



## **Special Statutory Licensing Sub-Committee**

**Date** Friday 24 January 2025  
**Time** 9.30 am  
**Venue** Council Chamber, County Hall, Durham

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### **Business**

#### **Part A**

#### **Items which are open to the Public and Press**

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Application for the Grant of a Premises Licence - Seaside Lane Minimarket, Gupta House, Seaside Lane, Easington Colliery, Peterlee, SR8 3JZ (Pages 3 - 238)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Helen Bradley**

Director of Legal and Democratic Services

County Hall  
Durham  
16 January 2025

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors J Blakey, D Brown, C Hunt and M Wilson

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**Contact: Amanda Stephenson Tel: 03000 269703**

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**Statutory Licensing Sub-Committee**

**24<sup>th</sup> January 2025**

**Application for the grant of a  
Premises Licence**

**Ordinary Decision**



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**Report of Alan Patrickson, Corporate Director of Neighbourhoods  
and Climate Change**

**Councillor John Shuttleworth, Cabinet Portfolio Holder for Rural  
Communities and Highways**

**Electoral division(s) affected:**

Easington

**Purpose of the Report**

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for Seaside Lane Minimarket, Gupta House, Seaside Lane, Easington Colliery, Peterlee, SR8 3JZ.
- 2 A plan and google map images showing the location of the premises are attached at Appendix 2.

**Executive summary**

- 3 The application requests the granting of a new Premises Licence and was submitted to the Licensing Authority on 26<sup>th</sup> November 2024 by RB Retail and Licensing Services on behalf of the applicant, Mr Krishnakumar Ampikapathy.
- 4 The application requests the following activity:

Supply of Alcohol for consumption off the premises: Monday to Sunday from 08.00 hours until 23:00 hours each day.
- 5 During the consultation period, the Licensing Authority received one representation opposing the application from local residents Mr D Sadler and Ms L Dodds. This was also accompanied by a petition in support of their representation which had been signed by many other local residents.

- 6 On 14<sup>th</sup> January 2025, some additional information was provided by the applicant's Agent.
- 7 Responses were received from the Durham Safeguarding Children Partnership and Durham Constabulary confirming they had no comments to make regarding the application.

### **Recommendation(s)**

- 8 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 9 The Sub-Committee is recommended to give appropriate weight to:
  - (a) The steps that are appropriate to promote the licensing objectives.
  - (b) The representations (including supporting information) presented by all parties.
  - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6.
  - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended December 2023). The relevant parts of the guidance are attached at Appendix 7.

### **Background information**

- 10 Background information:

<b>Applicant</b>	<b>Mr Krishnakumar Ampikapathy.</b>	
Type of Application: <b>New Premises Licence</b>	Date received: <b>26<sup>th</sup> November 2024</b>	Consultation ended: <b>24<sup>th</sup> December 2024</b>

### **Details of the application**

- 11 An application for the grant of a new Premises Licence was received by the Licensing Authority on 26<sup>th</sup> November 2024. A copy of the application is attached at Appendix 3.
- 12 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

13 The applicant proposed the conditions and steps which they intend to take in order to promote the four licensing objectives. These are outlined within the application's Operating Schedule at Appendix 3.

14 The application requests the following:

<b>Licensable Activity</b>	<b>Days &amp; Hours</b>
Supply of Alcohol (Consumption off the premises)	Monday to Sunday: 08:00 – 23:00 hrs
Open to the public	Monday to Sunday: 06:00 – 23:00 hrs

15 On 14<sup>th</sup> January 2025, some additional information was provided by the applicant's Agent, in support of the premises application.

A copy of this additional information is attached at Appendix 4.

### **The Representations**

16 During the consultation period, the Licensing Authority received one representation opposing the application from the following local residents:

- Mr D Sadler and Ms L Dodds

The representation received also included a petition, with the names of many other nearby residents who had all signed in support of the concerns being raised within the representation.

17 The Licensing Authority deemed the objection/representation as relevant, relating to the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

A copy of the representation and residents' petition are attached at Appendix 5.

18 Responses were received from the Durham Safeguarding Children Partnership and Durham Constabulary to confirm they had no comments to make in relation to the application.

## **The Parties**

19 The Parties to the hearing will be:

- Mr Krishnakumar Ampikapathy (Applicant)
- Mr Richard Baker, RB Retail & Licensing Services Limited (Applicant's Agent)
- Mr D Sadler and Ms L Dodds (Other persons)

## **Options**

20 There are a number of options open to the Sub-Committee:

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003.
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003.
- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates.
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor.
- (e) To reject the application.

## **Main implications**

### *Legal Implications*

21 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

### *Consultation*

22 The premises licence application was subject to a 28-day consultation.

See Appendix 1

## **Conclusion**

23 The Sub-Committee is asked to determine the application for the grant of a premises licence in light of the representation received.

## **Background papers**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2023)

## **Other useful documents**

- None

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**Contact:** Yvonne Raine

Tel: 03000 265256

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## **Appendix 1: Implications**

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### **Legal Implications**

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore, the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division the Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

### **Consultation**

The premises licence application was subject to a 28-day consultation in accordance with the Licensing Act 2003 and its regulations.

The Responsible Authorities were consulted on the application.

The notice of application was displayed on the premises for a period of 28 days.

Notice of the application was published in a newspaper which was circulated within the vicinity of the premises.

In addition, details of the application were available to view on the Council's website throughout the 28-day consultation period.

