

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

## Licensing Sub-Committee

The meeting will be held at **7.00 pm** on **9 January 2018**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Ben Maney (Chair), Joycelyn Redsell and Graham Snell

### Agenda

Open to Public and Press

	<b>Page</b>
<b>1. Apologies for Absence</b>	
<b>2. Items of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>3. Declarations of Interests</b>	
<b>4. Determination Of An Application For A Review Of A Premises Licence</b>	<b>5 - 40</b>

### Queries regarding this Agenda or notification of apologies:

Please contact Kenna-Victoria Martin, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **22 December 2017**

This page is intentionally left blank

## **Information for members of the public and councillors**

### **Access to Information and Meetings**

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

### **Recording of meetings**

This meeting may be recorded for transmission and publication on the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is to be recorded.

Members of the public not wishing any speech or address to be recorded for publication to the Internet should contact Democratic Services to discuss any concerns.

If you have any queries regarding this, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at [CommunicationsTeam@thurrock.gov.uk](mailto:CommunicationsTeam@thurrock.gov.uk) before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

## Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

## Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

## How to view this agenda on a tablet device



You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

**Vision: Thurrock:** A place of **opportunity, enterprise and excellence**, where **individuals, communities and businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

**1. Create** a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

**2. Encourage** and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

**3. Build** pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

**4. Improve** health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

**5. Promote** and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

<b>9 January 2018</b>	<b>ITEM: 4</b>
<b>Licensing Sub-Committee</b>	
<b>Determination Of An Application For A Review Of A Premises Licence</b>	
<b>Wards and communities affected:</b> East Tilbury	<b>Key Decision:</b> Non-key
<b>Report of:</b> Paula Parrott, Licensing Officer	
<b>Accountable Assistant Director:</b> Andrew Millard, Assistant Director Planning, Transport and Public Protection	
<b>Accountable Director:</b> Steve Cox, Corporate Director of Place	
<b>This report is public</b>	

## Executive Summary

An application has been received for a review of the premises licence at Costcutter (formerly known as East Tilbury Supermarket), 87-89 Coronation Avenue, East Tilbury, Essex RM18 8SW. The review relates to the Licensing Objective protection of children from harm, following an application received from Trading Standards officers at Thurrock Council regarding underage sales.

### 1. Recommendation(s)

**1.1 That the Sub-Committee considers this report and appendices together with any oral submissions at the hearing and determines the application for the review of the premises licence in line with the options open to the committee under the Licensing Act 2003.**

### 2. Introduction and Background

2.1 On 2<sup>nd</sup> November 2017, an application for a Review of the premises licence for Costcutter (formerly known as East Tilbury Supermarket), 87-89 Coronation Avenue, East Tilbury, Essex RM18 8SW, was received from Principal Trading Standards Officer, Charlotte Edwards, of Thurrock Council, Civic Offices, New Road, Grays, Essex RM17 6SL. A copy of the full application and associated documentation is attached as **Appendix A**.

2.2 The application for Review relates to the following licensing objectives-

### **Protection of Children from Harm**

In summary the application provides:

- On 14<sup>th</sup> August 2017, officers from Thurrock Council's Trading Standards department carried out an underage test purchasing operation in Thurrock. They were accompanied by two female volunteers aged 15 and 16.
- The 16 year old volunteer, accompanied by the 15 year old, purchased a bottle of wine (11%ABV) from the assistant on duty, Mr Tajinder Singh Khurana,. Mr Khurana did not ask for ID or confirm her age.
- Mr Khurana was subsequently interviewed on the 14<sup>th</sup> September 2017 to discuss the procedures he had in place to prevent underage sales from occurring. Mr Khurana claimed that he was very tired and had been working extra-long shifts to cover absence.

2.3 The premises licence is held by Mr Tajinder Gurver & Mr Tajinder Singh Khurana. The designated premises supervisor named on the licence is Mr Mustafa Er.A copy of the licence is attached as **Appendix B**. An application has subsequently been received from Mr Tajina Khurana to become the DPS for the premises and this attached at **Appendix C**.

