

**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 Charlotte Edwards

*(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**

**Postal address of premises or, if none, ordnance survey map reference or description**

St Chads Convenience Limited  
163 St Chads Road

**Post town**

Tilbury

**Post code (if known)**

RM18 8NL

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

Mr MD Jakir Hossen

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

07/01106/LAPRE

**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**

Please tick ✓ yes

**I am 18 years old or over**

**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

Charlotte Edwards  
Trading Standards Manager  
Thurrock Council  
Civic Offices  
New Road  
Grays  
Essex  
RM17 6SL

Telephone number (if any) 01375 652477

E-mail address (optional) [chedwards@thurrock.gov.uk](mailto:chedwards@thurrock.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 ✓

✓

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

As per the information provided overleaf, the premises is believed to be failing to meet the Licencing Act objective, “protection of children from harm” by allowing a sale of a nicotine product (disposable vape) to a 16-year-old volunteer working with Trading Standards.

Such products are age restricted and like alcohol, can only be sold to persons over the age of 18. This is intended to prevent children having access to potentially harmful goods.

This review is brought about to add to the existing conditions on the license in order to ensure alcohol and other age restricted items are not sold to children.

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

This department is fully aware that this sale was in relation to a nicotine vaping product and not alcohol. Despite this however, taking into the account the circumstances of the sale, the recent history of the premises and the same age restriction on vapes as with alcohol there is a significant concern that this business is not meeting the Licencing Act objective - “protection of children from harm.” It is a firm belief that due to the actions of the seller on the day in question, it is highly likely they would have sold alcohol to the volunteer as well as the vape had the child picked up an alcoholic drink.

On 19<sup>th</sup> October 2022, officers from Thurrock Council’s Trading Standards department carried out an underage test purchasing operation. They were accompanied by a 16-year-old female volunteer who was instructed to attempt to purchase a nicotine product (disposable vape) from six premises.

At 11.25am the volunteer entered St Chads Convenience Store and was able to purchase an Elux Berry Lemonade Vape (the packaging stated it contained 2% nicotine salt which is equivalent to 20mg nicotine – average cigarette is 12mg). It is worth noting at this stage that the vape sold was illicit as it is not registered with the Medicines and Healthcare Regulatory Agency (MHRA). The sale was made by employee, Lee Kelly and when officers returned to speak with him, he was quoted as admitting his fault and saying, “*it was my bad.*”

There are concerns about the manner in which this sale was made as Mr Kelly did not ask the volunteer for ID or to confirm her age. The shop was well lit, Mr Kelly made eye contact and had a short exchange with the volunteer to ensure he was selling the correct product to her.

Out of the six premises tested that day four businesses refused the sale after asking for ID or the volunteer’s age.

Mr Hossen the Premises Licence Holder was interviewed on 6<sup>th</sup> December 2022. He was given the opportunity to outline any age verification policies and any mitigating factors as to why this sale was made.

Key factors from the interview

- Mr Hossen has been a director of St Chads Convenience Limited since 2019.
- He stated he is a personal licence holder.
- He claims staff have been trained on underage sales but was unable to provide evidence of this other than a copy of a Thurrock Council Responsible Retailer pack.
- He stated he has four members of staff but only two of them have been trained in underage sales.
- Mr Hossen confirmed that the volunteer looked under 25 years of age.
- He confirmed that he shut the shop for a month whilst he was away, indicating that he did not have faith in his staff to run it in his absence.
- Mr Kelly, the seller was also interviewed and confirmed that he had received Challenge 25 training in 2020 and in 2022. He also stated that he has had more training since the test purchase failure.
- Mr Kelly still maintained that he thought the volunteer was over 18 and claimed the reason for the sale was due to illness and the stress of having to open the shop without the director.

Transcripts of the interview and exhibits from the officers’ statements will be made available to the Licensing Committee and Premises Licence Holder in advance.

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

- Two intelligence complaints were received from Essex Police Intelligence Bureau in May 2022 stating that the manager of the store was selling age restricted goods to underage people.
- In June 2022 a joint visit with the Licensing team and Trading Standards was undertaken. Concerns were raised during this visit with the manager about the Challenge 25 procedure and a lack of refusals register and posters.
- In July 2022 a Challenge 25 test purchase was undertaken where a 21-year-old volunteer was able to purchase an electronic cigarette without being asked questions about their age or to provide ID. For background, a Challenge 25 test purchase is where a person over the age of 18 attempts to buy an age restricted product to test the age verification process the retailer has in place. If someone looks 25 or under then they should be asked for ID.
- Following this failure, a further advisory visit was undertaken in July 2022 to give advice on the legislation applicable to age restricted products that the premises sells: namely alcohol, tobacco and vape products. The manager opted to sign our responsible retailer pack to adopt the Challenge 25 scheme which also included training notes and a refusal book for members of staff to utilise.

In order to prevent alcohol and other age restricted products 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 further conditions are added to the Premises Licence. These are,

1. A refusals record shall be maintained at the premises that details all refusals to sell age restricted products. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. All staff should be trained how to use it and the DPS or his appointed deputy will inspect and sign this at least once a week. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
2. A Challenge 25 policy will be adopted at the premise 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 to advertise the fact a Challenge 25 policy is in operation. The premises shall clearly display signs at each point of sale. At the point of sale, such signs shall be a minimum size of 200mm x 148mm.
3. The only acceptable forms of identification will be a photographic driving licence, passport or a “PASS” approved identification card.
4. Written training records will be kept for all staff for the duration of their employment and for at least 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.
5. All staff engaged in the sale or supply of age restricted products on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
6. No sale of alcohol or other age restricted products will be made by any person who has not received training on age restricted products.
7. The premises shall display prominent signage indicating at any point of sale, at the entrance to the premises and in all areas where alcohol is located that it is an offence: for a person under the age of 18 to buy or attempt to buy alcohol; or buy, or attempt to buy, alcohol for a person under the age of 18.

In addition, if the electronic till system has the facility to add 'till prompts' when certain items are scanned, we would also request that the following condition is added:

8. 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 licensee will conduct checks at least once every six months to ensure the system is functioning properly and keep a record of these checks.

**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
<input type="text"/>	<input type="text"/>	<input type="text"/>

**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, 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.**

**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

.....

Capacity

.....

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

**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. 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.

