

**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 DIANNE SLACK

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Roma Wines 55 Pendeford Avenue Claregate	
<b>Post town</b> Wolverhampton	<b>Post code (if known)</b> WV6 9EH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Roma Wines Ltd
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<b>Number of premises licence or club premises certificate (if known)</b> 17/05815/PRE
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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 Dianne Slack Tobacco Control 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)

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.

On the 21 October 2020, information was received alleging that alcohol and tobacco was being sold from Roma Wines to children under 18. An underage test purchase was made on the 21 October 2020 using a 15 year old volunteer for City of Wolverhampton Council from Roma Wines. The volunteer purchased a bottle of WKD alcohol which is a criminal offence under section 146(1) of the Licensing Act 2003. There was no attempt to ask her age, ask for identification or to lower her face mask. The seller of the alcohol, believed to be an owner of the shop was spoken to following the sale by officers from Trading Standards and West Midlands Police. The volunteer had been refused at five other shops that evening.

On the 16 December 2020, during a Challenge 25 survey, a young looking adult attempted to purchase alcohol from Roma Wines to establish if the sale on the 21 October was a mistake. The volunteer on this occasion was asked for identification by the sales assistant, BUT only after being reminded to do so by a woman also sitting behind the counter.

A written warning letter was issued to Roma Wines on the 12 May 2021. A redacted copy is attached.

On the 4th October 2021, another complaint was referred to Trading Standards alleging underage sales from Roma Wines.

On the 2 November 2021, 4 cans of Budwiser beer was sold to a 16 year old authorised volunteer on behalf of the City of Wolverhampton Council. It is a criminal offence under section 146 of the Licensing Act 2003 to sell alcohol to a person under the age of 18. No attempt was made to ask her age, ask for identification or lower her face mask to study her facial features.

It is a mandatory condition under the Licensing Act 2003 that a business operates an Age Verification Policy. Roma Wines should have been operating a Challenge 25 and 'NO ID NO SALE' policy under Condition 3 of conditions attached to the premises licence.

The 16 year old volunteer had been refused age restricted products at 4 other shops that night.

The sale was made by the owner and Designated Premises Supervisor for Roma Wines, Mrs Rashwinder Singh Roshy. Officers from Trading Standards and West Midlands Police went into the shop after the sale to discuss what had happened. Whilst there it was also noted;

There was no statutory tobacco notice on display contrary to the Children & Young Persons (Protection from Tobacco) Act 1991; and

Although there was a refusals book available to inspect, the last entry made in it was on the 1<sup>st</sup> March 2021.

A traders notice was left.

Roma Wines Limited trading as Roma Wines, has engaged in activities which have breached licensing objectives namely the 'prevention of crime and disorder' and 'protection of children from harm'.

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

The Home Office publishes guidance under section 182 of the 2003 Act. At paragraph 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. At paragraph 2.23 The Government believes that it is completely unacceptable to sell alcohol to children.

At paragraph 11.27 the guidance advises that the use of the licensed premises for the illegal purchase and consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people; and as the base for the organisation of criminal activity, particularly by gangs;

**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

1	1	0	5	2	0	1	1
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**If you have made representations before relating to this premises please state what they were and when you made them**

Following 3 underage test purchase sales of alcohol, (2007, 2008 and August 2010) and a subsequent prosecution of the then Premises Licence holder and designated premises supervisor on the 12 April 2011; Trading Standards asked the Licensing Sub committee for due diligence Conditions to be attached to the Premises Licence of Roma Wines following a hearing on the 27/06/2011.

