

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

Three Tuns News aka Banga Stores
512 Stafford Road
Wolverhampton
WV10 6AN

Post town Wolverhampton

Post code (if known) WV10 6AN

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

Bimla Devi Banga

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

11/038793/LPS

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



Telephone number (if any)



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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Empty box for stating the ground(s) for review.

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) Bimla Devi Banga is the holder of the Premises Licence (number 11/038793/LPS) for Three Tuns News, 512 Stafford Road, Wolverhampton, WV10 6AN. Bimla Devi Banga is also the Designated Premises Supervisor, Personal Licence Number WN/004951 issued by Wolverhampton City Council.

c) Three Tuns News currently uses 'Banga Stores' as a trading name. Over the period covered by this submission, the shop appears to have used various trading names including: Banga Stores; Banga Premier Store; Banga Stores Premier Express; Premier Banga Stores; Local Lifestyle Express; News Express.

d) This submission cites information received and action taken by Trading Standards from 2019 onwards. However Trading Standards records show that intelligence has been received and actions have been logged in relation to contravening trading law practices at the premises since 2013.

e) On 1 January 2019 Trading Standards received intelligence that illicit tobacco was being sold by Banga Stores Premier Express, 512 Stafford Road, Wolverhampton, WV10 6AN.

f) On 6 July 2020 Trading Standards received intelligence from West Midlands Police that during a visit to Premier Stores, 512 Stafford Road, Wolverhampton, WV10 6AN, officers who held discussions with the shop owner/DPS Bimla Devi Banga found that she did not know how to operate the shop's CCTV system and also found the shop's CCTV was switched off. This was in contravention of the premises licence conditions. West Midlands Police also stated that Bimla Devi Banga told officers that she was not aware of any of the shop's premises licence conditions. West Midlands Police also advised Trading Standards that intelligence had been received that counterfeit cigarettes were being sold by the shop.

g) In response to the intelligence that had been received about the shop, it is noted that on 24 February 2021 an advisory letter was sent by an officer from Trading Standards to the landlord of Premier Stores at 512 Stafford Road, Wolverhampton, WV10 6AN. The advisory letter was also sent to the address for the holder of the premises licence of Three Tuns News who is Bimla Devi Banga.

h) On 13 October 2021 Trading Standards received intelligence from a City of Wolverhampton Council Officer who had met with a group of local school head teachers who had alleged that school pupils were able to purchase vapes, an age restricted product, from Premier Banga Stores.

i) On 2 November 2021 the shop, then known as Lifestyle Express was included in an organised test purchase exercise. On that occasion the sale of fireworks and a Geek Bar was refused to an underage child volunteer. However, complaints alleging underage sales of age restricted products continued to be received by Trading Standards, which suggests that such sales are only made to young people who are known to the shop.

j) On 13 December 2021 Trading Standards received a complaint via Citizens Advice from a concerned parent who alleged that their 15 year old child had been

purchasing vapes, an age restricted product, from Banga Stores. It was also alleged that cigarettes and alcohol were being sold to under age children by the shop.

k) On 17 February 2022 Trading Standards received intelligence from Philip Morris International (tobacco company) that the shop had made a sale of an illicit Magic Bar e-cigarette and a packet of illicit Marlboro Gold cigarettes during a test purchase exercise they had carried out.

l) In response to information received about the shop, it is noted that on 23 September 2022 an officer from Trading Standards held discussions with the business about illicit vapes and underage sales.

m) On 14 November 2022 Trading Standards received a complaint via Citizens Advice, alleging that a 15 year old teenager, was regularly purchasing vapes, an age restricted product, from Banga Stores. It was also alleged that Banga Stores were selling vapes of a higher tank capacity than was legally permitted in the UK.

n) On 5 March 2024 intelligence was received from West Midlands Police that Banga Stores was storing and selling illegal cigarettes and other tobacco products.

o) Banga Stores was included as part of an inspection exercise by Trading Standards on 14 March 2024. During the inspection, Trading Standards Officers found 1200 illegal cigarettes, 9 pouches of hand rolling tobacco and 13 oversized vapes concealed in the store. Illegal cigarettes, pouches of hand rolling tobacco and oversized vapes were found hidden in a drawer at the bottom of the birthday card stand in the shop. Illegal cigarettes and pouches of hand rolling tobacco were found hidden inside the drawer of the second till on the counter.

p) The cigarettes found at the premises were not allowed to be sold in the UK as they carried foreign language warnings, were not in the permitted plain packaging required for the UK, appeared to be non-duty paid and were suspected to be counterfeit. These items are not allowed in the UK and were likely to have been smuggled in. The keeping of smuggled goods on a licensed premises is an offence under s144 of the Licensing Act 2003.

q) Vapes found at the premises appeared to have a nicotine tank larger than permitted in the UK. The labelling on the vapes stated that they ranged from 9000 to 15000 puffs. This is likely to exceed the permitted 2ml tank capacity which is currently equivalent to about 600 puffs. These items are not allowed in the UK and may have been smuggled in. The keeping of smuggled goods on a licensed premises is an offence under s144 of the Licensing Act 2003.

r) When asked about the illegal tobacco products that were found hidden in the shop, Bimla Devi Banga told officers 'my son bought the stuff'.

s) The illegal cigarettes, pouches of hand rolling tobacco and oversized vapes found at Banga Stores were bagged up and taken away by Trading Standards.

t) It is a mandatory condition under the Licensing Act 2003 that a licenced business operates an Age Verification Policy. Complaints received by Trading Standards suggest that Banga Stores has failed to adhere to such a policy.

u) 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. Intelligence received by Trading Standards suggests that Banga Stores has been making such sales.

v) The following additional contraventions were also found at the premises:

w) The tobacco gantry was broken leaving tobacco products on open display. This is a criminal offence under the Tobacco Advertising and Promotion (Display)(England) Regulations 2010

x) There was no Licence Summary on display, although a page with the premises licence conditions on it was displayed. Failure to display the Licence Summary is a criminal offence under Section 57(4) of the Licensing Act 2003.

y) As the premises licence holder, Bimla Devi Banga 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 evidence in this Review over an extended period of time highlights continued failures by the shop to comply with the licensing objectives.

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

On 29 January 2024, the Government announced that disposable vapes will be banned in the UK as part of Government plans to tackle the rise in youth vaping and protect children's health. Information on the Gov.UK website states the measure comes as part of the Government's response to its consultation on smoking and vaping, which was launched in October 2023.

Recent figures show the number of children using vapes in the past 3 years has tripled. Use among younger children is also rising, with 9% of 11 to 15 year olds now using vapes. The long-term health impacts of vaping are unknown and the nicotine contained within them can be highly addictive, with withdrawal sometimes causing anxiety, trouble concentrating and headaches.

The sale of illegal tobacco makes it easier for children and young people to start smoking and get addicted at a young age. It's often sold much cheaper than legal tobacco and the availability makes it harder for people to quit smoking.

RECOMMENDATION

Trading Standards recommends that Licensing sub-committee considers suspension of the premises licence for 3 months to allow for staff training and the addition of robust conditions to the premises licence. In particular, the addition of a licence condition that Three Tuns News aka Banga Stores will sign up to a responsible retailer scheme of an equivalent standard to the City of Wolverhampton Council Trading Standards Responsible Retailer Scheme before the suspension lapses and any other matters as the sub-committee sees fit.

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 21 March 2024

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.