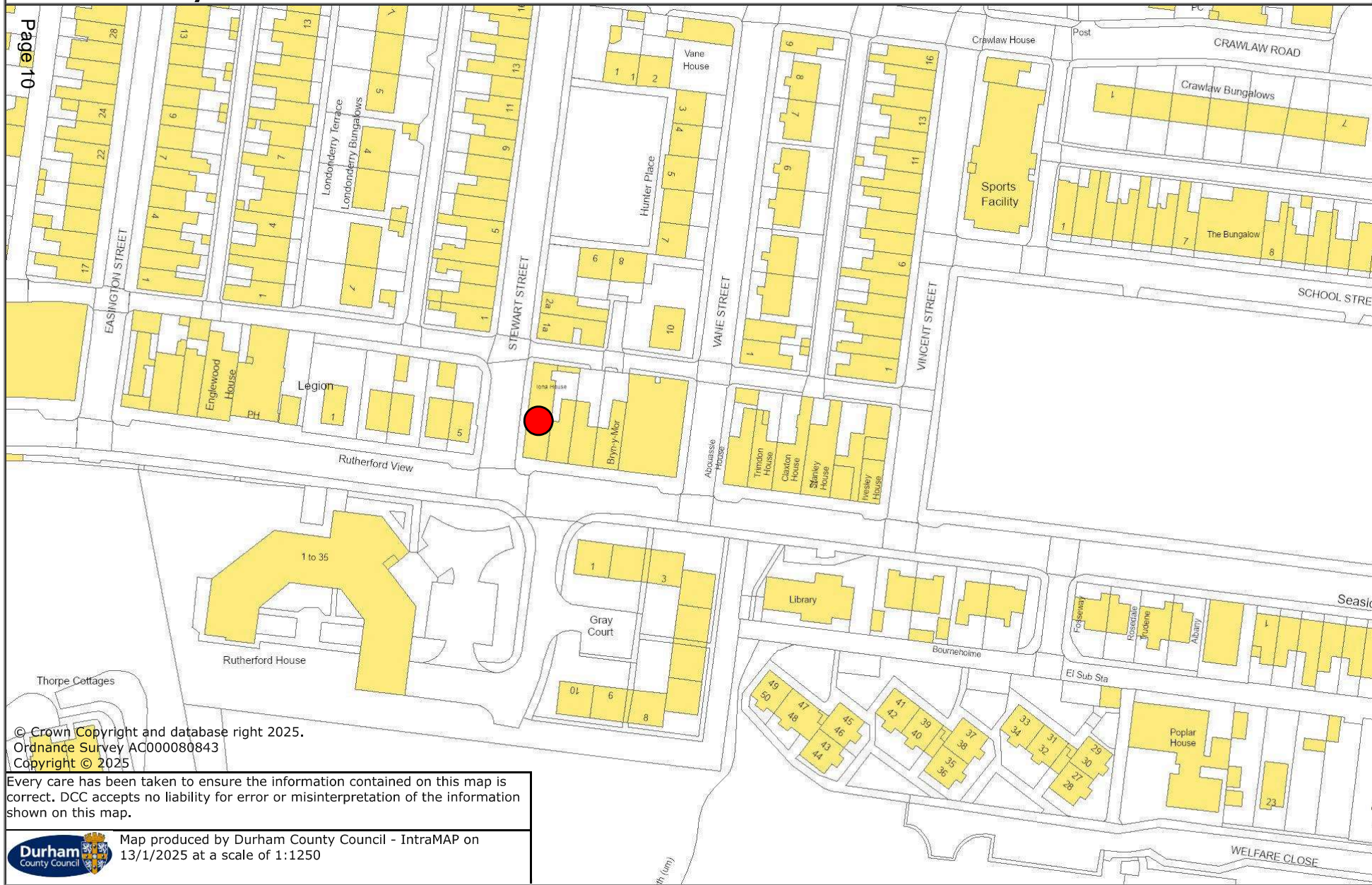


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## Appendix 2: Location Plan & Images

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# Durham County Council - IntraMAP



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Ordnance Survey AC000080843  
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.



Map produced by Durham County Council - IntraMAP on 13/1/2025 at a scale of 1:1250

Google Street View

Jul 2022



Google

England

Google Street View

Aug 2022 See more dates



Google

England

Google Street View

Aug 2022 See more dates



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## **Appendix 3: Premises Licence Application**

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**LICENSING AUTHORITY, DURHAM COUNTY COUNCIL, EHCP  
(LICENSING), PO BOX 617, DURHAM, DH1 9HZ.**

**Application for a premises licence to be granted 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/We** KRISHNAKUMAR AMPIKAPATHY

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises detail**

Postal address of premises or, if none, ordnance survey map reference or description			
SEASIDE LANE MINIMARKET GUPTA HOUSE SEASIDE LANE EASINGTON COLLIERY PETERLEE			
<b>Post town</b>	DURHAM	<b>Postcode</b>	SR8 3JZ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0 THEREFORE BAND "A" LICENCE FEE

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as

**Please tick as appropriate**

- |  |                          |                             |
|--|--------------------------|-----------------------------|
| a) an individual or individuals *                    | X                        | please complete section (A) |
| b) a person other than an individual *               |                          |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/> | please complete section (B) |
| d) a charity   | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment    | <input type="checkbox"/> | please complete section (B) |
| f) a health service body                             | <input type="checkbox"/> | please complete section (B) |

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- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a  
 statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> AMPIKAPATHY			<b>First names</b> KRISHNAKUMAR		
<b>Date of birth</b>		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town			Postcode		
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					



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**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town		Postcode			
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

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**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
2	5	1 22 0 2 4

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THIS IS TO BE A STATE-OF-THE-ART CONVENIENCE STOCKING A WIDE RANGE OF GOODS AND SERVICES AND IT IS NORMAL FOR SUCH BUSINESSES TO INCLUDE A GOOD REPRESENTATION OF DIFFERENT ALCOHOL BRANDS WITHIN THEIR LISTED PRODUCTS. THE PREMISES HAVE BEEN DERELICT AND HAVE NOT TRADED FOR AROUND 10 YEARS.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?  
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

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**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

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**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

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**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue			
Wed			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

**LICENSING AUTHORITY, DURHAM COUNTY COUNCIL, EHCP  
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**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

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**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

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**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					



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**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

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**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue				Both	<input type="checkbox"/>
Wed				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					
<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)					

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**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thurs					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

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**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	X
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	08.00	23.00			
Tue	08.00	23.00			
Wed	08.00	23.00			
Thurs	08.00	23.00			
Fri	08.00	23.00			
Sat	08.00	23.00			
Sun	08.00	23.00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> KRISHNAKUMAR AMPIKAPATHY
<b>Date of birth</b>
<b>Address</b>
<b>Postcode</b>
<b>Personal licence number (if known)</b>
<b>Issuing licensing authority (if known)</b>

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**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

NONE

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	06.00	23.00	
Tue	06.00	23.00	
Wed	06.00	23.00	
Thur	06.00	23.00	
Fri	06.00	23.00	
Sat	06.00	23.00	
Sun	06.00	23.00	

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 6)

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**M**

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

1. The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with all levels of illumination throughout the premises as well as outside areas. Externally located cameras will also be fitted to cover the store frontage and left hand side of the premises.
2. CCTV warning signs to be displayed on the shop floor. The CCTV system must be operating at all times whilst the premises are open for licensable activity.
3. All equipment shall have a constant and accurate time and date generation. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 31 days. Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.
4. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies without undue delay to police upon reasonable request.
5. A notice will be displayed asking customers to leave the premises and area quietly.
6. The premises shall operate a challenge 25 policy.
7. Any unknown persons who appear to the staff serving behind the counter, to be under the age of 25 and who are attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID will be a valid passport, a driving licence card or a validate UK card.
8. A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local Authority
9. Spirits will only displayed from behind the counter and will not be self service.
10. All staff involved in the sale of alcohol must receive comprehensive written training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training.
11. Written Refresher training for all staff involved in the selling of alcohol will be undertaken annually.
12. The shop will have a till prompt system fitted to remind staff to ask for proof age where appropriate.

