ANNEXE 4

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Paul Hughes
Licensing Manager
Waverley Borough Council
The Burys
Godalming, Surrey
GU7 1HR

14th December 2011

Dear Mr Hughes,

Re: Wine House, 5 Farncombe Street, Farncombe, Godalming, GU7 3BA

I write in relation to the above premises and the licence review that has been initiated by Surrey Police.

This Department, along with Surrey Police, have recently conducted test-purchasing exercises on this premises. There have been only two test purchase attempts in total and these were held on the 18th February 2011, and the 1st November 2011. These operations resulted in a sale of alcohol to our volunteers on two separate occasions (18th February & 1st November 2011).

Wine House was originally test purchased on the 18th February due to Surrey Police concerns of underage drinking and anti social behaviour issues in the area, all off-licence premises in Godalming / Farncombe area were due to be test purchased. This operation identified that this premises was a possible cause for these issues. What was more concerning was that this premise was fairly new and considerable advice had been given very recently by both Surrey Police and ourselves.
Trading Standards had provided Mr Ates with written training records, challenge posters, refusals logs and comprehensive advice on the sale of all age-restricted products. It appeared in spite of all of this being provided, there was very little put in place by the DPS to help promote any of the licence objectives especially protection of children from harm. Surrey Police gave words of advice around this apparent lack of controls and procedures. As a result of this alleged criminal offence, a Fixed Penalty Notice of £80 was issued to the member of staff who sold the alcohol.

The next test purchase failure happened almost nine months later, again it was test purchased due to ongoing concerns in the area and because of their previous test purchase history.
This operation again indentified that it was potentially responsible for the issues in the area by selling alcohol yet again to our underage volunteer. Again as a result of this alleged criminal offence, a Fixed Penalty Notice of £80 was issued to the member of staff who sold the alcohol.

Both the operations successfully identified that the intelligence was correct and that this premises were not complying with Section 146 of the Licensing Act 2003. Again it was apparent that even though there was some evidence of a minimal system being in place to prevent illegal alcohol sales, they were not being managed correctly and the DPS is ultimately responsible for that.

Trading Standards along with Surrey Police visited the owner on the 29th November at the premises in Farncombe. This appointment was a final attempt to discuss matters with Mr Ates after he has failed to attend any previously arranged appointments. During this appointment Mr Ates was

interviewed under caution to discuss our concerns and try and figure out what policies and procedures he had in place to avoid under age sales of alcohol. During the interview Mr Ates stated he was currently unable to commit to the shop, he advised that his wife was not happy with the business and he lived too far away from the shop. Training records were produced but they were not of the expected standard as mentioned in the conditions on the licence. Infact the training materials were of such a poor completed status, that the DPS even allowed the materials to become covered in drink stains, scribbles and a price sticker from a pricing gun. The paperwork was creased and folded and had not been used for the purpose that it was intended. Infact buried in this pack all creased and ignored was a letter from Surrey Police reminding licensees to be vigilant on under ages of alcohol and that under age sales of alcohol will not be tolerated. There was evidence of a refusals log being put into operation in the form of a diary, however this had not been available earlier when requested and this Service doubts the credibility of this log and the amount of time it took to be provided to Trading Standards and the Police. Some of the paperwork which was provided by us had been completed but this was only for the law governing tobacco not alcohol. Mr Ates was still adamant that staff had received alcohol licence training from him. Mr Ates was reminded that two test purchase failures would say that his staff were not adequately trained, he had no documentation to prove otherwise and that he had been previously advised about staff training on more than one occasion. Even with all the documentation provided by Trading Standards for free, had been totally disregarded and the laws protecting minors from alcohol ignored.

The Wine House is not promoting the objective of protecting children from harm and despite considerable advice and help from this service and Surrey Police. They will, in our opinion, continue to sell alcohol to underage children. The conditions attached when the licence was granted were proportionate and effective and had they been followed then the premises licence holder would not be in this situation. With the discovery of no training records for staff as well, this gives further evidence that this premises is not being run or managed properly.

Should the application for a licence review by Surrey Police be successful, Surrey County Council Trading Standards Service would like the committee to consider revoking the premises licence in full.

I hope this information assists the licence review process. If I can be of any further assistance then please do not hesitate to contact me.

Yours sincerely,

Robert Towers
Trading Standards Officer