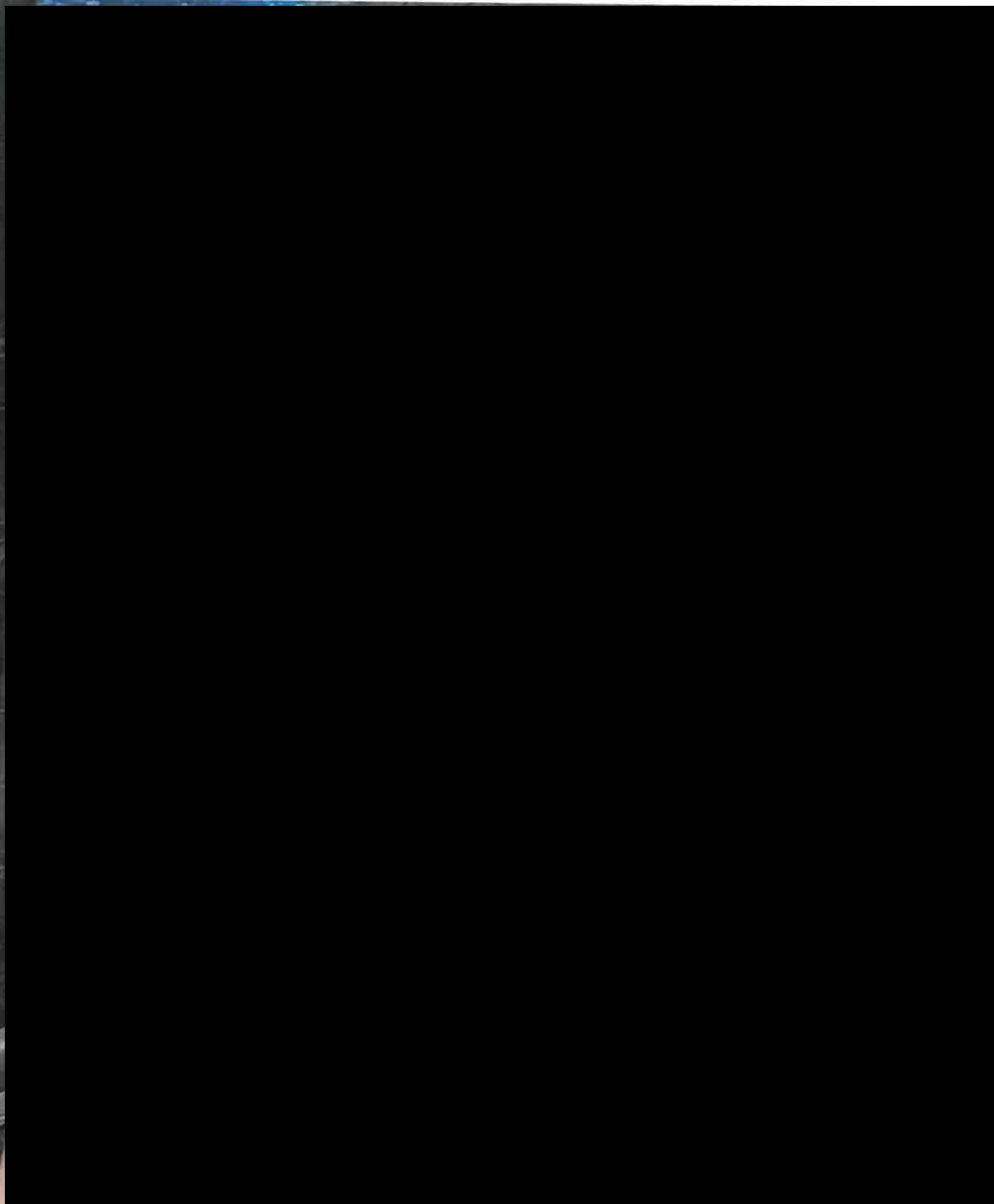
Premises Licence

Issued in accordance with The Licensing Act 2003
Name of Premises
Business of Premises
Premises Licence No.
Date Licence Granted
Expiry Date of Licence
Issued by
Wolverhampton City Council

This product contains nicotine which is a highly addictive substance

ARGUS POD
This product contains nicotine, which is a highly addictive substance.