2.4 Following the consultation, a representation has been received from Jackie Cooper, Thurrock Licensing Officer for Essex Police, in support of the review, and this is attached at **Appendix D**.

2.5 Under the Licensing Act 2003 the 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.

2.6 Any representation must relate to a particular premise and must be relevant to the promotion of one or more of the four licensing objectives.

### **3. Issues, Options and Analysis of Options**

3.1 The Committee, after considering the review application and all of the relevant representations, will need to consider what action, if any, to take in order to ensure that the Licensing Objectives are complied with.

- 3.2 The following options are available to the Licensing Sub-Committee:
- Do nothing with the licence;
  - To modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation;
  - To suspend the licence for a period not exceeding three months;
  - To revoke the licence.
- 3.3 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.
- 3.4 In determining this application for review of the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
- 3.5 Paragraphs 2.22 to 2.32 of the statutory guidance relates to the protection of children from harm licensing objective and may be relevant to this review.
- 3.6 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure. Representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.
- 3.7 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.
- 3.8 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.
- 4. Reasons for Recommendation**
- 4.1 These are the options available to the Sub-Committee.
- 5. Consultation (including Overview and Scrutiny, if applicable)**
- 5.1 The application has been consulted on in accordance with the requirements in the Licensing Act 2003.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 The Council has a duty under Section 17 of the Crime & Disorder Act 1998 to do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local environment), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this duty the Sub-Committee should have due regard to the submissions made by the applicant and interested parties, the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act and the Council's own Statement of Licensing Policy.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Management Accounts**

There are no financial implications associated with the report

### **7.2 Legal**

Implications verified by: **Simon Scrowther**  
**Litigation Lawyer**

Thurrock Council as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature. Notice must be given of the Licensing Authority's decision on this matter. The decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation.

### **7.3 Diversity and Equality**

Implications verified by: **Rebecca Price**  
**Community Development Officer**

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance

and the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

**7.4 Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The implications of Section 17 Crime and Disorder Act 1998 have been considered at 6.1 above.

**8. Background papers used in preparing the report:**

- The Licensing Act 2003
- Guidance issued under Section 182 Licensing Act 2003
- Thurrock Council's Statement of Licensing Policy

**9. Appendices to the report:**

- A - Copy of review application
- B - Copy of the current premises licence
- C – Copy of DPS application
- D – Copy of Essex Police Representation

**Report Author:**  
Paula Parrott  
Licensing Officer

This page is intentionally left blank

**Application for the review of a premises licence or club premises certificate  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS**

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 as necessary. You may wish to keep a copy of the completed form for your records.

**I Charlotte Edwards – Thurrock Council Trading Standards**

**apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87 for the premises described in Part A1 below (delete as applicable).~~**

**Part 1 Premises or club premises details**

<b>Postal address of premises or club premises, or if none, ordnance survey reference or description</b>  Costcutter (formerly trading as East Tilbury Supermarket) 87-89 Coronation Avenue	
<b>Post Town</b>  East Tilbury	<b>Post Code</b>  RM18 8SW

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Mr <u>Tajinder</u> Gurver, Brick Lane, Northolt, UB5 6NH <u>Tajinder</u> Singh Khurana, 100 Rushdene Crescent, Northolt, UB5 6NH
--

<b>Number of premises licence or club premises certificate (if known)</b>  05/00672/LAPRE
---

**Part 2 – Applicant details**

I am	Please Tick ✓ yes
1) an interested party (please complete (A) or (B))	<input type="checkbox"/>
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
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

<b>Name</b>	
Charlotte Edwards - Principal Trading Standards Officer	
<b>Address</b>	
Thurrock Council, Civic Offices, New Road, Grays Essex, RM17 6SL	
<b>Telephone number (if any)</b>	01375 652477
<b>Email address (optional)</b>	<a href="mailto:chedwards@thurrock.gov.uk">chedwards@thurrock.gov.uk</a>

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

Please tick ✓ one or more boxes Yes

- |   |                                     |
|---|-------------------------------------|
| 1. the prevention of crime and disorder | <input 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)**

As per the information provided overleaf, the premises is believed to be failing to meet the Licensing Act objective 'protection of children from harm' by allowing a sale of alcohol to a 16 year old volunteer working with Trading Standards.

