

Vale of Glamorgan Council  
 Civic Offices, Holton Road,  
 Barry, CF63 4RU.

**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 Christina Roberts-Kinsey**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (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> Misha News 81 Cardiff Road	
<b>Post town</b> Barry	<b>Post code (if known)</b> CF63 2NW

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Hiren & Avani Patel
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<b>Number of premises licence or club premises certificate (if known)</b> VOG/PREM/11/2005/040
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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 Christina Roberts-Kinsey Trading Standards Department Civic Offices Holton Road Barry CF63 4RU
Telephone number (if any) <b>01446 709105</b>
E-mail address (optional) Via kepalmer@valeofglamorgan.gov.uk

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

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- 
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-

**Please state the ground(s) for review** (please read guidance note 2)

The department asks Committee to review this licence following evidence of a further sale to a Trading Standards volunteer who is under the age of eighteen.  
More in depth information is provided in the report attached at Appendix 1.

**Please provide as much information as possible to support the application (please read guidance note 3)**

Please see attached report (Appendix 1)

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

**If you have made representations before relating to the 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 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date **2 September 2013** .....

Capacity **Principal Trading Standards Officer** .....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Kate Palmer  
Trading Standards  
Civic Offices  
Holton Road

<b>Post town</b> Barry	<b>Post Code</b> CF63 4RU
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**Telephone number (if any)** 01446 709105

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** kepalmer@valeofglamorgan.gov.uk

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

## **Appendix 1 - Report in respect of request to review the premises licence at**

Misha News  
81 Cardiff Road  
Barry

### **Background Information**

In recent years, the UK Government has placed a huge emphasis on the responsible retailing of alcohol and are urging partners to focus on reducing alcohol related harm, especially in key groups. There have been many initiatives in relation to young people and their relationship with alcohol, including education, tackling the availability and increased support for young people who have alcohol issues.

Trading Standards, in conjunction with local police officer, carry out routine test purchasing on a range of premises across the Vale of Glamorgan. In order to do this, young volunteers who are under the age of eighteen are recruited to help out. Throughout 2012/13, Trading Standards were carrying out numerous checks on local alcohol retailers as part of a funded project administered by the Safer Vale partnership. The objectives of this project were to reduce the availability of alcohol to young people and thus reducing the level of harm.

Research published in 'Alcohol and its impact on the community' report by the Director of Public Health for Cardiff and Vale University Health Board shows that in Cardiff and the Vale alcohol availability is a key area for reducing community harm. In this report, test purchasing is highlighted as being important in both dealing with non-compliant premises and well and reinforcing the importance of compliance to other surrounding licensed premises.

Young people are less likely to be able to assess risks properly when intoxicated such as drunk driving (or being driven by someone who is drunk) having sex without precautions, walking into roads, and behaving in a criminal or anti-social way that they would not consider when sober. There are also social harms such as the breakdown of family life.

In 2011, The Vale of Glamorgan Council's Youth Service conducted a survey of 651 young people aged between 11 and 18 years old. In this survey they discovered that nearly all young people had tried alcohol with a quarter of those moving towards a pattern of consuming alcohol once a week or more. The risk age for establishing a pattern of drinking alcohol begins at 12



years. Units of alcohol consumed peaks at age 17, where young people are drinking on average 22 units of alcohol per person. This equates to half a bottle of vodka and 2.5 cans of normal strength lager in one session. This survey also demonstrates that 44% of young people indicated that it was easy or very easy to obtain alcohol. Over 30% of the young people who drank regularly indicated that they obtained alcohol through proxy sales and direct purchases.

## **Legislation**

The Licensing Act 2003 makes provisions about the regulation of the sale and supply of alcohol and about offences related to alcohol and for connected purposes.

The Licensing Act 2003 states clearly that premises need to consider four licensing objectives and need to promote those when conducting sales of alcohol. The four licensing objectives are a) the prevention of crime and disorder; b) public safety; c) the prevention of public nuisance and d) the protection of children from harm.

Section 146 (1) of the Licensing Act 2003 makes it a criminal offence for someone to sell alcohol to a person under the age of eighteen. There is a defence in the legislation that the person believed that the purchaser was over the age of eighteen and that they took all reasonable steps to establish the person's age. A person is deemed to have taken all reasonable steps if they have asked for proof of age. A person guilty of an offence under this section is liable on summary convictions to a fine not exceeding level 5 on the standard scale.

## **Failings at Misha News**

Misha News is an established business which has been under the current ownership for about four years. It is owned by a husband and wife partnership of Hiren Patel and Avani Patel.

They are both joint premises licence holders and Hiren Patel is named as Designated Premises Supervisor. The premises are licensed by The Vale of Glamorgan Council's Licensing Department for the sale of alcohol between the hours of 08:00 until 23:00, although the opening times are different to this. Other than the standard mandatory conditions, there are no conditions placed on the licence.