Deep

20 November -

21 November -

22 November -

23 November -

Person

Person (89-125-115)

1.15

Person

Person

Person

Person

3 Small

3 Small

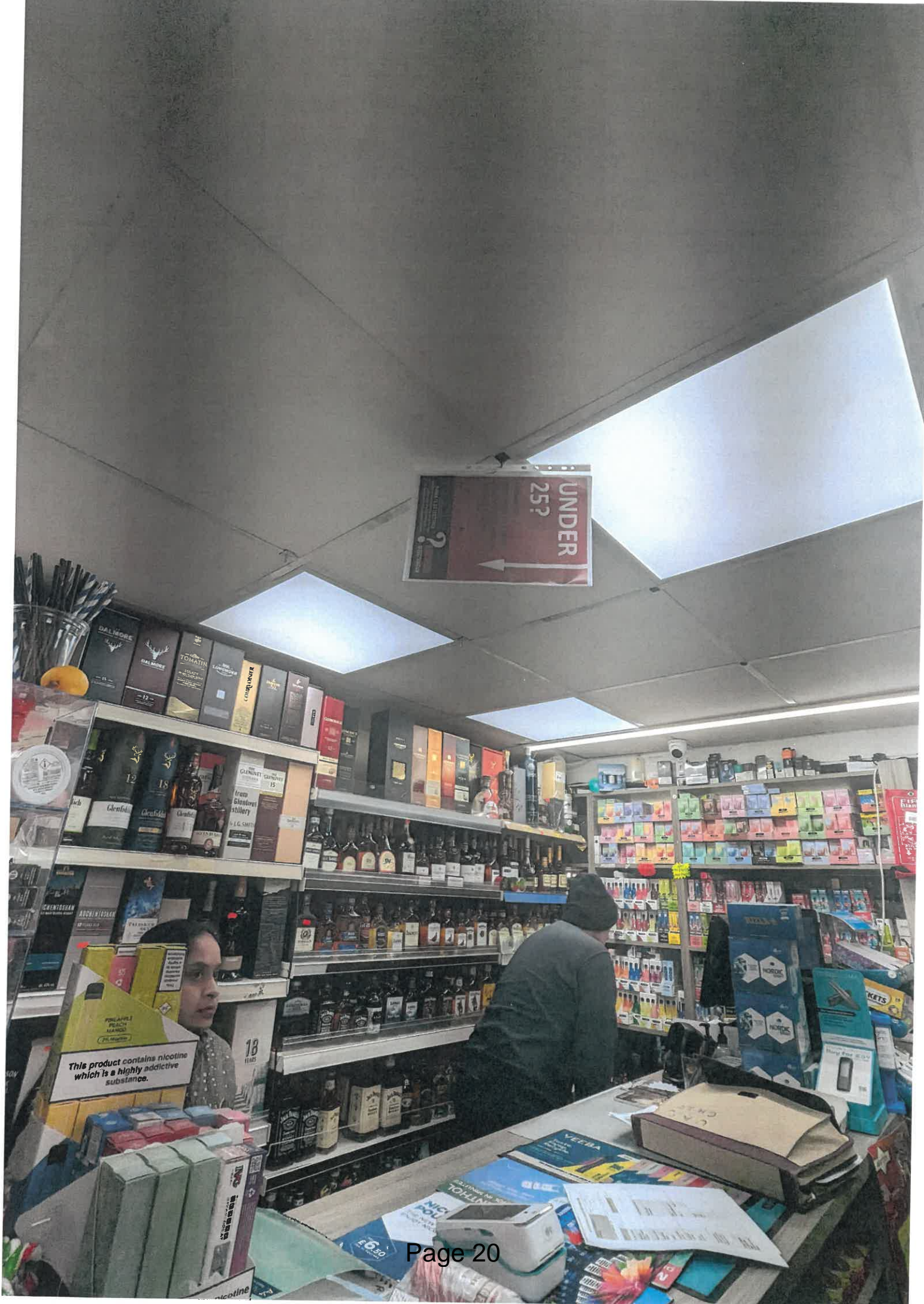
3 Small

3 Small

4 Small

Hennessey - 15.99

Person - 7.49.



UNDER 25?
↑

This product contains nicotine which is a highly addictive substance.



UNDER 25?
IF YOU ARE LUCKY ENOUGH TO LOOK UNDER 25 YOU WILL BE ASKED TO PROVE THAT YOU ARE AGED 18 OR OLDER WHEN YOU BUY ALCOHOL.
IT IS ILLEGAL TO ORDER OR BUY ALCOHOL IF YOU ARE UNDER 21.
IT IS ILLEGAL TO BUY TOBACCO PRODUCTS IF YOU ARE UNDER 18.