This review is brought about to amend and add to the existing conditions on the licence in order to prevent the sale of alcohol to children in the future. We also seek a 14 day suspension of the premises licence to give the premises licence holders time to implement the majority of the requested conditions and to reflect on the implications of breaching the licensing objective.

Please provide as much information as possible to support the application (please read guidance note 2)

On 14 August 2017 officers from Thurrock Council's Trading Standards department carried out an underage test purchasing operation in Thurrock. They were accompanied by two female volunteers, aged 15 and 16, who were instructed to attempt to purchase alcohol or cigarettes from five premises. The Trading Standards Officers in attendance on this day were Clare Cunningham and Steve Dorning.

At about 4.20pm the 16 year old volunteer, accompanied by the 15 year old, purchased a bottle of Blossom Hill rose wine (11% ABV) from Costcutter on Coronation Avenue, East Tilbury. The seller was Tajinder Singh Khurana, one of the premises licence holders at these premises. Mr Khurana did not ask the volunteer for ID or to confirm her age but merely asked whether she wanted a bag. A covert camera was used to record the test purchase.

Out of the five premises tested that day only two premises made a sale of an age restricted product to our volunteers.

Mr Khurana was subsequently interviewed on the 14 September 2017 to discuss the procedures he had in place to prevent underage sales from occurring.

The key points raised in the interview include:

- The business is Seth's Supermarket Ltd – the directors are Tajinder GRUVAR and Tajinder Singh KHURANA.
- The shop is open 7am-10pm. In addition to Khurana and Gruvar there are two part-time female employees who may work alone in the shop.
- Mustafa ER, listed as the Designated Premises Supervisor, has no involvement in the business.
- On the day of the sale Mr Khurana was very tired. His colleague had been to a wedding all weekend so Mr Khurana had worked extra-long shifts.
- Mr Khurana believed the 16 year old volunteer to be 27/28 years old, and possibly the mother of the 15 year old volunteer.
- The shop is still not displaying any Challenge 25 posters displayed nor the statutory tobacco notice.
- Mr Khurana last attended underage sales training 3-4 years ago to get his personal licence (Since the sale Mr Khurana has attended the DoYouPass? age restricted sales training run by Thurrock Trading Standards).
- Mr Khurana couldn't find his refusals book at the time of the test purchase due to the shop being refurbished. He produced his refusals book during the interview – it had just 2 entries in it (19 May and 1 June 2017).
- No underage sales training has been given to the two female staff other than to remind them to check id.
- They have till prompts but this isn't comprehensive – some age restricted items when scanned will not trigger the prompt.

A transcript of the interview and exhibits from the officers' statements can be made available to the Licensing Committee but have not been submitted at this stage due to their sensitive nature.

In addition to the facts of this sale, the Licensing Committee may wish to consider the following points:

- In July 2016 a sale of illicit tobacco was made from these premises to our adult test purchaser
- In September 2016 a multi-agency visit to these premises resulted in a seizure of illicit tobacco and non-duty paid alcohol
- A Challenge 25 test purchase attempt of alcohol in April 2017 by a 19 year old volunteer resulted in no sale being made
- In April 2017 we received a complaint from a local resident, who believed that these premises were selling alcohol and other age restricted products to children.

Following this complaint Trading Standards Officer Clare Cunningham visited the premises in April 2017 to offer further advice on the law and due diligence measures in respect of age restricted products. The owners were not there therefore Miss Cunningham spoke to an employee who was working there alone. The employee advised she had not received any training on age restricted sales since working there, was not aware of whether the shop followed a Challenge 25 policy and was not aware of the existence

of a refusals book. Miss Cunningham left an underage sales pack with the employee to pass on to the owners, consisting of Challenge 25 posters, advice on the law and due diligence procedures and a blank refusals book.

Following the visit Miss Cunningham made two phone calls to 'Tajinder', who confirmed he was one of the owners of the business. It is believed that the conversation was with Tajinder Gurver. She advised him about the complaint that the department had received and reiterated her advice on due diligence procedures, including the provision of staff training (and keeping records of training), maintaining records of refused sales, following a Challenge 25 policy etc. It would appear that none of these measures were put into place at the time of the test purchase three and a half months later.

