



HEREFORDSHIRE  
COUNCIL

Environment & Culture Directorate  
Director: Michael Hainge

Regulatory Committee  
Council Chamber  
Brockington  
Hereford  
HR1 1SH

Your Ref:  
Our Ref: TJT/CE  
Please ask for: Mr T Thorne  
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15 December 2008

Dear Councillors

**Bargain Booze Plus – 44 Holme Lacy Road, Hereford HR2 6BZ**

I am writing to make representations in relation to the application for review of the above premise alcohol licence made by West Mercia Constabulary.

I feel it is relevant to make the Committee aware of the full test purchase history of the store, which I have done via the following table:-

Date	Sale/No Sale	Age of buyer
6/10/08	SALE	16
12/08/08	SALE	16
15/12/07	NO SALE	
16/12/06	NO SALE	
06/09/06	NO SALE	
24/08/05	SALE	16

In August this year we carried out test purchasing at almost every off sales retailer in the county. 19 out of 56 premises sold to our 16 year old volunteers. In October we retested these 19 retailers who had sold in August. Bargain Booze Plus sold both in August and October this year. These two sales within 3 months was the reason for the application by the police for this review. Further information I believe the committee should be aware of is that Mr Alan Hudson is the premise licence holder not only of this shop but also of the Bargain Booze at 3 Yazor Road, Hereford HR4 0LZ. At the latter site on 1<sup>st</sup> March 2008 Mr Alan Hudson himself sold alcohol to our 16 year old volunteer. The Yazor Road site also sold to an under age volunteer on 7<sup>th</sup> September 2006. Alan Hudson has been the DPS at the Yazor Road premises since 16/11/07. He was also the DPS at Bargain Booze Plus, Holme Lacy Road from November 2005 to 26/11/07 when it changed to a Louise Barsacq.



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Should the committee decide that the premise licence is to remain in force and additional conditions imposed then I respectfully suggest a Challenge 25 Policy and all alcohol sales to be made only by a personal licence holder. There are of course many other conditions which may be appropriate.

I am sure you are aware of the detailed letter sent out by the Minister for Culture Media and Sport, on 19<sup>th</sup> September 2008, regarding enforcement of the Licensing Act 2003 and including a copy of the Evaluation of the Impact of the Act dated 4<sup>th</sup> March 2008.

Relevant extracts I believe are as follows:-

"A key part of the approach outlined by the Secretary of State was for authorities to use local intelligence and knowledge to identify problem premises and to seek licence reviews with the intention of applying tough conditions as a 'yellow card' with the threat of revocation at a further review ('a red card') should they fail to improve"

(Ministerial Written Statement 4/March/2008):-

"We will change the offence of "persistently selling alcohol to a person under 18" from 'three strikes' to 'two strikes' in three months. This means that any seller who twice sells to underage drinkers and is caught doing so will immediately lose their licence".

"The message must be clear to all: breach your licensing conditions and you face severe and costly restrictions on your business – with a new yellow card and red card alert system. A yellow card will put the problem premises on immediate probation together with tough and uncompromising sanctions".

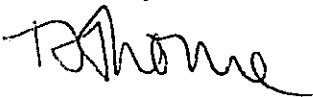
"First intervention (Yellow Card):-

Responsible authorities will be encouraged to propose a package of tough new conditions to be added to the existing ones which are designed to combat the identified problem. The kinds of conditions we have in mind are set out in Annex A (I have attached a full copy of Annex A). These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises. Such action should be supplemented where appropriate by:-

- Removal of the designated premises supervisor
- Suspension of the licence for between 1 day and 3 months according to the circumstances.
- Restriction on trading hours – cutting hours of trading in alcohol.
- Clear warning that a further appearance will give rise to a presumption of revocation".

If I can be of any further assistance to the Committee then please do not hesitate to contact me.

Yours faithfully



**TIM THORNE**  
**PRINCIPAL TRADING STANDARDS OFFICER**  
**ENVIRONMENTAL HEALTH & TRADING STANDARDS**



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