It is illegal to sell tobacco products to anyone under the age of 18.



CRYSTAL LEGEND
DISPOSABLE VAPE
4000 PUFFS
SKITTLES
CRYSTAL LEGEND
20 MG
20 MG
20 MG
20 MG

CRYSTAL LEGEND
DISPOSABLE VAPE
4000 PUFFS
WATERMELON ICE
CRYSTAL LEGEND
20 MG
20 MG
20 MG
20 MG

CRYSTAL LEGEND
DISPOSABLE VAPE
4000 PUFFS
RED BULL ICE
CRYSTAL LEGEND
20 MG
20 MG
20 MG
20 MG
20 MG
20 MG
20 MG
20 MG

CRYSTAL LEGEND
DISPOSABLE VAPE
4000 PUFFS
SWEET MINT
CRYSTAL LEGEND
20 MG
20 MG
20 MG



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STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)

STATEMENT OF Gurdip Gill

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Date 5 December 2023

Signed

-
1. I am employed by the City of Wolverhampton Council as a District Officer in the Trading Standards Team. I hold the Diploma in Consumer Affairs. My duties include the investigation of complaints into fair trading matters. I am an authorised officer for a wide range of consumer protection legislation including the Consumer Protection from Unfair Trading Regulations 2008.
 2. On 1 December 2023 I wrote to Sonia KAUR, Premises Licence Holder and Designated Premises Supervisor, in relation to a premises licence review of Saver Express, 19 Finchfield Road West, Wolverhampton, WV3 8AY. I produce the letters sent to the shop address and home address of Sonia KAUR and accompanying review application dated 1 December 2023 as **Exhibit GSG/SE/1** and **Exhibit GSG/SE/2**.

Signed

Date

5 December 2023

Signed

Date

CITY OF
WOLVERHAMPTON
COUNCIL

1 December 2023

☐ Sonia Kaur – Designated Premises Supervisor
Saver Express Finchfield Limited t/a Saver Express
19 Finchfield Road West
Wolverhampton
WV3 8AY

☐

Dear Sonia Kaur,

Review Notice: Premises Licence Number – WN/041331

Licensing Act 2003:

I am writing to you as a Responsible Authority to inform you that the Trading Standards Service is requesting the City of Wolverhampton Council to review the Premises Licence for Saver Express.

This follows:-

- On 25 November 2023, two underage authorised volunteers, on behalf of the City of Wolverhampton Council, were sold the following age restricted products by the shop without being challenged:
- 1 x vape namely, Elfbar 600 puffs Mango flavour
- 1 x can of Smirnoff Vodka and Cola at 5% ABV

I have attached a copy of the Review Notice application form. This notice outlines the reasons why this Service is asking for a review. The Review Notice will also be served on the Licensing Authority, as well as the other responsible authorities.

The review of the Premises Licence will be referred to a hearing of the Licensing Sub-Committee for their consideration following a 28-day representation period. The purpose of the review is to ask the Sub-Committee to consider a suspension or revocation of the Premise Licence with the aim of preventing such activity in the future. You will be contacted in due course regarding the date and time of any such hearing and your attendance.

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🐦 @WolvesCouncil

📺 WolverhamptonToday

In the meantime, should you require any further advice or information regarding the Review Notice Application please do not hesitate to contact me or Lee Jenks, Team Leader for Trading Standards, on the trading standards email below. Should you require any further information regarding the Licensing Sub-Committee hearing where the review of the Premises Licence will be determined please do not hesitate to contact the Licensing Section on [REDACTED]

Yours sincerely,

[REDACTED]

Gurdip Gill

District Officer

Trading Standards Service

[REDACTED]

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 Gurdip Gill

(Insert name of applicant)

Apply for the review of a premises licence under section 51

(delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Saver Express
19 Finchfield Road West
Wolverhampton
WV3 8AY

Post town Wolverhampton

Post code (if known) WV3 8AY

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

Sonia Kaur

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

WN/041331

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 Gurdip Gill District Officer Trading Standards Service City of Wolverhampton Council Civic Centre St Peter's Square Wolverhampton WV1 1RP
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 1)

Based on conditions under the protection of children from harm and the prevention of crime and disorder being breached

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

a) The local weights and measures authority has "responsible authority" status under the Licensing Act 2003 by virtue of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

b) Saver Express is a trading name of Saver Express Finchfield Limited, company registration number 13841375. The registered office is 19 Finchfield Road West, Wolverhampton, WV3 8AY. Rajinder Singh is the sole director and person with significant control of Saver Express Finchfield Limited.