In order to prevent alcohol being sold to persons under the age of 18 in the future, and to ensure compliance with the Licensing Act objective 'protection of children from harm', this department would like to request that some of the current conditions are improved and further conditions are added to the Premises Licence.

We request that the following conditions are attached to the licence:

1. A Challenge 25 policy will be adopted at the premises and all staff will be trained in its operation. Any person who appears to be under the age of 25 will be asked for ID and the sale will be refused if they are unable to provide valid identification. Signage will be prominently displayed within the premises and particularly near the alcohol aisle to advertise the fact a Challenge 25 policy is in operation.
2. The only acceptable forms of identification will be a photographic driving licence, passport or a "PASS" approved identification card.
3. Written training records will be kept for all staff for the duration of their employment and for up to six months after the individual may leave employment. This should include signed and dated forms from employees that state they have received and understood the training.
4. The premises licence holder(s) will ensure that ongoing staff training is provided in relation to age restricted products and such training will be provided at least once every six months.
5. No sale of alcohol will be made by any person who has not received training on age restricted products.
6. A system will be in operation on all electronic points of sale which prompts staff to verify the age of a purchaser when age restricted products are scanned. The premises licence holder or DPS will conduct checks at least once every six months to ensure the system is functioning properly and keep a record of these checks.
7. A Trading Standards approved refusals book will be used to record all sales of alcohol which are refused including where possible the date, time, product, description of the purchaser, reason for the refusal and member of staff refusing. All staff should be trained how to use it and the DPS or premises licence holder will inspect and sign this at least once a week.
8. All new staff selling alcohol will attend the PASS Training as arranged by Thurrock Council within six months of starting employment at the premises, or other equivalent training as agreed with Thurrock Trading Standards. All existing staff should attend the PASS training or agreed equivalent before the end of March 2018.
9. As a refresher the premises licence holders and designated premises supervisor will attend an accredited training course such as the BIIAB Personal Licence Holders Level 2 Award, BIIAB Level 2 Award for Designated Premises Supervisors, or an equivalent training course as agreed with Thurrock Trading Standards, by 30 June 2018.

It is also requested that the current DPS is reviewed and replaced by a Personal Licence Holder that is in day to day control of the sale of alcohol.

In addition to these conditions we would request that the premises licence be suspended for 14 days. This will give the business time to fully implement the majority of the requested conditions and act as a reminder of the importance of meeting their licensing objectives.

Please Tick ✓ yes

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

If yes please state the date of that application

--	--	--	--	--	--	--	--	--	--

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. (please read guidance note 4) If signing on behalf of the applicant please state in what capacity

Signature..... C Edwards .....

Date..... 2/7/17 .....

Capacity..... Principal Trading Standards officer .....

Contact name (where not previously given) and 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**

- The ground(s) for review must be based on one of the licensing objective.

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.

**STATEMENT OF WITNESS**

(Criminal Procedure Rules 2011, r 27. 1 (1); Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5a & s.5B)

STATEMENT OF: Clare Cunningham

Occupation of Witness: Senior Trading Standards Officer

Age of Witness: Over 18

This statement consisting of 3 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Dated:

Signed:

- 
1. I am a Senior Trading Standards Officer employed by Thurrock Council, based at the Civic Offices, New Road, Grays, Essex. I am authorised to enforce a wide range of consumer protection legislation. I hold certificate number 10034 issued under section 73 of the Weights and Measures Act 1985 and have been appointed by Thurrock Council to act as an Inspector of Weights and Measures.
  2. On 14 August 2017 my colleague Steve DORNING and I carried out an underage sales test purchasing operation. One of the premises tested was Costcutter, Coronation Avenue, East Tilbury. At the time of my previous visit to these premises the business had been trading as East Tilbury Supermarket.
  3. The history of the premises is that on 20 April 2017 East Tilbury Supermarket had been tested on its Challenge 25 policy, in that a 19 year old volunteer attempted to purchase some alcohol. On that occasion no sale was made as ID was requested and the sale declined when the volunteer stated that she had none.
  4. On 26 April 2017 the Trading Standards department was contacted by a resident of East Tilbury who believed that alcohol and other age restricted products were being sold to children from these premises. Following the complaint I conducted an advisory visit to the premises on 28

Signature.....

