

**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
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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

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

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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

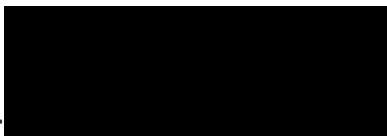
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 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.