These conditions are;

1. All persons selling alcohol must be properly trained before they are allowed to sell any alcohol to the public. Records must be kept of training by the Designated Premises Supervisor or Premises Licence Holder. Persons selling alcohol must be authorised in writing by the Designated Premises Supervisor following successful completion of training. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority.
2. Refresher training must be carried out at regular intervals and records maintained. The records must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority.
3. A 'Challenge 25' policy and 'No ID NO Sale' policy, which is supported with signage at all entrances and in the serving areas, must be implemented.
4. Only documents which include a photograph of the purchaser should be used to prove that persons age, e.g. passport, new style driving licence, 'PASS' approved age card e.g. Validate Card or Citizens card.
5. A 'Refusals Log' must be maintained, which documents the date and time a refusal of sale is made, the reason for the refusal and the member of staff refusing the sale. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Log on a regular basis and sign it to show it has been done. The Log must be kept on the Premises during opening hours and must be made available on request to an Officer of a Responsible Authority.
6. A till prompt or a notice must be secured to the till at eye level to remind staff that they must ask for ID if a customer looks under 25.
7. CCTV must be installed and recordings kept at the Licensed Premises for a period of 30 days, whilst maintaining adequate picture quality to identify shoppers. Recordings must be made available on request to an Officer of a Responsible Authority.

**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 28 April 2022

Capacity Tobacco Control Officer: Trading Standards

**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.



12 May 2021

Mr Rashwinder Singh Roshy  
Roma Wines Ltd  
55 Pendeford Ave.  
Claregate  
Wolverhampton  
WV6 9EH

Dear Rashwinder Singh Roshy

**WARNING LETTER**  
**LICENSING ACT 2003**

Trading Standards attempted an underage sale at your business premises, Roma Wines, 55 Pendeford Avenue, on the 21 October 2020, following complaints. A bottle of WKD was sold to a 15-year-old volunteer on behalf of Trading Standards. The seller was [REDACTED], and officers from Trading Standards brought the sale to your attention following the sale.

On the 16 December 2020, Trading Standards attempted a Challenge 25 test purchase using a volunteer aged over 18 at Roma Wines. Following prompting from another member of staff who was present at the store, the volunteer was eventually asked for their identification before the sale went through.

However, we are continuing to receive complaints about underage sales from Roma Wines!

On this occasion Trading Standards proposes to deal with this matter by means of a written Warning. This warning will remain on file for three years. Should similar circumstances occur in future then this warning will be taken into account when considering whether to instigate legal proceedings.

It is essential that you keep within the law and have systems in place that will act as a 'due diligence' defence to an allegation that an underage sale of alcohol or tobacco products has taken place. If you do sell alcoholic or tobacco products to an individual who is under 18 you could be prosecuted and fined.

**An overview of preventing the sale of alcohol to children.**

The Licensing Act 2003 sets out a series of objectives which a licensing authority is required to promote. These are:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm



The 'protection of children from harm' includes preventing the sale and supply of alcohol to children. The law sets out the framework that aims to achieve this objective.

The premises licence holder, the designated premises supervisor (who must be a personal licence holder), any other personal licence holders and staff within on-licensed and off-licensed premises should all be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

It is the premises licence holder and designated premises supervisor's responsibility to keep within the law and to have systems in place that will act as a 'due diligence' defence to an allegation that a sale of alcohol has taken place to an individual under the minimum legal age.

If you sell alcohol to an individual who is under 18 you could be prosecuted and receive a fine of up to £5,000. A personal licence to sell alcohol could be at risk. The premises licence can be reviewed which could lead to it being suspended or revoked. Where persistent sales of alcohol to underage individuals take place, the premises licence holder could receive a fine of up to £20,000 or a premises closure notice could be issued.

### Licensing Act 2003

The Licensing Act 2003 sets out the offences, defences and penalties that relate to under age sales of alcohol.

**SALE OF ALCOHOL TO CHILDREN** - A person commits an offence if they sell alcohol to an individual under 18. A person charged with an offence has a defence available that they believed the individual was 18 or over, and they had either taken all reasonable steps to find out the individual's age or that no one could reasonably suspect from their appearance that they were under 18. 'Reasonable steps' includes asking the individual for evidence of their age, and that the evidence obtained would convince a reasonable person.

Where a person is charged with an offence due to the conduct of someone else - a member of staff for instance - they have the defence that they exercised all due diligence to avoid committing it. A person found guilty of an offence could receive a fine of up to £5,000.

**ALLOWING THE SALE OF ALCOHOL TO CHILDREN** - A person who works at premises in a capacity that authorises them to prevent the sale of alcohol to an individual under 18 commits an offence if they knowingly allow the sale of alcohol to take place. A person found guilty of an offence could receive a fine of up to £5,000.