April. At the time of the visit none of the owners/licence holders were present therefore I spoke to an employee and carried out a general inspection.

5. I advised of the complaint we had received and asked the employee about what policies and procedures the store had in place to prevent underage sales. She advised me that she had not been trained on age restricted sales here, although she had previous retail experience and had been trained elsewhere. She was not aware of any Challenge 25 policy in the shop but tended to adopt one anyway. She was not aware of the existence of a refusals book. I gave her an underage sales pack to pass on to the owners, consisting of Challenge 25 posters, advice on the law and due diligence procedures and a blank refusals book. She gave me the telephone number for the owner of the business, 'Tajinder'.
6. I followed my visit up with a phone call to Tajinder, who I spoke to on two occasions (4 and 9 May) as on the first occasion his mobile reception was poor. I reiterated my advice on due diligence, of ensuring all staff were trained and that records were kept of training, of keeping records of refusals and of following a Challenge 25 policy. I advised him that Trading Standards carry out test purchasing, of which he was aware, having received notification of the previous Challenge 25 test purchase result.
7. On 14 August, the day of the test purchasing operation, we used two female volunteers, OP aged 15 and AL aged 16. At the beginning of the operation I conducted a briefing of the two volunteers, explaining the process of test purchasing and the importance of telling the truth. I took five images of the two girls and measured their heights: OP measured 1.66m and AL 1.67m. Two of the images are produced as exhibits **CC/ET/1** (image of AL) and **CC/ET/2** (the two volunteers together). None of the images has been altered, retouched or enhanced in any way, each being a faithful reproduction of the image on that date.
8. At approximately 16.20 I instructed the girls to attempt to purchase alcohol from East Tilbury Supermarket/Costcutter. I reminded them to tell the truth if questioned about their age. I gave them £20 and then switched on the covert camera. They had agreed between them that AL would be buying the alcohol. I watched them walk towards the shop and disappear around the corner. My colleague Steve DORNING was observing the entrance from another location.
9. A few minutes later I observed the girls walking towards me, with AL holding a bottle of Blossom Hill wine (alcohol content 11%). She handed me the bottle, which I immediately sealed in a bag

with tag number A002041. I produce the bottle of wine as exhibit **CC/ET/3**. She described the seller to me as male, wearing a turban, aged approximately in his 40's and having a beard. No questions were asked about her age or ID, just whether she wanted a bag. She paid £6 for the wine.

10. Steve DORNING then returned to the shop to speak to the seller and take photos in the shop.

The seller was identified as Tajinder Singh KHURANA.

11. On 14 September 2017 I interviewed Mr KHURANA. During the interview Mr KHURANA produced a document titled 'Challenge 25 – Record of refusals'. I produce a copy of this in evidence as exhibit **CC/ET/6**.

12. I produce the master disc of the interview as **CC/ET/7** and a transcript of the interview as **CC/ET/8**.

This page is intentionally left blank



## Premises Licence

**Premises Licence Number**  
**Date of Issue**

05/00672/LAPRE  
23rd August 2016

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**East Tilbury Supermarket**  
**87/89 Coronation Avenue**  
**East Tilbury**  
**Essex**  
**RM18 8SW**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Sale by Retail of Alcohol**

<b>Monday</b>	<b>08:00 - 23:00</b>
<b>Tuesday</b>	<b>08:00 - 23:00</b>
<b>Wednesday</b>	<b>08:00 - 23:00</b>
<b>Thursday</b>	<b>08:00 - 23:00</b>
<b>Friday</b>	<b>08:00 - 23:00</b>
<b>Saturday</b>	<b>08:00 - 23:00</b>
<b>Sunday</b>	<b>10:00 - 22:30</b>
<b>Good Friday</b>	<b>08:00 - 22:30</b>
<b>Christmas Day</b>	<b>12:00 - 15:00 / 19:00 - 22:30</b>