c) Sonia Kaur is the holder of the Premises Licence for Saver Express. Sonia Kaur is also the Designated Premises Supervisor, Personal Licence Number WN/037610 issued by Wolverhampton City Council.

d) On 27 October 2023 Trading Standards received a complaint against Saver Express, 19 Finchfield Road West, Wolverhampton, WV3 8AY. It was alleged that teenagers believed to be around 13 years of age, were able to purchase e-cigarettes (vapes), an age restricted product, from Saver Express

e) Consequently Saver Express was included in an organised underage sales test purchase exercise on 25 November 2023, in which retailers in Wolverhampton were tested in relation to whether they were carrying out required age verification checks on customers who attempted to purchase age restricted products.

f) On 25 November 2023, two underage authorised child volunteers, one of whom was 13 years of age and the other who was 16 years of age, on behalf of the City of Wolverhampton Council, went into the premises of Saver Express and were sold the following age restricted products without any challenge in relation to their age by the sales assistant, a young Asian woman. She was short, with a round face and wore her hair in a pony tail:

- 1 x disposable nicotine vape namely, Elfbar Mango flavour 600 puffs
- 1 x can of 250ml Smirnoff Vodka and Cola at 5% ABV

g) It is a mandatory condition under the Licensing Act 2003 that a licenced business operates an Age Verification Policy. The sale was witnessed by two officers from Wolverhampton City Council who were in the shop at the time.

h) After leaving the shop, the volunteers handed the age restricted products they had been sold to a Trading Standards Officer, who duly placed them into an evidence bag and then sealed the bag.

i) It is a criminal offence under section 146(1) of the Licensing Act 2003 to sell alcohol to a person under the age of 18.

j) It is a criminal offence under the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 to sell nicotine inhaling products, commonly known as e-cigarettes, to a person under the age of 18

k) The child volunteers were asked to produce identification and were refused age restricted products at all other shops that were visited that day.

l) After the sale, officers from Wolverhampton City Council, visited the shop to discuss the underage sale that had taken place. A Trading Standards Officer spoke to the staff member who was behind the counter who gave her name as [REDACTED]

██████████ was informed that she had sold age restricted products to children under the age of 18. She told the Trading Standards Officer that the shop owner was named Rajinder Singh and provided his contact details so that the officer could speak to him. During the visit, officers also found more than 150 vapes at the premises which appeared to have a larger nicotine tank than permitted in the UK. The labelling on the vapes stated that they ranged from 4000 to 9000 puffs. This is likely to exceed the 2ml tank capacity which is currently about 600 puffs. These items are not allowed in the UK and may have been smuggled in. Rajinder Singh admitted he knew the vapes were illicit and agreed to voluntarily surrender the oversized vapes for destruction. Accordingly they were bagged up and taken away by Trading Standards.

m) At that time the following additional contraventions were also found at the premises:

n) There was no Licence Summary on display. The premises licence was on a high shelf obscured by products.

o) A trader's notice was issued to Rajinder Singh on behalf of the business.

p) As the premises licence holder, Sonia Kaur has engaged in activities which have breached the licensing objectives namely 'the prevention of crime and disorder' and 'the protection of children from harm'.

The Home Office publishes guidance under section 182 of the Licensing Act 2003, with the following paragraphs being particularly relevant:

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. This includes the use of the licensed premises for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

The guidance goes on to say that:

11.28Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that suspension or revocation of the licence - even in the first instance - should be seriously considered.

With regards to vapes, Part 6 of the Tobacco and Related Products Regulations 2016:

- sets minimum standards for the safety and quality of all e-cigarettes and refill containers (otherwise known as e-liquids)
- ensures that information is provided to consumers so they can make informed choices
- promotes an environment that protects children from starting to use these products

RECOMMENDATION

Trading Standards recommends that Licensing sub-committee considers revocation of the premises licence or suspension of the premises licence to allow for robust retraining of all staff.

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

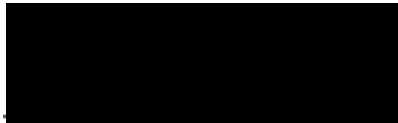
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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



Date 1 December 2023

Capacity District Officer

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.

