

**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 Insp. Tom BUDD

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 Wine House 5 Farncombe Street Farncombe	
Post town Godalming	Post code (if known) GU7 3BA

Name of premises licence holder or club holding club premises certificate (if known) Mr. Ibrahim ATES

Number of premises licence or club premises certificate (if known) LN/000002958

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- 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)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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 Surrey Police PO Box 101 GU1 9PE
Telephone number (if any) 01483 631823
E-mail address (optional) 2305@surrey.pnn.police.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 | <input checked="" 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"/> |

<p>Please state the ground(s) for review (please read guidance note 1) Surrey Police as a Responsible Authority apply for a review of the licence on the following grounds:</p> <p>1. The Premises Licence Holder and Designated Premises Supervisor is failing to exercise proper management and control over the day to day running of the premises.</p> <p>2. The Premises Licence Holder and Designated Premises Supervisor is failing to promote the Licensing Objectives contained in the Licensing Act 2003.</p>
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Please provide as much information as possible to support the application
(please read guidance note 2)

The Wine House is a small convenience store and off licence situated in a residential area of Farncombe in Godalming.

It is owned and managed by Mr Ibrahim ATES.

Mr. ATES is the Premises Licence Holder and Designated Premises Supervisor (DPS) for the premises.

He has been the leaseholder of the premises since August 2010.

On 23rd December 2010 the Police Licensing Officer together with the Licensing Manager from Waverley Borough Council visited the premises and spoke with the DPS Mr. Ibrahim ATES and his colleague Mr. Ali ATES. They had commenced trading four weeks earlier.

The Summary of the Premises Licence was displayed but not prominently.

There was no written authority to sell alcohol in place and no written staff training records available.

There was also no refusal book in place.

They were given advice regarding the display of the summary of the premises licence and having their detailed licence available to be produced.

They were also given advice regarding the authority to sell alcohol, staff training records, a refusal book and due diligence.

On 18th February 2011 Police and Trading Standards carried out a test purchase operation at the premises and staff member Mr. Ali TURGUT sold alcohol to a 16 year old volunteer without asking for identification. He was issued a fixed penalty notice for the offence. The DPS was not on site and Mr. TURGUT was working alone at the premises.

On 3rd March 2011 the Police Licensing Officer together with the Licensing Manager from Waverley Borough Council visited the premises following the failed test purchase on 18/2/11.

The DPS was not on site and they spoke with staff member Mr. Ali TURGUT.

The summary of the premises licence was prominently displayed but he was unable to produce the detailed licence.

He advised that since the incident staff had been re trained by the DPS.

He produced a written authority to sell and a signed training record produced by Trading Standards. This training record was for the sale of tobacco only. This was not completed sufficiently and further advice was given.

The DPS was later contacted and given further advice regarding the detailed licence being on site. He was also given advice regarding a written authority to sell alcohol, staff training records, a refusal book and due diligence.

On 26th August 2011 the Police Licensing Officer together with the Licensing Manager from Waverley Borough Council visited the premises at the request of the DPS Mr. ATES. He was asking for advice as he wanted to start taking telephone orders and delivering alcohol to customers home addresses. Advice was given to him for consideration.

On 1st November 2011 Police and Trading Standards carried out a further test purchase operation at the premises and staff member Mr. Hoshman AHMED sold alcohol to a 16 year old volunteer without asking for identification. He was issued with a fixed penalty notice for the offence. The DPS was not on site and Mr. AHMED was working alone at the premises at the time.

He was unable to produce any written authority to sell alcohol or any staff training records.

There was no detailed licence available to be produced.

On 2nd November 2011 the Police Licensing Officer together with the Licensing Manager from Waverley Borough Council visited the premises following the failed test purchase. They spoke with the DPS Mr. Ibrahim ATES.

Mr ATES was unable to produce the detailed part of his premises licence and stated that he must have lost it. He was advised to obtain a duplicate licence from Waverley Borough Council as soon as possible.

He produced a hand written piece of paper authorising only Ali TURGUY and Ali ATES to sell alcohol at the premises. He had no authorisation for Hoshman AHMED. He then produced a Trading Standards folder from under the counter and produced a training sheet for the sale of tobacco only. The first entry on the sheet was a signature by Trading Standards officer Mr Robert TOWERS on 15/2/11. There were no previous entries.