The opening hours of the premises

<b>Monday</b>	<b>08:00 - 23:00</b>
<b>Tuesday</b>	<b>08:00 - 23:00</b>
<b>Wednesday</b>	<b>08:00 - 23:00</b>
<b>Thursday</b>	<b>08:00 - 23:00</b>
<b>Friday</b>	<b>08:00 - 23:00</b>
<b>Saturday</b>	<b>08:00 - 23:00</b>
<b>Sunday</b>	<b>10:00 - 22:30</b>

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Alcohol is supplied for consumption off the Premises**

## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Tajinder Gurver**  
**Brick Lane**  
**Northolt**  
**UB5 6GS**

**07761266607**

**Tajinder Singh Khurana**  
**100 Rushdene Crescent**  
**Northolt**  
**UB5 6NH**

**07432139993**

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Mustafa Er**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Personal Licence Number: 126**  
**Licensing Authority: Thurrock Council**

## **Annex 1 – Mandatory conditions**

- 1** No supply of alcohol may be made under this licence
  - a)** At a time when there is no designated premises supervisor in respect of it or,
  - b)** At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  
- 2** Every supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
  
- 3** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a)** a holographic mark, or .
  - (b)** an ultraviolet feature.
  
- 4** (1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.  
  
(2).For the purposes of the condition set out in paragraph 1 -
  - (a)** "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b)** "permitted price" is the price found by applying the formula where-  
  
$$P = D + (D \times V)$$
    - (i)** P is the permitted price,
    - (ii)** D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii)** V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c)** "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
    - (i)** the holder of the premises licence,
    - (ii)** the designated premises supervisor (if any) in respect of such

a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 3 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the price permitted on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

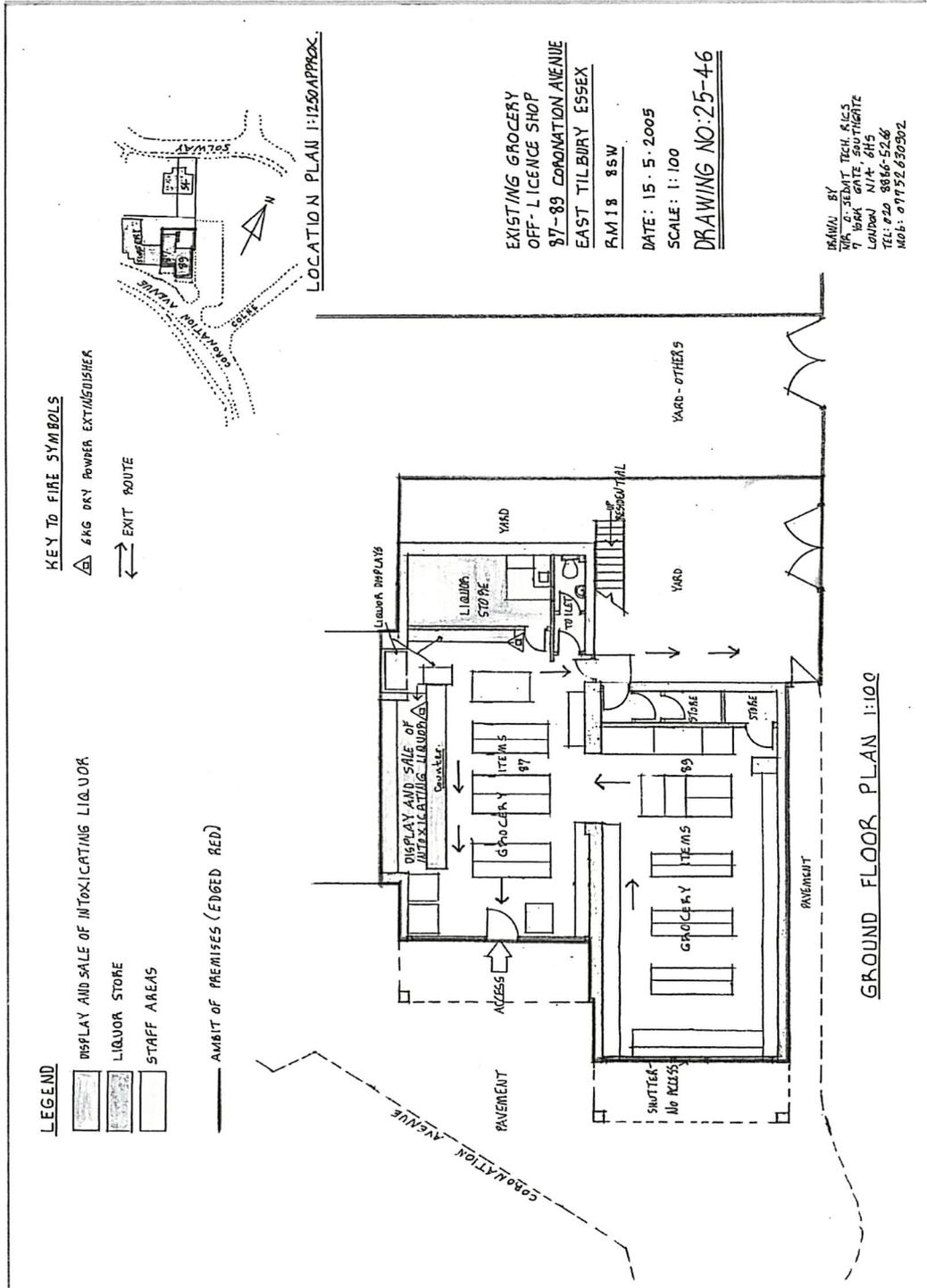
(2) The permitted price which would apply on the first day applies to sales and supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the Operating Schedule**