**b) The prevention of crime and disorder**

As appropriate from section A

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**c) Public safety**

As appropriate from section A

**d) The prevention of public nuisance**

As appropriate from section A

**e) The protection of children from harm**

As appropriate from section A

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. [Applicable to all individual applicants, including those in a partnership which is not a limited liability] X
-

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partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

X

**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.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	_____
Date	26 <sup>th</sup> NOVEMBER 2024
Capacity	AGENT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	_____
Date	_____
Capacity	_____



**LICENSING AUTHORITY, DURHAM COUNTY COUNCIL, EHCP  
(LICENSING), PO BOX 617, DURHAM, DH1 9HZ.**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

RICHARD BAKER  
RB RETAIL & LICENSING SERVICES LIMITED

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:

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- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
- 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

## LICENSING AUTHORITY, DURHAM COUNTY COUNCIL, EHCP (LICENSING), PO BOX 617, DURHAM, DH1 9HZ.

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,

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- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

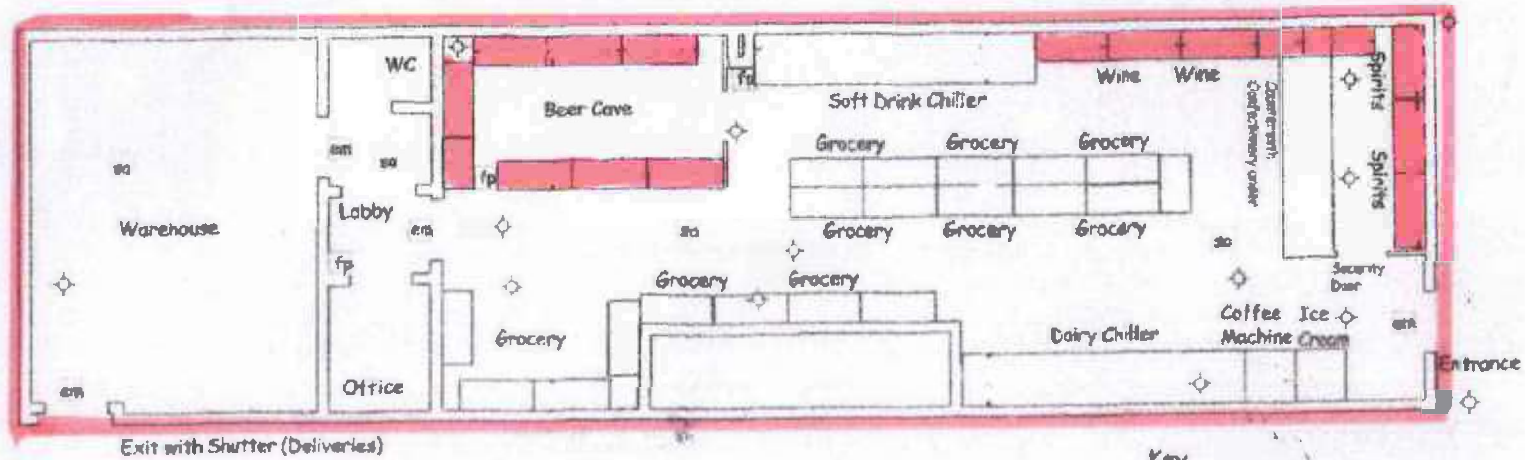
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.





RB Retail & Licensing  
Services Limited



- Key**
- Fire Extinguisher - Powder
  - Smoke Alarm
  - Emergency Lighting
  - Security camera

Seaside Lane Mini Market  
Gupta House  
Seaside Lane, Easington Colliery,  
Peerlee, Durham, SR8 3JZ.  
Scale- 1:100  
Drawing Reference; RB/1992  
Drawn by: R Baker RB Retail & Licensing  
20<sup>TH</sup> November 2024

All retail selling areas to be licensed for alcohol display. Copyright – RB Retail & Licensing Services Limited,  
Site dimensions to be used at all times

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## **Appendix 4: Applicant's Additional Information**

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**From:** Richard Baker <

**Sent:** Tuesday, January 14, 2025 10:20 AM

**To:** Yvonne Raine <

**Subject:** [EXTERNAL]:Re: Notice of Licensing Hearing - Seaside Lane Minimarket, Gupta House, Seaside Lane, Easington Colliery - 9.30am, Friday 24th January 2025

Good Morning Yvonne,

Firstly please find attached the hearing attendance note as requested.

Please also find attached our supporting evidence information which we will rely upon for the hearing commencing at 9.30am on the 24<sup>th</sup> Jan 2025 re the above-named new premises licence application.

- Premises Licence guidance manual.
- Thwaites case

I shall bring a couple of copies of the manual on the day should the committee wish to see the full manual.

I look forward to receiving the full agenda pack - will it be paginated?

Many thanks and kind regards

Richard

Richard Baker

Director

RB Retail & Licensing Services Limited

Mobile:

# **RB Retail & Licensing Services Limited**

Mobile

Email:

**[www.alcohol-licence-services.co.uk](http://www.alcohol-licence-services.co.uk)**

# **PREMISES LICENCE SITE OPERATIONS MANUAL**

Store Name: .....

Address: .....

.....

.....

Issued: .....



# FOREWORD

The Licensing Act 2003 came into force on the 24th November 2005, significantly changing the licensing regime for permissions to sell alcohol for consumption either on or off the premises and regulated entertainment. The Act also introduced a new late night refreshment regime. The penalties for failure to follow the rules have become far more stringent and the possibility of onerous conditions, suspension of the licence or indeed permanent revocation is a very likely possibility for those who operate a slack regime within their place of business. The cost of defending a licence in danger through poor management procedures is far greater than doing the job properly from the start.

Since enactment, many changes and amendments have altered and updated the Act to reflect both government initiatives and new case law as the Act is tested in the higher courts. This has required continued re-interpretation of specific areas of the Act as reflected in the written guidance produced by the government department responsible for alcohol licensing - until recently the Department for Culture Media and Sport (DCMS) but since 2010 the Home Office.

Changes occur as successive governments respond to political pressures and endeavour to keep the law current, relevant and fit for purpose - balancing the interests of the various sectors of the licensed trade, the authorities charged with the enforcement and day-to-day housekeeping required by statute against the communities which may be affected by the operation of licensed premises.

For retailers the provision of alcohol to their customers for consumption on or off their premises is a crucial part of their business; in many cases underpinning a viable business and without which the business may struggle to survive. Over the years government attitudes to the sale and availability of alcohol have differed. Until recently the culture has been favourable and permissive towards the retailer of alcohol but the last ten years has seen increased regulation with more attention paid to the views of local people and the police in both applications for, and in the running of, licensed premises.

Momentum continues to build towards a far more regulated and controlled market place. There is a growing view in government, and among those charged with running the licensing system, that the licensed retailer, via regulation, has a greater responsibility towards the local community. While a premise licence gives a retailer the right to sell alcohol to support a more profitable business they will be held accountable for the repercussions of irresponsible selling.

It is essential that businesses are properly run with effective due diligence procedures in place. This includes regular training and guidance for their staff, adequate written records of compliance with appropriate day-to-day in-store precautions. Responsible retailing is a basic but crucial requirement for all of those who are licensed to sell alcohol. This manual is designed to assist your business in ensuring that it is operating to the best standards.

The last five years have seen many statutes and regulations introduced. They cover the various processes of applying for a licence as well as the running of the licence once granted together with the consequences of breaches of the rules. Some of the most important are listed below.

This manual provides guidance for site operators to assist them in acquiring a firm footing with regard to alcohol sale compliance procedures. The manual should only be used by businesses who have acquired this Licensing Guidance Manual direct from RB Retail & Licensing Services Limited and have the received necessary instruction on how to use this manual.

