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WEST MERCIA
CONSTABULARY
TOGETHER - WORKING FOR SAFETY AND JUSTICE

25th November 2008.

Your Ref:

Herefordshire Council Licensing Section
The County Offices
PO Box 233
Bath Street
HEREFORD
HR1 2ZF

EH & TS / LICENSING SECTION
RECEIVED

28 NOV 2008

TO:

Dear Sir / Madam

REF: BARGAIN BOOZE PLUS , HOLME LACY ROAD HEREFORD.
APPLICATION TO REVIEW PREMISE LICENCE
LICENSING ACT 2003

On behalf of the Chief Constable of the West Mercia Constabulary, I have made an application to review the Premise Licence for, Bargain Booze Plus, Holme Lacy Road, Hereford.

The application is made in accordance with section 51 of the Licensing Act 2003, and for the purpose of section 52 (7) the relevant representations concern the promotion of the licensing objectives of "the protection of children from harm " and "the prevention of crime and disorder "

The premise is licensed for the sale by retail of alcohol.

The West Mercia Constabulary and Herefordshire Council Trading Standards Department have taken part in regular test purchase operations.

These operations involved the use of 15 or 16 year olds, visiting licensed premises and attempting to purchase alcohol, in accordance with section 149 (2) of the Licensing Act 2003.

In the spring of 2007 The West Mercia Constabulary, and Herefordshire Council Trading Standards Department, took part in the, Home Office Police Standards Unit, test purchase operation.

The premise to be tested were selected on an intelligence led basis and had been either the subject of previous sales or complaints.

These operations took place between the 4th May and 15th July 2007, and in Herefordshire involved visits and tests at 20 premises in the county, with each premise being "tested "at least 3 times.

- On a national basis 1.064 of the 2.683 premises tested made sales.
- Of the 9000 separate "tests" 14.7% made sales.

In Herefordshire

- Out of the 20 premises visited, 12 made one sale or more, over 50%
- Out of 77 separate tests, 17 sales were made which is 22%.

This premise was not the subject of any of tests during this operation,

In view of the high failure rate, further operations were planned, with a larger number of premises being tested.

In December 2007, The West Mercia Constabulary and Herefordshire Council Trading Standards Department carried out a further test purchase operation in the county.

During this operation 48 separate premises were made the subject of a single "test"

- Out of the 48 premises "tested" 12 sold which is 25%
- This premise was the subject of a test purchase operation on the 15th December 2007, and no sale was made

In the spring of 2008, the West Mercia Constabulary and Herefordshire Council Trading Standards Department carried out a further test purchase operation in the county that involved revisiting all 12 premises that made sales in December 2007.

- Out of the 12 re-visited, 4 made sales which is 33%

Because of the same high failure rate, during the summer of 2008, the West Mercia Constabulary and Herefordshire Council Trading Standards department carried out further test purchase operations in the county.

During this operation 55 separate premises were made the subject of a single "test"

Out of the 55 premises "tested" 19 sold which is 29%

- This premise was the subject of a test purchase operation on the 12th August 2008, and a sale was made to a 16 year old female.

In the Autumn of 2008, the West Mercia Constabulary and Herefordshire Council Trading Standards Department carried out a further test purchase operation in the county that involved revisiting all 19 premises that made sales in August 2008.

- This premise was the subject of a test purchase operation on the 6th October 2008, and a sale was made to a 16 year old female.

In March 2008 the government issued an evaluation of the impact of the Licensing Act 2003

This review produced 3 "Immediate Actions" one of which was, to change the offence of "persistently selling alcohol to a person under the age of 18 from three strikes to two strikes in 3 months."

In accordance with section 53 C (3) (A) the West Mercia Constabulary would seek the licensing authority to modify the conditions on the licence by the addition of the following.

- That the use of "challenge 21" is made a condition of all sales made on the premise.
- That the premise employ's proven training method for all staff, in age restricted sales, and that written records of the training are kept and made available for inspection by the Licensing Authority and Police.

It is the view of the West Mercia Constabulary that the provision of these two conditions is necessary to promote the licensing objective of the protection of children from harm, and the prevention of public nuisance. They are the minimum conditions we would wish to see if the premise is to continue to be licensed.

This premise has been the subject of previous test purchase operations on the following dates when no sale was made

- 15th December 2007
- 16th December 2006
- 6th September 2006



S G Thomas
Licensing Officer