The business is predominantly a small newsagent/convenience store, selling a wide range of newspapers, magazine, groceries, tobacco, alcohol and the lottery. It is situated in the Cadoxton ward of Barry and is situated on a busy arterial road in and out of Barry, which attracts a level of passing trade.

This area of Barry does have problems with anti-social behaviour, which include alcohol related incidents.

This retail premise has a history of selling to young people, and has failed two Trading Standards test purchases; one for tobacco and one for alcohol.

On 17<sup>th</sup> October 2012, officers from Trading Standards instructed a 15 year old female volunteer to enter Misha News, 81 Cardiff Road, Barry and attempt to purchase alcohol. The volunteer was successful in the purchase and the seller, Avani Patel, made no attempt to ask him for identification or to verify his age. The volunteer left the premises and officer from Trading Standards and the Police returned to the store. This prompted further investigation into the business and its practices. Neither of the premises licence holders could provide any valid reason for this sale taking place. In May 2013, a prosecution case was heard at Cardiff Magistrates Court and Hiren and Avani Patel were found guilty of selling alcohol to someone under the age of 18. Mr Patel was fined £265 and Mrs Patel was fined £200. Costs were also awarded to The Vale of Glamorgan Council

The sale of alcohol at Misha News is disappointing, as in July 2010, Mr Hiren PATEL sold tobacco to a fifteen year old volunteer, contrary to section 7 of the Children and Young Person's Act 1933.

After investigation, it was determined that Hiren Patel's knowledge was limited in relation to age restricted products and that there were no procedures or policies in place.

At this time, the refusals register was also not being used effectively. In line with departmental policy, as this was the first offence at the premises, Hiren Patel was offered a simple caution as the owner and seller of the tobacco. Hiren Patel accepted this and attended Civic Offices, Barry to accept it. He signed this on 25.11.2010. Hiren Patel was also given a copy of this and it was explained to him on signing that any further breaches of a similar nature could result in legal proceedings being taken against the business.

Officers highlighted areas of concern and gave Hiren Patel advice, including the use of a refusals register. It would appear that this advice was not heeded as ten refusals had not been entered into the log. It was also explained to Hiren Patel that he could come to the department at any time for further advice or guidance.

In the two years since this incident, there appears to have been no attempts to rectify any of the shortcomings that were identified and to put procedures in place in order to prevent

another sale taking place. Similarly, Mr or Mrs Patel or anyone else connected with the business have not sought any guidance or assistance from this department in relation to age restricted sales. Refusals registers are still not used at the store, there were no policies or procedures implemented and both Hiren and Avani Patel have a poor grasp of the Licensing Act 2003 and their obligations under it and seem not to understand how to verify someone's age and the importance of this check.

## **Recommendations**

That Committee consider all the information presented to them and consider the options available under the Licensing Act 2003. The three options being revocation of the licence, suspension of the licence and further conditions be placed on the licence.

If Committee were minded to add conditions to the Licence, this department would ask them to consider the following:-

1. That the premises licence holders (PLH) attend a training course to update their knowledge on the Licensing Act and their responsibilities.
2. The PLH shall ensure that full training is provided to all staff on commencement of employment on the law relating to the sale of age restricted products and any system or procedures that they are expected to follow in the course of dealing with these goods.
3. The PLH shall ensure that refresher training is provided, at least every six months, to new and existing staff on the law relating to underage sales of alcohol.
4. The PLH shall keep written records of all training provided on the law relating to underage sales of alcohol. All staff are to sign and date the records to confirm that the training has been completed. Training records are to be retained on the premises for a minimum of two years and produced to an Trading Standards or South Wales Police on request.
5. That digital CCTV be installed at the premises to all areas to which the public have access and should cover any entrances and exits to the premises. This CCTV system should meet the minimum specification as agreed with South Wales Police and should be capable of capturing images to an evidential standard. These recordings should be

kept for a minimum of 31 days and should be made available to Trading Standards or South Wales Police on request.

6. That the PLH implements and operates a minimum of a Challenge 25 policy and that signage in store reflects this policy.
7. The PLH must formulate an age verification policy which should be agreed with Trading Standards and should be kept at the store. This policy should be reviewed with Trading Standards on an annual basis.
8. The PLH must implement and operate a refusals register. All refusals and alcohol related incidents must be recorded in this register. The register should be made available to Trading Standards or South Wales Police on request. The register should be audited by the PLH on a regular basis. These records should be retained for 36 months.
9. That all sales of alcohol are made by a personal licence holder (*NB: The PLH has advised me that only Hiren and Avani Patel work here, and they have personal licences*)
10. The department has also considered whether two members of staff being on the shop floor would assist in feeling more confident to challenge for identification. However, as the store is very small and is predominantly run by Mr & Mrs Patel, this could seem to be detrimental to their ability to run their business effectively.