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## DISCLAIMER

Every care has been taken in the compilation of the information contained within this manual to ensure that all information is up to date and accurate. RB Retail & Licensing Services Limited accepts no liability in connection with any loss, damage or inconveniences arising as a consequence of any use of, or the inability to use, any information within this manual.

Information and guidance contained within this manual does not constitute legal or other professional advice.

It should be noted that this manual only takes account of matters connected with the Licensing Act 2003 up to the issue of this revision of this manual.

This manual should be used as a guide only and cannot replace legal advice.

Error and omission excepted.

# Introduction

- This Premises Licence Operation Manual contains instructions and guidance covering policies and procedures for various premises licence applications and the subsequent use of the premises for licensable activities.
- To assist staff training awareness a pamphlet called 'Licensing Rules & Procedures' which mirrors section III is included.
- The Manual is for the use of staff who currently are or will be offering licensable activities. Uses include:
  - Making an application and/or variations for the premises licence.
  - Applying policies and procedures correctly and consistently.
  - Establishing and maintaining retail operations standards for the sale of alcohol and other licensable activities.
  - Referencing important information quickly and easily.
  - Providing guidance to staff as part of their on-going training and development.
  - Additionally, important and relevant licensing documents specific to your business, can be filed in this manual within section 8.

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- I.ii Application form and notices
- I.iii Licence applicants to give greater consideration to local area
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## Section VIII - Licence Documents

# **SECTION I (1): Licensing Applications**



## I.1 PREPARING A NEW LICENSING APPLICATION

To make an application for a premises licence or to subsequently vary it notices must be served on the Licensing Authority (generally the local authority) for the area in which the premises are located as well as on the responsible authorities.

At the same time the application must be advertised on the premises itself by way of blue A4 notices displayed on the boundary every 50 meters for the next 28 days from the day after service on the licensing authority.

The site notices must be on display 24/7 for the whole 28 day period and care should be taken to ensure that they are not obscured by shuttering at night or other obstructions at any time thereby offering a clear view to passers by.

An advertisement must also be placed in a local paper within the first ten working days of that 28-day period.

These notices are required under the Licensing Act 2003 in order that as many people as possible get to know about the application and those that object to it can make their views known by making representations, as they are known, to the licensing authority within the 28 day period.

Once the 28-day period is complete, if there are no representations, the licence must be granted as applied for.

Where representations have been made by any of the responsible authorities these can sometimes be dealt with by way of negotiation. For example, all parties may agree to a condition that can be applied to the new licence, removing the need for the hearing and allowing the grant of the licence.

There are three groups of people who can make representation:

- Responsible authorities e.g. police, trading standards etc.
- Other persons which includes people resident in the locality and local businesses /organisations.
- Any of the above can also request any of the following to speak on their behalf: Local Councillors, local representative, friend, Member of Parliament, Members of the Welsh Assembly local Ward or Parish Councillors.

Representations must be made on one or more of the four licensing objectives:

- **The prevention of crime & disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

If representations have been received and agreement cannot be reached, a hearing must be held in the next 20 working days from the end of the period of notice.

The hearings are usually held in the Council Chamber or a committee room in the Council Offices.

At the hearing before the local authority Licensing Authority sub-committee there are usually three councillors supported by a legal advisor, often a solicitor or a barrister and another officer who is also responsible for the process and procedures of the committee. One of the councillors is nominated as chairperson for the meeting and there is a Licensing Officer from the Authority who will normally set out the application and is also responsible for checking that all the required documentation has been completed satisfactorily.



Representatives from the police, Fire & Rescue Service and the other responsible authorities will not normally attend unless they are making representations. It is often the case that the interested parties who have made representations do not attend leaving their representations to be dealt with in writing by the Licensing Sub-Committee.

Representations at a hearing can be made, in person, or by a representative or spokesperson, often a ward councillor, but the representations can only be made on the initial written notification and other matters should not be raised or added to at the hearing.

Applications before the licensing committee may be put by the applicant who may be represented by a solicitor or a barrister presenting the documentation and the facts to the committee.

Depending on the representations received it may not be necessary for the proposed premises licence holder or proposed designated premises supervisor to attend as RB Retail & Licensing Services Limited can attend on their behalf but we will obviously liaise with the applicant on this point. However, it is good practice to have one or more present should questions arise that require local or specific knowledge.

The hearing takes the form of a discussion led committee meeting with a panel usually made up of three councillors who assess the application, listen to the representations and then decide whether to grant the licence as applied for, apply conditions or refuse it entirely, or to grant a part of the application (if more than one licensable activity is applied for).

Any decision reached can be appealed to the local Magistrates' Court if either the applicant or those opposing the application are aggrieved at the decision reached by the committee. The appeal must be lodged within 21 days of the date of the letter notifying the applicant of the committee's decision.

It should be noted however that the Magistrates' Court has power to award costs against a party to the appeal, usually the loser; although it may not be easy to secure costs against an authority even if the appeal is successful.

## **I.II APPLICATION FORM AND NOTICES**

Since the introduction of the Police Reform & Social Responsibility Act 2011 which came into force on 25th April 2012 applicants must give greater consideration to the local area when setting out the steps they will take to promote the licensing objectives and to provide responsible authorities and the licensing authority with fuller information on which to make informed representations or determinations.

### **How will this change be made?**

The application form must first be completed and served on the licensing department of your local authority plus a copy sent to the responsible authorities in your area.

The date of service of the notice then puts into motion the application process.

There is a 28 day period in which representations may be made in respect of the application.

During this period the site notice must also be displayed on the premises in accordance with the Licensing Regulations.

If there are representations the application can be expected to go to a committee hearing, although it will be prudent to seek to negotiate with those making the representations to reach agreement and thereby avoid the cost and delay of a hearing, if there are no representations the licence must be granted as applied for.

The guidance for applicants and statutory guidance for licensing authorities has been amended to prompt licence applicants, when outlining the steps they will take to promote the licensing objectives, to provide contextual information to support the steps they intend to take and demonstrate an awareness of the local community in which the premises would be based. This may include contextual information on issues such as the local area's social-demographic characteristics, specific local crime and disorder issues and an awareness of the local environment.

### **I.III LICENCE APPLICANTS TO GIVE GREATER CONSIDERATION TO LOCAL AREA**

#### **What is the policy aim?**

As part of its commitment to re-balance the Licensing Act 2003 in favour of local communities, the Government is keen that licence applicants give greater consideration to the local area when making their application.

Currently, as part of the licence application process, applicants are required to set out in the operating schedule accompanying their application the steps they intend to take to promote the licensing objectives. Some licensing authorities have reported that this section of the application is often poorly completed, providing licensing authorities with very little information on which to make their determination.

#### **What are the benefits to the local area?**

The additional information will hopefully ensure that greater consideration is given to local issues when determining licence applications. The additional information will be of value to licensing authorities, responsible authorities and other parties who if dissatisfied are able to make representations with regard to licence applications to ensure the promotion of the licensing objectives in the local area.

