

**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**

Aveley Food and Wine T/A Merit Market  
70 High Street

**Post town**

Aveley

**Post code (if known)**

RM15 4BX

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

Sivaraja Jeyanthasan

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

05/00669/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)**

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

]

**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 is 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 inhaling (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 23<sup>rd</sup> August 2023, 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 and a 16 year old male volunteer who were instructed to attempt to purchase a nicotine inhaling product (disposable vape) from five premises.

At 13.00pm our volunteers entered Aveley Food and Wine, 70 High Street, Aveley, RM15 4BX and were able to purchase an Elf bar Cherry 600 puff electronic cigarette (containing 20mg/ml nicotine). The sale was made by [REDACTED] a staff member at the premises.

There are concerns about the manner in which this sale was made as Mr [REDACTED] did not ask the volunteers for ID or to confirm their ages. The shop was well lit and another male member of staff was on the premises at the time, however the store owner, Mr Kannathasan was not present. When officers spoke to Mr [REDACTED] after the sale, he showed his personal licence card.

Out of the five premises tested that day two businesses refused the sale after asking for ID or the volunteer's age.

Mr Kannathasan who is the DPS, was interviewed on 17<sup>th</sup> October 2023. 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 Kannathasan has been the owner since 2012 and there are no other owners.
- Mr Kannathasan previously worked in a Texaco garage.
- Mr Kannathasan had not received any recent training on underage sales, his last training was when he worked in Texaco prior to 2012.
- The training he was giving staff was very basic, mostly verbal, and included a printed statement they had to sign mentioning Challenge 25, refusals register, proxy sales. However, when asked what proxy sales were, Mr Kannathasan couldn't answer.
- Mr Kannathasan seemed to rely on the staff all having personal licences rather than giving proper training. He has five members of staff.
- There was a refusals book, but not all staff seemed to know where it was. The tills have till prompts.

Mr [REDACTED] was also interviewed separately that day and stated.

- He has worked at the premises for around a year, 3 days a week, usually only working on the tills to cover other staff on their breaks.
- He has previous experience in petrol stations and off licences.
- Just before the test purchase Mr [REDACTED] received a phone call asking him to pick his daughter up from school as she was unwell, so he was distracted, and he wasn't concentrating on work fully. He didn't tell us this at the time of the sale because he was worried when we entered the shop and his mind went blank.
- He had received verbal training on underage sales from Mr Kannathasan.
- He thought our volunteer was over 18 because he was tall, but because he was worrying about his daughter being collected from school he didn't ask for ID.

Transcripts of the interview and exhibits from the officers' statements can be made available to the Licensing Committee and Premises Licence Holder if required.

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

- A member of the public contacted us on 11/04/2023 and 14/04/2023 to raise concerns about the premises selling age restricted products to underage children.
- A Challenge 25 test purchase was carried out on 21/04/2023. The 19-year-old volunteer was able to purchase an electronic cigarette without being asked any questions about their age or to provide ID. The officer on the day returned to the store and spoke with the member of staff who had sold the vape. He stated he didn't normally work on the tills but was covering for another member of staff who was having a break. When asked if he had received any underage sales training he didn't answer. He said because the volunteer was tall he thought she was over 18 so didn't ask for ID. Another member of staff then entered who said he normally worked on the tills. When asked if he had received any underage sales training since working in the premises, he said no. We asked to see a refusals book, but the staff were unable to produce one.
- We received a further complaint on 10/05/2023 from a member of the public regarding concerns about age restricted products being sold to underage children.

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 further conditions are added to the Premises Licence.

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 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 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.

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

..... C Edwards. ....

Date

..... 16/11/23. ....

Capacity Trading Standards Manager

.....

**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.

