

**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

3 Jyot Off Licence aka AK Convenience Store and Off Licence
287 Willenhall Road
Wolverhampton
WV1 2HY

Post town Wolverhampton

Post code (if known) WV1 2HY

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

Gurdip Singh

Number of premises licence or club premises certificate (if known)
22/39195/PREDPS

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 | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<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) On 2 December 2022, information was received by City of Wolverhampton Council Customer Services alleging that alcohol had been sold to a vulnerable child by a shop located opposite Mayfield Medical Centre on Willenhall Road, Wolverhampton. Subsequent enquiries established that the shop concerned was 3 Jyot Off Licence, 287 Willenhall Road, Wolverhampton, WV1 2HY.

c) The complaint was made by the father of the child who stated that his daughter had been sold 5 cans of strong lager called Black Storm at 7.5% ABV, by the shop the previous evening. The father stated that his daughter had later collapsed in the street the same night and had been found by a member of the public. An ambulance had been called and she was taken to hospital and it was believed that she had suffered a cardiac arrest. Further details were later received that his daughter was 15 years of age, had learning difficulties and resided in assisted accommodation.

d) Officers from City of Wolverhampton Council Licensing Section and Trading Standards Service visited the premises on 6 December 2022 and attempted to view the shop's CCTV footage of the alleged sale to the child but the footage could not be accessed at the time. Forensic analysis of the CCTV was subsequently carried out but it was found that footage of the incident was not available to view and that only footage after the alleged sale was available to be viewed. During the visit the shop owner, Gurdip Singh, told officers that his [REDACTED] had made the sale. Information was also received that alluded to the shop owner paying £50 to the child's father on the basis that the incident would not be reported, but this has not been verified.

e) On 23 February 2023, 2 x 250ml cans of Gordons Gin & Tonic at 5%ABV were sold to a 16 year old authorised volunteer on behalf of the City of Wolverhampton Council. The sale was witnessed by a Trading Standards Officer. 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.

f) No attempt was made to ask her age or ask for identification.

g) It is a mandatory condition under The Licensing Act 2003 that a business operates an Age Verification Policy.

h) This volunteer was refused age restricted products at another shop that day.

i) The sale was made by a young male sales assistant who was behind the counter.

j) On 24 February 2023 officers from City of Wolverhampton Council Trading Standards and Licensing sections visited 3 Jyot Off Licence to conduct an inspection. The shop's CCTV, which showed footage of the sale to the under age volunteer on 23 February 2023, was viewed and an advisory letter was left with the shop owner. The following contraventions were also noted during the inspection:

k) There was no refusals book available to inspect.

l) There was no Licence Summary on display, contrary to Section 57(4)

Licensing Act 2003. However it should be noted that it was available for inspection.

- m) There was no statutory tobacco notice on display, contrary to Section 4 Children and Young Persons (Protection from Tobacco) Act 1991.
- n) The cigarette gantry was open leaving tobacco products on display, contrary to the Tobacco Advertising and Promotion (Display)(England) Regulations 2010
- o) It was suspected that staff training about age restricted sales legislation was not being provided in relation to age verification and challenging customers attempting to purchase alcohol.
- p) The shop owner stated that CCTV recordings were only being retained for 15 days and the timer on the CCTV was found to be out by 75 minutes.
- q) It was established that details had not been notified to the Licensing Authority in relation to a change of name of the business and change of address of the the premises licence holder,
- r) It was suspected that the shop owner's 16 year old [REDACTED] was making sales of alcohol.
- s) Non-compliant single use vape products (eleven IVG Max Bar 3000 e-cigarettes) were found behind the counter. The stated capacity was 800 puffs and 40mg nicotine dose which exceeds the legally permitted levels, namely 600 puffs and maximum 20mg nicotine dose. The shop owner was agreeable to the products being taken for destruction by Trading Standards. Accordingly they were seized by a Trading Standards Officer. The products have subsequently been verified as non-compliant by a Trading Standards Officer checking the Independent British Trade Vape Association's database of non-compliant products.
- t) A trader's notice was left.
- u) Gurdip Singh trading as 3 Jyot Off Licence also known as AK Convenience Store and Off Licence, 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

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

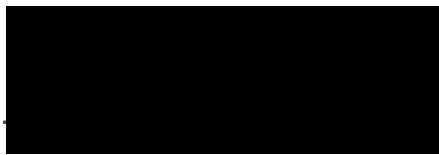
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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 3 March 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.