#### **How will licence applicants be required to demonstrate that they are considering the interests of the local community when setting out the steps they will take to promote the licensing objectives?**

Applicants will be required to provide information as part of the licence application form on issues such as the local area's social-demographic characteristics, specific local crime and disorder issues and an awareness of the local environment which will be of benefit to the licensing authority when determining the application. Specific local issues, such as crime and disorder issues, are likely to influence the steps that applicants will need to take to promote the licensing objectives in their own premises and applicants will therefore be required to demonstrate an awareness of such issues when setting out why particular steps will be taken to promote the licensing objectives.

#### **What information are licence applicants currently required to provide regarding the steps they will take to promote the licensing objectives?**

When preparing an operating schedule applicants are required to set out the steps necessary, if any, for the promotion of the licensing objectives. In doing so, applicants are expected to have regard to the statement of licensing policy for their area and to be aware of the expectations of the licensing authority and responsible authorities in terms of the steps that are necessary to promote the licensing objectives.

## UNDERSTANDING THE LICENSING OBJECTIVES

All licence applications must comply with four objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The example below refers to both new and full variation premises licence applications.

### CRIME AND DISORDER

A local authority, may take into account and recognise that certain criminal activity or associated problems may be taking place or have taken place either within specific premises or in the vicinity, despite the best efforts of the staff at the premises. In such circumstances, the council is empowered to take any necessary steps to remedy the problems. Its role is to promote the licensing objectives in the interests of the wider community rather than determine guilt or innocence of individuals. Such issues are for the courts of law.

Problems could include - anti social behaviour in the vicinity or past problems with the premises and or people involved/working in the business.

### PUBLIC SAFETY

The council, as the licensing authority, should not take into account any issues that are dealt with in other legislation, such as public health, cleanliness or hygiene.

Problems covered include - overcrowding (leading to an increased risk of violence or to the safety of people in the premises); fire issues; anyone being hurt or having an accident in any premises.

The public safety objective is concerned with the physical safety of staff, visitors and customers using the relevant premises and not with public health.

As part of the application process, applicants must consider the impact of their premises in relation to the licensing objectives. They should consider implementing the measures listed below.

- The premises should comply with all statutory fire safety controls.
- The premises must comply with all food safety regulations.
- Provide disabled facilities and take reasonable steps to change their practices, policies or procedures or provide a reasonable alternative method of making their services available to disabled people.

*Health and safety issues such as:*

- falls from height
- slips and trips
- manual handling
- slips on wet or food contaminated floors
- being struck by something (such as sharp knives or falling objects)
- machinery.

### THE PREVENTION OF PUBLIC NUISANCE

The issues mainly relate to noise nuisance, light pollution, noxious smells and litter arising from licensable activities at the premises.

### THE PROTECTION OF CHILDREN FROM HARM

This objective relates to the protection of children from moral, psychological and physical harm. This includes protecting them from early exposure whilst visiting this premises to:

- strong language
- sexual expletives
- adult entertainment
- drinking alcohol
- smoking
- drug taking
- gambling
- violence

## I.IV New powers following the passing into law of the Police Reform & Social Responsibility Act 2011

### Early Morning Alcohol Restriction Orders

Early Morning Alcohol Restriction Orders (EMRO) due to come into force in October 2012 will enable licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specific period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives.

### Late Night Levy - What is the late night levy?

The late night levy ('the levy') will enable licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It will be a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. However, the licensing authority will also choose the period during which the levy applies every night, between midnight and 6 am and decide what exemptions and reductions should apply from a list set out in regulations. The levy if adopted is unlikely to come into force before June 2013.

- *Who will the late night levy affect?*  
If a licensing authority chooses to introduce the levy in their area, all licensed premises which are authorised to supply alcohol in the levy period will be affected. Premises that do not wish to operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced.

### Increase the weight licensing authorities will have to give to relevant representations and objection notices from the Police

- *What is a relevant representation?*  
These are written representations, about the likely effect of the grant of an application for, or variation to, a premises licence or club premises certificate, on the promotion of the licensing objectives. Responsible authorities and interested parties, such as residents, make representations regarding licensing functions. To be considered relevant, representations must have regard to the potential impact of the licensing determination on the promotion of the licensing objectives.

#### **THE FOUR LICENSING OBJECTIVES ARE:**

- *The prevention of crime and disorder*
- *Public Safety*
- *The prevention of public nuisance*
- *The protection of children from harm*

For a representation to be relevant it must be centred around the likely effect of the application on the promotion of one or more of the four licensing objectives.

- *What is the policy aim?*  
When determining an application for a premises licence, an application for a licence review or the granting of a personal licence, the licensing authority must have regard to relevant representations or objection notices (in the case of personal licence applications) from the police.

This act strengthens the weight that licensing authorities must give to police representations (**including those voiced by the police at a hearing**) and objection notices by amending the statutory guidance to require licensing authorities to accept all representations and notices and adopt all recommendations from the police, unless there is clear evidence that these are not relevant.

## Reducing the burden of proof on licensing authorities

- *What is burden of proof?*

When making decisions on new and existing licences, and fulfilling their licensing responsibilities, licensing authorities are currently required under the Licensing Act 2003 to demonstrate that these decisions are 'necessary' for the promotion of the licensing objectives (as above) in their local area.

The requirement to demonstrate that their actions are 'necessary' places a significant evidential burden on the licensing authority to prove that no lesser steps would suffice for the promotion of the licensing objectives in the local area. This is a consequence of statutory reference to actions having to be 'necessary' and which is therefore reflected in statutory guidance, and has become custom and practice. This guidance states that licensing authorities should ensure that any conditions that they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.

- *What are the changes to be made in the new act?*

The wording has been amended throughout the Licensing Act 2003 to highlight the new evidential threshold which licensing authorities must meet when making licensing decisions by requiring that they make decisions which are 'appropriate' rather than necessary for the promotion of the licensing objectives. This will, for example, give licensing authorities greater power to tackle irresponsible premises.

## Enable licensing authorities to suspend licences due to non-payment of fees

- *Purpose*

The government is committed to reducing the burden and bureaucracy of licensing and will strike the right balance between the requirements on businesses against the cost to the taxpayer and helping the police and other enforcement agencies address alcohol related crime and disorder. This policy will ensure that licensing authorities do not face additional costs as a result of licence holders not paying their annual fees.

- *What changes are made in the new Act?*

Licensing authorities will be able to suspend licences due to non-payment of fees therefore providing a much stronger incentive for businesses to pay their fee in a timely manner and save licensing authorities the time and cost of pursuing non-payment. This measure will not impact on responsible businesses that pay their licence fees on time.

There will be a grace period of 21 days for licence holders to pay their fee. The licence will be reinstated as soon as the fee is paid and the licensing authority must notify the licence holder when their licence has been reinstated.

## **I.V PREMISES LICENCE CONDITIONS**

Conditions can be added to your premises licence either voluntarily by way of your operating schedule when submitting a new application or full variation, or by negotiation or applied at the licensing sub-committee hearing.

Once on the licence conditions can only be removed by seeking a variation to the licence so if they are applied at the time of the grant you should consider whether they are so onerous as to require an appeal to be made to remove them.