**PERSISTENTLY SELLING ALCOHOL TO CHILDREN** - It is an offence for a 'responsible person' (the premises licence holder) to unlawfully sell alcohol to an individual under 18 at the same premises on two or more different occasions within a period of three consecutive months.

An 'unlawful sale' is defined as where the person making the sale believed the individual was under 18 or that the person did not have reasonable grounds for believing the individual was 18 or over. 'Reasonable grounds' means asking the individual for evidence of their age and that this evidence when provided would convince a reasonable person, or that no one would reasonably suspect from the individual's appearance that they were under 18. A person found guilty of an offence can be given a fine of up to £20,000. The enforcing body can use as evidence previous convictions, cautions and fixed penalties relating to sales of alcohol to individuals under 18.

An enforcing body can apply for a closure notice, which prohibits the sale of alcohol at the premises, as an alternative to prosecution, and the duration of this notice can range from 48 to

336 hours. Where a premises licence holder is convicted of an offence of persistently selling alcohol to children, the court may suspend the licence authorising the sale of alcohol at that premises for a period of up to three months. In addition, the licensing authority can review the licence and has the power to suspend or revoke the licence. Other licensable activities and non-licensable activities are not affected by this suspension order.

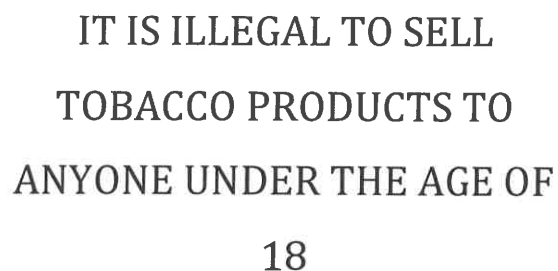
### **An overview of preventing the sale of tobacco products to children.**

The laws that apply are the Children and Young Persons Act 1933, the Children and Young Persons (Protection from Tobacco) Act 1991.

Under this legislation it is an offence for any person to sell cigarettes, tobacco products (including shisha) or cigarette papers to anyone under the age of 18 years. The penalty on conviction is a fine of up to £2,500. If this requirement is breached, the member of staff who made the sale and the owner of the business can be held responsible.

You must only sell cigarettes in quantities of at least twenty and in their original packaging. It is an offence to split a pack and to sell in lesser quantities. The penalty on conviction is a fine of up to £1,000.

You must display a notice that states: The notice must be displayed in a prominent position readily visible at the point of sale of the tobacco at every retail premises that sells tobacco. The notice must be no less than 297mm x 420mm (A3, or twice the size of this page) and the characters must be no less than 36mm in height.



IT IS ILLEGAL TO SELL  
TOBACCO PRODUCTS TO  
ANYONE UNDER THE AGE OF  
18

### Display of Tobacco Products

Under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010, you are required to cover your display of tobacco products. It is an offence to display tobacco products unless a specific request to purchase tobacco has been made to you by a person over the age of 18. It is NOT an offence to display tobacco-related accessories such as cigarette papers. There are also strict requirements relating to the manner in which tobacco products are price-marked. Only three types of tobacco price display are permitted: -

- a) Poster style lists (up to A3 in size), which can be permanently on show. The law sets out that these must not exceed 1,250 square centimetres; A3 sized paper falls within the legal size limit.
- b) A list including pictures of products, which must not be left on permanent show, but which can be shown to any customer aged 18 or over who asks for information about tobacco products sold.
- c) Price labels, which can be placed on shelving, storage units or tobacco jars. One price label is permitted for each product either on the covered shelf where the product is stored or on the front of the storage unit.

All types of price list or label must use black Helvetica plain font, in the same size throughout the text. All letters must be in lower case, except for first letters of words where appropriate. No underlining, italics, bold type or any other distinguishing emphasis is allowed. The background

must be white. No other colours for either the wording or the background are allowed. The only information that can be given about tobacco products is:

- the brand name of the product
- the price of the product
- if pre-packed, the number of units in the packet, or if sold by weight, the net weight of the product
- for cigars only, the country of origin and dimensions (for example, length and ring gauge)
- for pipe tobaccos only, the cut and type of tobacco used

Detailed guidance can be found at <http://tinyurl.com/zkvmhds> or use QR Code.