This was followed by an entry on 18/2/11 with the name Ali and another on 19/2/11 with the name Abraham. There were no further entries.

This was the same training sheet that was seen by the Police Licensing Officer and Licensing Manager from Waverley Borough Council on 3rd March 2011. This indicated that no further training had been given since 19/2/11.

He then produced a Trading Standards refusal log sheet with the following entries

15/2/11 Tobacco

19/2/11 Tobacco

19/2/11 Alcohol

2/3/11 Tobacco

14/3/11 Tobacco

18/3/11 Tobacco

There were no further entries.

He was unable to produce any further training records.

He was then given further advice regarding the display of the summary of his premises licence and having the detailed licence available to be produced.

He was also given further advice regarding a written authority to sell alcohol, staff training records, a refusal log and due diligence.

On 16th November 2011 the Police Licensing Officer together with Trading Standards Officer again visited the premises as an appointment had been made to meet with the DPS Mr. ATES to discuss the issues resulting from the failed test purchase on 1st November 2011. Mr. ATES failed to turn up for the meeting. A message was left with staff member Mr. Hoshman AHMED for the DPS to contact the Police Licensing Officer to re arrange the meeting. Despite numerous telephone calls to the DPS and messages left on his voicemail, he failed to make contact with the Licensing Officer.

On 24th November 2011 the Police Licensing Officer visited the premises. The DPS was not on site and he spoke with staff member Mr. Hoshman AHMED. A further message was left for the DPS to contact him.

He produced a written authority for him to sell alcohol.

On 28th November 2011 the DPS made telephone contact with the Police Licensing Officer and an appointment was made for the 29th November 2011.

On 29th November 2011 the Police Licensing Officer, the Licensing manager from Waverley Borough Council and a Trading Standards Officer visited the premises and spoke with the DPS Mr. ATES.

The summary of the premises licence was displayed and the front page only of the detailed part of the licence was also displayed. He stated that the remainder of the licence was at his home address. He produced a Trading Standards staff training

record for alcohol which only had two entries on it.

The first entry was a signature by a Trading Standards Officer dated 18/2/11.

The second entry was the name ALI which was signed and countersigned.

There were no other entries.

He also produced a desk diary and a number of loose Refusal Log pages (supplied by Trading Standards) that had a number of refusals recorded thereon.

It is believed that the premises is failing to promote the licensing objective of protecting children from harm and the concern is that alcohol may be regularly being sold to persons underage.

Despite several visits and advice the premises does not appear to have sufficient measures in place to prevent sales to underage.

The following are already conditions attached to the premises licence:

1. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. Staff shall be trained in the basic law relating to the sale/supply of alcohol and written records will be kept for inspection. This training shall include the law relating to both the sale and consumption of alcohol to persons under 18 and the refusal of sale of alcohol to persons who are drunk.
3. There shall be an ongoing training regime
4. The premises shall operate a challenge 21 policy and shall only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.
5. An under age refusal book shall be maintained and shall be available for inspection by an authorised officer

In light of the above we believe that the Premises Licence should be revoked.

Should the licensing committee not be mindful to revoke the licence then we would recommend that the following action be taken.

1. The DPS should be removed
2. Any new DPS should acquire the BIIAB Level 2 Award for Designated Premises Supervisors
3. All staff should be re trained by a dedicated training company
4. The premises licence should be suspended for a period of time to allow the above to take place
5. A further condition be placed on the licence - Alcohol will only be sold to persons attending the premises and alcohol will not be sold for home delivery

Please tick yes

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

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

None

Please tick yes

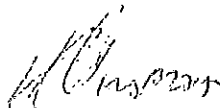
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Signature



Date

06/12/11

Capacity Waverley Neighbourhood Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Peter Hathaway (Licensing Officer)
Godalming Neighbourhood Police Office
Waverley Borough Council Offices
The Burys

Post town
Godalming

Post Code
GU7 1HR

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) 10378@surrey.pnn.police.uk

Notes for Guidance

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