## **I.VI LICENSING COMMITTEE HEARING ETIQUETTE**

***If you are required to attend a committee hearing please accept the following guidance:***

- Wear smart business attire if possible.
- When entering or leaving the committee room, do so as quietly as possible.
- Mobile phones must be switched OFF AT ALL TIMES, not just left on silent.
- Never walk across a committee room or in front of the committee whilst it is conducting business.
- Be ready to stand when the councillors enter or leave the committee room but be guided by your advisor as to whether it is necessary or not.
- Do not talk or make comments whilst the committee is dealing with business.
- Pay attention and listen carefully to what is being said.
- Answer all questions honestly and succinctly.
- Be ready to stand when addressing the Committee but be guided by your advisor as to whether it is necessary or not.
- When addressing individual committee members use the title Councillor and if possible their surname which is usually on display.
- Always look at the committee when answering questions, even when the questions are being asked by someone else and speak clearly.
- No eating or drinking is allowed in the committee room except for water made available to you.
- At the close of your business, please say 'thank you' to the committee.

## I.VII THE PREMISES LICENCE

Your premises licence is in two parts :

### **The licence - part A**

### **The summary - part B**

It is a legal requirement that the summary part B or a certified copy - a copy made by a solicitor - is prominently displayed at the premises for customer inspection at all times when the premises are open.

It is also a legal requirement that the original licence certificate part A or a certified copy is kept at the premises, displayed clearly within the shop floor area and is available for inspection at any time upon request by a police constable or a local authority licensing officer.

Further, it has to be confirmed in writing by the licence holder who at the premises is responsible for the licence or the certified copy of it.

It is our recommendation that you obtain certified copies of your licence summary part B, and display these in the premises whilst keeping the master copies within section VIII of your licensing manual.

You will need to surrender your master licence and summary with your application to the licensing authority if you are making any variations, including changing the DPS.

Your premises licence does not have to be renewed but there is an annual licence fee that has to be paid to the issuing authority, on the anniversary of the date of issue. The premises licence lasts for the life of the business.

## I.VIII PREMISES SCALE PLAN

Your premises plan normally drawn at a scale of 1:100 should be kept in section 8 of the manual for reference.

This is the approved plan and the layout should be adhered to as closely as possible.

Any proposed refit may have to be preceded by an application for a variation to the plans as they form part of your licence.

Please feel free to notify RB Retail & Licensing Services Limited of any changes required enclosing copies of both the existing and the new plan in order that we can advise on the action you should take.

Please also keep any amended plans in this manual.

## **I.IX DESIGNATED PREMISES SUPERVISOR (DPS)**

**For the site to sell alcohol there must be a designated premises supervisor (DPS) who must hold a personal licence. If the DPS ceases to carry out that role at your site or their personal licence is suspended or forfeited you are legally required to**

### **STOP SELLING ALCOHOL IMMEDIATELY**

**until a replacement DPS is formally notified by way of variation to the Licensing Authority which issued your premises licence.**

You can either notify RB Retail & Licensing Services Limited straight away or apply yourself with the details of the person you wish to replace the existing DPS and provide a signed DPS consent form from that person in order that the DPS variation can be applied for. The applicant must be a personal licence holder in order to be able to commence trading immediately having made the variation application. If the applicant is not, you can still complete the variation in their name but you cannot commence trading until the the applicant holds a personal licence.

If the applicant does not hold a personal licence he/she must be in possession of an accredited qualification such as the **APLH Award for Personal Licence Holders** in order to apply for a personal licence. A personal licence will not be issued without such a qualification. Please contact RB Retail & Licensing Services Limited for the next available APLH course dates in your area. Enclosed is the DPS consent form that needs to be completed and signed by the applicant in order for RB Retail & Licensing Services Limited to make the necessary variation application - if the applicant has a personal licence we will complete all the other documentation as necessary.

## **I.x DPS VARIATION**

An application to vary the DPS is made to the licensing authority which issued your premises licence and is supported by payment of a fee plus the variation application form and the consent form signed by the proposed DPS, who must be a personal licence holder for the variation to take effect.

### **If the new DPS is not a personal licence holder alcohol sales cannot be made at the premises until the personal licence has been issued.**

In order to vary the DPS the enclosed form (pages 3.47 & 3.48) **MUST** be signed by the applicant otherwise the application will be rejected - it cannot be signed by a third party on the applicant's behalf.

The variation cannot take place unless and until the applicant has been granted a personal licence.

The application can be deemed to have immediate effect upon receipt by the licensing authority, providing the forms have been filled in correctly and the full payment made. It is always advisable to obtain a proof of posting should a query arise.

Sales of alcohol must be suspended if there is not a current DPS or that person is not a personal licence holder. It is not enough to have a Personal Licence Holder if there is not a DPS in place.

You do not need a DPS if you do not sell alcohol.



## **I.XI VARIATION GUIDANCE**

### **• FULL VARIATIONS**

Other than the re-issue of the plan as part of the summary with minor detail changes, or the inclusion of pre-agreed conditions many other variations are dealt with almost as though they were a new application.

Plans have to be provided marked to show the relevant requirements at a scale of 1:100. Any other scale must be agreed with the local authority licensing department in advance of an application being submitted.

The variation application form and payment based on the rateable value as with the full application must be sent with the plans to the licensing department of your local authority together with a copy of the blue A4 notice that you display on your premises for 28 days from the first day after receipt of this application by the local authority. The application also must be advertised in a newspaper circulating locally within 10 working days of the date of submission and proof of publication has to be sent to the licensing department.

The whole of the variation application pack must be copied to all the responsible authorities in the area in which the premises is situated, the list being available from the licensing department of your local authority.

Once the 28 days are up, if there have been no representations, you have the grant.

If there are representations the application is dealt with in exactly the same way as though it were a new application, as covered elsewhere in this manual.

### **• THE VARIATION**

The meaning of the word 'variation' in this process covers changes made to your premises licence. This can be to change the hours you trade your licensable activity - alcohol sales or late night refreshment - or indeed changes to add a licensable activity or major change to the structure of your premises. Some can be made via a minor variation others will require a full variation application to be made.

### **• OPENING HOURS**

Once a premises licence has been issued you should only trade the opening hours specified on it or within those opening hours - you potentially commit an offence if you trade for longer hours than those shown on the schedule of your licence. Interpretation can differ from local authority to local authority, please call RB Retail & Licensing Services Limited for further guidance.

The hours may be varied or extended by making an application to your licensing authority to vary them - contact RB Retail & Licensing Services Limited for further details.

### **• LICENSABLE HOURS**

You must seek to vary your premises licence if you wish to extend your hours for any licensable activity. If you wish to trade fewer hours then you do not have to apply or advise the local authority.

### **• LICENSABLE ACTIVITIES**

*The premises licence specifies the licensable activities granted for the premises named which can include :*



**Sale of alcohol** for consumption either on, off or on and off the premises.

**Provision of regulated entertainment**, which includes performance of a play, exhibition of a film, indoor sporting event, boxing or wrestling, entertainment, performance of live music, playing of recorded music and performance of dance.