If you employ children in your business, it is not illegal for them to sell tobacco products, provided of course that the customer is not under 18. However, leaving unsupervised children selling tobacco is not recommended as they may find it difficult to refuse to sell to their own age group

#### Cigarette lighter refills

Under the Cigarette Lighter Refill (Safety) Regulations 1999 it is an offence to supply any cigarette lighter refill canisters containing butane to anyone under the age of 18. This is because of the potential for abuse by 'sniffing' the gas, which can be extremely dangerous.

#### Persistent sales of tobacco to persons under 18

The Criminal Justice and Immigration Act 2008 is the law that deals with incidences of persistent sales of tobacco to persons under 18. If at least two offences of selling tobacco to a person under 18 have occurred within a period of two years, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sale order. A restricted premises order prohibits the sale, from a specified retail premises, of tobacco products to anyone for a period of up to one year. A restricted sale order prohibits a specified person from selling tobacco products to anyone and from having a management function. Even where the due diligence defence is not available, it is recommended that the guidelines below be followed as best practice.

#### Keeping within the law

You must ensure that you and your staff take all necessary steps to avoid committing an offence. To actively demonstrate this, you should have a 'due diligence' system in place. Even where the due diligence defence is not available, it is recommended that the guidelines below be followed as best practice.

**CHECK THE AGE OF YOUR STAFF MEMBERS (alcohol)** -The premises licence holder, designated premises supervisor, or other responsible person over the age of 18, commits an offence if they allow an individual under 18 to sell or supply alcohol unless the sale has been specifically approved and the person is supervised.

**KEEP A RECORD OF TRAINING** - It is advised that the legislation is brought to the attention of all staff via regular training. It is important that you can prove that your staff members understand what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner. Members of staff should be advised that they themselves might be personally liable if they sell to young persons in breach of the legal requirements.

**AGE VERIFICATION POLICY AND SYSTEM** - You should have an age verification policy in place. Always ask young people to produce proof of their age. Trading standards services and the government support the national Proof of Age Standards Scheme (PASS). You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age. There are a number of card issuers in the scheme, the website [www.pass-scheme.org.uk](http://www.pass-scheme.org.uk) has more information. Card issuers may supply material for you to display in your shop, telling young people where they can obtain a card. This way, if you have cause to refuse a sale, you can give youngsters some positive information. *Photo driving licences and passports are also acceptable as proof of age.*

If there is still doubt, the sale should not be allowed to take place. As a teenager's appearance does not always correspond with their actual age, it is advised that staff challenge anyone who appears to be three years older than the permitted age, for example, under 21 if buying products that can only be sold to those aged 18 or over, such as alcohol. Training/testing on appropriate ID and displaying examples of these is also recommended. *This has now been extended by many retailers to a scheme that requests verification of age if they appear under the age of 25.*

**HAVE A REFUSAL BOOK** - All refusals should be recorded on a refusal sales sheet or a refusal book. Some tills have a refusals system built in. Maintaining a refusal log will strengthen a case for due diligence. Logs should be checked by the licensee to ensure that all members of staff are using them. A refusal log should contain, as a minimum, the following information: -

Date	Product	Time	Name of Person or Description	Observations	Staff Member
Example: 04/05/09	4 cans of lager	7:10 pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Allan Smith

Logs should be periodically checked by the licensee/retailer to ensure that all members of staff are using them. If you possess an electronic point of sale till system, it may be possible to use it to remind staff via a prompt.

**POSTERS SHOWING AGE LIMITS SHOULD BE DISPLAYED** – these should contain a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to members of staff. Please download at <http://www.challenge25.org/downloads.html> if you do not have one.

**Your premises may be subject to another test purchase by a young person under the age of 18 in the future.**

This guidance is taken from information issued by the Chartered Trading Standards Institute and should be shared with all members of staff, managers, owners and proprietors.

Yours sincerely,

**Dianne Slack**  
Tobacco Control Officer  
Trading Standards Service

Direct: [REDACTED]  
Email: [REDACTED]