- 1 Log all refusals of the sale of alcohol in a register. This register to be made available to authorised officers.**
- 2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.**

**Annex 3 – Conditions attached after a hearing by the licensing authority**

Annex 4 – Plans





## Premises Licence Summary

**Premises Licence Number** 05/00672/LAPRE  
**Date of Issue** 23rd August 2016

### Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**East Tilbury Supermarket**  
**87/89 Coronation Avenue**  
**East Tilbury**  
**Essex**  
**RM18 8SW**

Telephone number

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

**Sale by Retail of Alcohol**

<b>Monday</b>	<b>08:00 - 23:00</b>
<b>Tuesday</b>	<b>08:00 - 23:00</b>
<b>Wednesday</b>	<b>08:00 - 23:00</b>
<b>Thursday</b>	<b>08:00 - 23:00</b>
<b>Friday</b>	<b>08:00 - 23:00</b>
<b>Saturday</b>	<b>08:00 - 23:00</b>
<b>Sunday</b>	<b>10:00 - 22:30</b>
<b>Good Friday</b>	<b>08:00 - 22:30</b>
<b>Christmas Day</b>	<b>12:00 - 15:00 / 19:00 - 22:30</b>

The opening hours of the premises

<b>Monday</b>	<b>08:00 - 23:00</b>
<b>Tuesday</b>	<b>08:00 - 23:00</b>
<b>Wednesday</b>	<b>08:00 - 23:00</b>
<b>Thursday</b>	<b>08:00 - 23:00</b>
<b>Friday</b>	<b>08:00 - 23:00</b>
<b>Saturday</b>	<b>08:00 - 23:00</b>
<b>Sunday</b>	<b>10:00 - 22:30</b>

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

**Alcohol is supplied for consumption off the Premises**

## Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Mr Tajinder Gurver**  
**Brick Lane**  
**Northolt**  
**UB5 6GS**

**07761266607**

**Tajinder Singh Khurana**  
**100 Rushdene Crescent**  
**Northolt**  
**UB5 6NH**

**07432139993**

Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**Mr Mustafa Er**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**Personal Licence Number: 126**  
**Licensing Authority: Thurrock Council**

This page is intentionally left blank

\* required information

**Section 1 of 4**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="East Tilbury Costcutter"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	<input type="text" value="Tajinder Singh"/>	
* Family name	<input type="text" value="Khurana"/>	
* E-mail	<input type="text" value="tajinderkhurana93@gmail.com"/>	
Main telephone number	<input type="text" value="07432139993"/>	Include country code.
Other telephone number	<input type="text" value="07761266607"/>	

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?       Yes       No

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text" value="09321078"/>	
Business name	<input type="text" value="Seth's Supermarket Ltd"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text" value="214995093"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 4**

**PREMISES DETAILS**

I/we apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003.