**Provision of late night refreshment** - only required if you trade hot food or drink between 23.00 hrs and 05.00 hrs.

The precise details, and in particular the hours of the licensable activities you are licensed to provide, are set out on your premises licence and summary. You commit a criminal offence if you allow licensable activities to occur on your premises either without a licence, outside of your permitted hours, or if you breach a licensing condition.

Should your circumstances alter and you wish to change these hours or licensable activities this is done by making an application to vary your licence - contact RB Retail & Licensing Services Limited for further details.

#### • **CHANGES TO THE PREMISES LAYOUT OR STRUCTURE**

If you wish to refit or change your premises, dependant on the amount of work you intend to carry out you may have to seek a variation before you start work or, under certain circumstances, even make an all new application.

If you supply RB Retail & Licensing Services Limited with a set of your proposed plans before you are committed to commencing any changes we will advise on the best route to take to secure the appropriate permissions for them.

These could vary from a simple submission of a plan for reissue as part of the licence summary to an all new application - it all depends on the size of the project and the impact on the licence.

#### • **MINOR VARIATIONS**

As of 29/07/09 it has been possible to make small changes to your premises licence or club premises certificate through the Minor Variation process. This process is cheaper, easier and quicker than the full variation process.

The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm).

The expectation is that the process will be used for changes such as:

- small changes to the structure or layout of a premises
- the addition of authorisation for late night refreshment or regulated entertainment (such as live music, performance of plays or film exhibitions)
- reduce licensing hours
- revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

The Minor Variations process **cannot** be used to:

- add the retail or supply of alcohol to a licence
- extend licensing hours for the sale or supply of alcohol at any time between 11pm and 7am
- increase the amount of time on any day during which alcohol may be sold by retail or supplied
- extend the period for which the licence or certificate has effect
- transfer the licence or certificate from one premises to another, or vary substantially the premises to which it relates
- specify, in a premises licence, an individual as the premises supervisor
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate; or
- dis-apply the mandatory conditions relating to a designated premises supervisor (there is a separate process by which community premises can apply for this).

A licensing authority upon receipt of an application for a minor variation needs to consider whether the application if granted will impact adversely on the four licensing objectives.

Generally if the authority thinks it may the application will not be accepted, the applicant will therefore have to submit a full variation / new application.

It is important to note that the notice period advertising this application is shorter than a full application at 10 working days and does not need to be advertised in a newspaper. There is no automatic right to a hearing should representations be received by the local authority as there is with full variations and new applications, however the licensing authority must take relevant representation into account before making their decision no more than 15 working days after receipt of the minor variation application.

Should you require assistance regarding variations please contact RB Retail & Licensing Services Limited.

## **I.XII TRANSFER OF PREMISES LICENCE**

The 2003 Act provides for any person who may apply for a premises licence, which includes a limited company, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police. The responsibility to notify the DPS is with the applicant.

Should the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

## **I.XIII WHEN A LICENCE LAPSES**

Where the premises licence lapses (because of death, incapacity or insolvency of the holder etc.) contact RB Retail & Licensing Services Limited who will then seek legal advice on your behalf.

## **I.XIV PERSONAL LICENCE**

A “personal licence” means a licence which - (a) is granted by a licensing authority to an individual, and (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.

The licence is granted after an application is made to the local authority area that in which the applicant normally resides.

Should the applicant have a relevant conviction for an offence committed in the UK or abroad then the police can object to the application. The local authority licence sub-committee would convene a hearing to decide upon the application.

The licence once granted lasts indefinitely - lapsing either upon surrender by the holder, death of holder or revocation by the issuing authority or the courts.

A personal licence can be revoked should a licence/or other relevant offence be committed.

In order to be a Designated Premises Supervisor (DPS) an individual must hold a Personal Licence.

Should a Premises Licence holder who is not a Personal Licence holder wish to trade alcohol they must have at least one Personal Licence Holder who is normally in day-to -day charge of the premises who is also the DPS.

## **SECTION II (2): Operational Guidance**



## II.I ALCOHOL STRENGTHS AND EFFECTS

• All members of staff should have a basic understanding of how alcoholic drinks such as wine are classified and labelled according to their strength, as well as the effect alcohol has on people

**a staff copy of the product guide should be made available at all times to aid staff in assisting customer selection and boosting their confidence in knowledge of the product - see section V**

• The strength of an alcoholic drink is measured by its percentage (%) alcohol by volume (abv)

**abv is shown on labels as alc. %vol or just %vol**

• An alcohol-free drink is one with an abv of no more than 0.05%

**drinks just under 0.5% abv are not covered by licence control and may be freely sold - anyone can buy an alcohol free drink and they are not subject to licensing law**

• An intoxicating drink is one that contains more than 0.5% abv

**low-alcohol drinks are still intoxicating drinks and the licensing laws apply to their sale**

• A low alcohol drink is one that contains no more than 1.2%abv

**packaged drinks with an abv of more than 1.2% must be labelled with their abv**

• One unit of alcohol is 10 millilitres of alcohol (or 8 grams in weight)

**it takes about 1 hour for 1 unit of alcohol to be lost from the body**

• The speed of take up of alcohol in the body is effected by different things

- **how much you drink**
- **your weight**
- **your gender**
- **what you have eaten**

## II.II LEGAL MATTERS / BEST PRACTICE

There are legal requirements covering licensable activities including the sale of alcohol that have serious penalties if not adhered to and this part of your business needs to be effectively controlled at all times.

It is imperative that should an alleged breach of the law occur you obtain legal advice **immediately** which RB Retail & Licensing Services Limited can arrange for you.

## Legal requirements

- The sale of alcohol can only be made from premises with the benefit of a premises licence, temporary event notice (TEN) or club certificate allowing that licensable activity

- Sales of alcohol can only be made by personal licence holders or those staff authorised to do so by a Personal Licences Holder/Designated Premises Supervisor

- It is an offence for somebody under 18 to sell alcohol unless authorised by a personal licence holder, however best practice dictates that no under 18 should sell alcohol

- The premises licence is granted in perpetuity unless the licence holder (if a person) dies or is made bankrupt or if a limited company which subsequently goes into liquidation, but it can be transferred to a new owner who can be a company, partnership or individual within a limited timeframe

- The premises licence can cover several licensable activities

- Are there any annual charges?

- You do not need a licence to sell liqueur chocolates as long as they meet legal requirements

- All staff should read the training pamphlet, a copy of which is in this manual, in order to better understand their basic responsibilities

- If your licence has the condition that you use door supervisors they must hold an SIA (Security Industry Authority) licence

***even then sales can only be made if there is a personal licence holder named as the Designated Premises Supervisor (DPS) for those premises***

***records should be kept of all staff authorised to sell alcohol and details of their initial and ongoing refresher training***

***should the previous premises licence holder die or become insolvent the new owner should take urgent immediate legal advice.***

***the sale of alcohol and the provision of regulated entertainment & late night refreshment.***

***there is an annual fee payable to the issuing authority on the anniversary of the initial grant which if not paid could lead to the suspension of your Premises Licence.***

***it is an offence to sell liqueur chocolates to anybody under 16***

***a staff copy should be available at all times to help avoid underage and illegal sales and to provide support for staff***

***the same requirement applies to any security staff used - contact RB Retail & Licensing Services Limited for further details and training courses***

• The concept of permitted hours no longer applies under the Licensing Act 2003.

