



Northamptonshire County Council

The Licensing Unit
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Please ask for: Paul Maylunn
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Our ref: 292595
Your ref: K/13/24389
Date:

Dear Sirs

Licensing Act 2003 Section 51 Application for Review of Premises Licence

Paul's Stop and Shop, 54 Montagu Street, Kettering, NN16 8RU

Responsible Authority Representation

Northamptonshire County Council Trading Standards Service is a Responsible Authority for the purposes of the above Act. I wish to lodge a representation concerning the above applicant in support of the review application by Northamptonshire Police.

The representation relates to the following licensing objective

– Section 4(2)(d) The protection of children from harm

Enforcement action was initially instigated by a complaint alleging underage sales of age restricted products from the premises. Subsequent enforcement action was taken following the apparent lack of due diligence procedures particularly in regard to a minimum age verification policy.

During the month of June 2011 a covert underage test purchasing attempt was made at the premises using a 15 year old volunteer. The test purchaser was asked how old are you rather than being correctly asked for ID when attempting to purchase a bottle of alcohol. The test purchaser had been instructed to tell the truth and so provided their true age, the sale was then refused. This contravenes the licence condition: 'The operator shall ensure that the sale or supply of alcohol to any person appearing to be under the age of 18 years will only be made when appropriate proof has been given to verify the age of the purchaser.'

On the 5th July 2011 a letter was sent to the premises informing the owner of the test purchase, reminding the owner of their legal obligations and due diligence procedures in respect of age restricted sales.

On the 9th December 2011 a general routine inspection of the premises was undertaken. No issues were found.

In December 2011 this Service undertook a Think 21 survey, to test whether premises were correctly asking for ID before selling age restricted products to persons appearing to be under the

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age of 21. An 18 year old volunteer attempted to purchase a packet of cigarettes and was correctly asked for ID before being served.

On the 4th April 2012 a covert underage test purchasing attempt was made at the premises using a 15 year old volunteer. The test purchaser was asked how old are you rather than being correctly asked for ID when attempting to purchase a packet of cigarettes. The test purchaser had been instructed to tell the truth and so provided their true age, the sale was then refused.

On the 30th April 2012 a letter was sent to the premises informing the owner of the test purchase, reminding the owner of their legal obligations and due diligence procedures in respect of age restricted sales.

On the 2nd September 2013 a covert underage test purchasing attempt was made at the premises using a 16 year old volunteer. The test purchaser was asked how old are you rather than being correctly asked for ID when attempting to purchase a packet of cigarettes. The test purchaser had been instructed to tell the truth and so provided their true age, the sale was then refused.

On the 30th September 2013 a letter was sent to the premises informing the owner of the test purchase, reminding the owner of their legal obligations and due diligence procedures in respect of age restricted sales.

It is therefore our representation that this Authority has concerns that the licensing objectives of the protection of children from harm are not being met. The nature of these incidents indicates that the business does not properly control and monitor the sale of age restricted products contrary to the licensing objective of protection of children from harm.

In making this representation I refer you to Official Guidance:

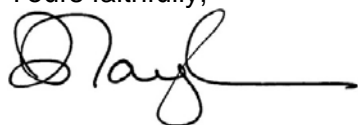
In the Amended Guidance Issued Under Section 182 Of The Licensing Act 2003 issued by the Home Secretary it states:

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- [...]
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- [...] and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where 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 revocation of the licence – even in the first instance – should be seriously considered.

Yours faithfully,



Paul Maylunn
Section Manager, Food & Health

ANNEX

By reference to Service records I can state the following history is held concerning the business:

Incidents relating to supply of underage sales

Date	Action	Result
23.6.11	Underage sales test purchasing exercise with 15 year old volunteer	Incorrectly asked 'how old are you' rather than proof of ID
5.7.11	Letter sent regarding test purchase	
9.12.11	General Inspection	No Issues identified
22.12.11	Think 21 survey undertaken using an 18 year old volunteer	Volunteer correctly asked for proof of age before being served
4.4.12	Underage sales test purchasing exercise with 15 year old volunteer	Incorrectly asked 'how old are you' rather than proof of ID
30.4.12	Letter sent regarding test purchase	
2.9.13	Underage sales test purchasing exercise with 16 year old volunteer	Incorrectly asked 'how old are you' rather than proof of ID
30.9.13	Letter sent regarding test purchase	