\* Premises licence number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

Postcode

\* Country

**Contact Details**

E-mail

Telephone number

Other telephone number

Describe the premises. For example, what type of premises it is

Continued from previous page...

Convenience Store

**Section 3 of 4**

**SUPERVISOR**

**Full Name Of Proposed Designated Premises Supervisor**

\* First name

\* Family name

\* Nationality

\* Place of birth

\* Date of birth  /  /   
dd mm yyyy

Personal licence number of proposed designated premises supervisor

Issuing authority of that licence

**Full Name Of Existing Designated Premises Supervisor**

First name

Family name

\* Would you like this application to have immediate effect under section 38 of the Licensing Act 2003?

Yes  No

\* Will the premises licence or relevant part of it be submitted with this application?

Yes  No

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Electronically, by the proposed designated premises supervisor

As an attachment to this variation

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'

**Section 4 of 4**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

**Continued from previous page...**

This formality requires a fixed fee of £23

**DECLARATION**

I/we understand that it is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in  
\* connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] It is an offence under section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their  
\* immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and, pursuant to section 21 of the same act will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed



This page is intentionally left blank

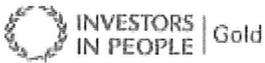
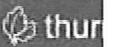
**Parrott, Paula**

---

**From:** Cox, Elizabeth on behalf of Licensing@thurrock.gov.uk  
**Sent:** 27 November 2017 06:40  
**To:** Parrott, Paula  
**Subject:** FW: Application to Review a Premise Licence

Elizabeth Cox | Licensing Officer | Environment and Place  
[thurrock.gov.uk](http://thurrock.gov.uk) | t +44 (0) 1375 652879 | m 07795 826 951  
 Thurrock Council, Civic Offices, New Road, Grays, Essex RM17 6SL

**Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish**




---

**From:** Jackie Cooper 42072594 [<mailto:Jackie.Cooper@essex.pnn.police.uk>]  
**Sent:** 24 November 2017 14:47  
**To:** [Licensing@thurrock.gov.uk](mailto:Licensing@thurrock.gov.uk)  
**Subject:** Application to Review a Premise Licence

FOR THE ATTENTION OF CHARLOTTE EDWARDS

**Ref: Application to Review the Premise Licence of Costcutter (formerly trading as East Tilbury Supermarket), 87-89 Coronation Avenue, East Tilbury RM18 8SW.**

Essex Police fully support the decision of Trading Standards in calling for a review of the above Premise Licence following an underage sale which took place on the 14<sup>th</sup> August 2017.

This premise is clearly failing to meet the Licensing Act objective 'Protection of children from harm' by allowing this sale of alcohol to take place.

Given the premises poor track record since the current Premise Licence Holders purchased the premise I fully support Trading Standards request to amend and to add to the existing conditions.

Also a suspension of the Premise Licence for 14 days will give the license holders time to implement conditions and training to ensure that nothing of this nature will occur again.

Kind Regards

***Jackie Cooper 72594***

Thurrock Licensing Officer  
 West LPA  
 Grays Police Station  
 Brooke Road

Grays  
Essex  
RM17 5BX

Tel. 01245 491491 or 101 (Ext. 360381)

Fax. 01375 362103)

e-mail: [jackie.cooper@essex.pnn.police.uk](mailto:jackie.cooper@essex.pnn.police.uk)



This email and any other accompanying document(s) contain information from Kent Police and/or Essex Police, which is confidential or privileged. The information is intended to be for the exclusive use of the individual(s) or bodies to whom it is addressed. The content, including any subsequent replies, could be disclosable if relating to a criminal investigation or civil proceedings. If you are not the intended recipient, be aware that any disclosure, copying, distribution or other use of the contents of this information is prohibited. If you have received this email in error, please notify us immediately by contacting the sender or telephoning Kent Police on 01622 690690 or Essex Police on 01245 491491, as appropriate.