CITY OF
WOLVERHAMPTON
COUNCIL

1 December 2023

Sonia Kaur

Premises Licence Holder & DPS - Saver Express

4 Fox Glove Close

Wolverhampton

WV11 3UE

Dear Sonia Kaur,

Review Notice: Premises Licence Number – WN/041331

Licensing Act 2003:

I am writing to you as a Responsible Authority to inform you that the Trading Standards Service is requesting the City of Wolverhampton Council to review the Premises Licence for Saver Express. You are the registered premises licence for the premises.

This follows:-

- On 25 November 2023, two underage authorised volunteers, on behalf of the City of Wolverhampton Council, were sold the following age restricted products by the shop without being challenged:
- 1 x vape namely, Elfbar 600 puffs Mango flavour
- 1 x can of Smirnoff Vodka and Cola at 5% ABV

I have attached a copy of the Review Notice application form. This notice outlines the reasons why this Service is asking for a review. The Review Notice will also be served on the Licensing Authority, as well as the other responsible authorities.

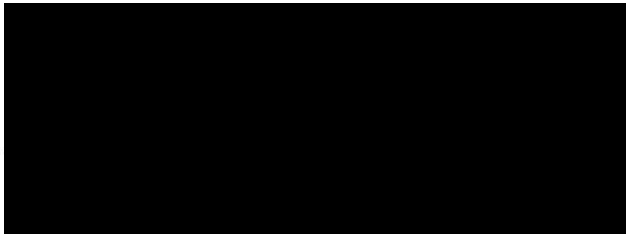
The review of the Premises Licence will be referred to a hearing of the Licensing Sub-Committee for their consideration following a 28-day representation period. The purpose of the review is to ask the Sub-Committee to consider a suspension or revocation of the Premise Licence with the aim of preventing such activity in the future. You will be contacted in due course regarding the date and time of any such hearing and your attendance.

In the meantime, should you require any further advice or information regarding the Review Notice Application please do not hesitate to contact me or Lee Jenks, Team Leader for Trading Standards, on the trading standards email below. Should you require any further information regarding the Licensing Sub-Committee hearing where the review of the Premises Licence will be determined please do not hesitate to contact the Licensing Section on 01902 550106.

Yours sincerely,



Gurdip Gill
District Officer
Trading Standards Service



STATEMENT OF WITNESS

**(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9,
Magistrates' Courts Act 1980 s 5A(3)(a) and 5B)**

STATEMENT OF **Marion Wilson**
AGE **Over 18 years**
OCCUPATION **Senior Trading Standards Officer**

This statement, consists of 2 page/s signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Date **29 November 2023** **Signed** 

1. I am employed by Wolverhampton City Council as a Senior Trading Standards officer. I am an authorised officer under the Consumer Rights Act 2015 covering various consumer protection and fair-trading legislation including The Consumer Protection from Unfair Trading Regulations 2008. I make this statement in connection with the shop premises known as Savers Express Wine Shop, 19 Finchfield Road, Wolverhampton, WV3 8AY.
2. On Saturday 25th November 2023, I was on duty and participated in an organised age restricted exercise of Savers Express Wine Shop, 19 Finchfield Road, Wolverhampton, WV3 8AY.
3. The officers employed by City of Wolverhampton Council that were also present on the inspection were Tobacco Control Officer Dianne SLACK, Senior Trading Standards Officer and Investigation Officer Compliance Adam YEOMANS. Other persons present were West Midlands Police Officers PCSO 31401 TOMKINSON and PC 30161 DENYER. Assisting in the operation were two test purchase child volunteers, aged 16 and 13 years old.

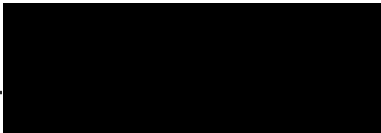
Signed  Date 29th November 2023

4. At 15:55 hours, I observed the two child volunteers commence walking towards the shop premises with colleague Dianne SLACK following a short distance behind.
5. At 15:53 hours, the two child volunteers returned to me carrying the products they had purchased from the shop. These items were placed in a clear plastic bag and secured with a security seal with a unique reference number 3744942. Also purchased were a chocolate bar and sweet products. I observed the two child volunteers complete a questionnaire document. I acknowledge the age restricted products as detailed below, purchased by the child volunteers as **Exhibit DS/1**.

Exhibit Ref	Purchased from Savers Express Wine Shop	Description of products	Seal number
DS/1		1 x 250 ml can of Smirnoff Vodka and Coke, 5% ABV. 1 x ELFBOT 600 Mango nicotine disposable Vape.	3744942

6. Before this test purchase, the child volunteers had visited three other shops, where they were unable to purchase age restricted products.



Signed ... 

Date 29 November 2023