**24 hour sales can be applied for within England and Wales for consumption on & off the premises**

• Each premises licence is issued individually based on the licensable activity applied for and the hours that that activity may be carried out.

**all staff should be aware of the terms and conditions on the licence summary including whether consumption is allowed on or off the premises**

• The detail of what activity is licensed, is to be found on the licence summary which must be displayed at the premises in such a manner that the public can inspect it at all times the premises are open.

**the A4 pages of the original summary should be displayed near the door or in the alcohol area in a prominent position allowing public scrutiny at all times**

• Premises Licences can be applied to permit consumption of alcohol on and/or off the premises

**ensure all staff are aware of the activities allowed including whether consumption is allowed on the premises or not, and if it is, any specific areas in which it is not**

• Where the condition only allows for consumption off the premises the licence does not permit the consumption of alcohol on the premises

**ensure all staff are aware of the activities that are allowed and not allowed**

• Anyone observed attempting to drink alcohol on premises where it is not allowed or in areas where it is not allowed must be stopped from doing so

**ensure staff are properly trained in how to deal with these situations, including removing customers from the premises and police involvement if necessary**

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**With the introduction of the Violent Crime Reduction Act 2006 which came into force on the 6.04.2007 a new offence was created of 'persistently selling alcohol to children'**

**This offence would apply when the same premises sold alcohol to children three times or more in a three month period, this was later amended to two offences in a three month period from the same premises. The maximum penalty is a £20,000 fine and suspension of the premises licence, there is no defence of due diligence.**



- It is an offence to sell alcohol to anyone under the age of 18.

**variable punishment from fixed penalty notices up to a £5000 fine or a £20,000 fine if convicted of selling alcohol twice in a three month period**

- It is also an offence for any person under the age of 18 to buy, or attempt to buy alcohol.

**punishable by fixed penalty notices and £1000 fine**

- All businesses selling alcohol should be adopting and operating either **Challenge 21** or **Challenge 25**. The customer must be asked for proof that they are over 18. Please speak to RB Retail & Licensing Services Limited regarding which scheme to adopt.

**CHALLENGE 21 or CHALLENGE 25 - always ask for the appropriate proof of age.**

- If you have any doubts about how old a customer is, you must ask for proof of age.

- **passport**
- **photo driving licence**
- **PASS accredited ID card e.g.**
- **Citizen Card**

- It is an offence for an adult to buy or attempt to buy alcohol for somebody under 18 (proxy purchasing).

**be aware that an offence can be committed when an adult requests an identical product after a refusal of a sale to somebody under 18 as it may be a proxy purchase.**

- Notices advising the offence of selling to an under 18 and selling to an adult purchasing alcohol on behalf of an under 18 (proxy purchasing) should be displayed throughout the premises.

**ensure in-store signage is used effectively**

- If proof of age is not provided you must refuse to serve the customer and make a note of this in the Refusals Book.

**staff should check the refusals book at the commencement of each shift and ensure it is used for each refusal**

- Challenge 21 or Challenge 25 requires all staff to seek evidence that customers who look under 21 or 25 (If unsure check with RB Retail & Licensing Services Limited) are aged over 18 or refuse the sale.

- Challenge 21 or 25 Builds in either a three or eight year buffer in judging customers ages and must be applied at all times - no id no sale.

**disciplinary procedures should be instigated by the store management if Challenge 21 or 25 is not applied in all relevant cases**

- Other than age issues customers must also be refused service or even asked to leave the premises if they:

- All members of staff have a responsibility not to allow drunken or disorderly behaviour on the premises.

- If the customer refuses to leave then the police should be called

- The Refusals Book should be kept so that it is readily available to all members of staff at all times

## II.III THEFT

- Shoplifting is mostly an opportunist crime so vigilance by you & your staff can be the biggest deterrent

- Watch out for suspicious behaviour and use eye contact to let customers know you have seen them

- Ensure that your CCTV system is functioning correctly and is sited for optimum effectiveness

- We recommend that spirits are located behind the counter

- Ensure that alcohol and other high value items are in secure storage and that the keys are also safely secured

- Security arrangements to prevent shoplifting are essential because of the desirability of alcohol due to the legal restrictions governing its availability

- **appear to be intoxicated**
- **are violent**
- **are quarrelsome or disorderly**

**ensure staff are properly trained in the procedure of how to deal with this situation**

**do not get involved in any associated arguments or brawls**

**refusals books should be maintained in any areas where alcohol is provided keeping a log of payment made for proper control**

**ensure that staff are fully aware of the potential for shoplifting**

**involve other staff members if you are suspicious of somebody or a group of people**

**check the system regularly and complete any logs if required by conditions on the licence**

**for control and security**

**all back up stock to be locked away to help prevent opportunist thefts**

**ensure employees are aware that theft is a possibility once a person is denied service by staff via either a direct attempt or by proxy (an adult trying to buy on behalf of an under 18)**

## II.IV (A) RIGHT OF ENTRY TO PREMISES - POLICE/HM REVENUE & CUSTOMS

• Both the police and HM Revenue & Customs officers have the right of entry to any premises to carry out their enforcement duties

**police and local authority licensing officers have the right to ask for sight of the premises licence on demand**

• HM Revenue & Customs officers may enter in order to check that the required tax on goods that you sell has been paid - excise duty for alcohol and tobacco products and VAT

**normally HM Customs and Revenue will be accompanied by a police officer at all times of the day when visiting premises especially outside of normal opening hours**

## II.IV (B) RIGHT OF ENTRY TO PREMISES (CUSTOMERS)

Your shop is private property. There is an implied invitation for customers to come in and shop, but you are fully entitled to ban someone from entering the premises. There does not have to be a reason, but customers are usually banned because of theft, intimidation, disruption, drunkenness or drugs. Politely tell them that you would rather they did not come into your store any more and that if they return in the future they will be trespassing. You can then order them to leave. It is even better if you can write to the person concerned, assuming you can obtain their name and address.

- **Send the letter from yourself or, preferably, ask your solicitor to send a letter to the person concerned.**
- **Say that the person is no longer welcome in your store. Give a warning that should the person return to your store in the future, he or she will be trespassing.**
- **Send the letter by recorded delivery and keep a copy for yourself.**

**By writing to the person, it avoids confrontation and you have written proof of your actions to produce in the event of any future problems.**

**For your guidance only and is not meant as a substitute for proper legal or professional advice.**

## II.V STAFFING

• Under normal circumstances staffing levels are not dealt with by the Licensing Act

**a condition may be attached to the licence specifying staffing levels in order to satisfy the licensing objectives - these must be adhered to as they are conditions of the licence**  
**- contact RB Retail & Licensing Services Limited**

## II.VI PROSECUTION

• If you do sell alcohol to a person under the age of 18 years you are liable to:

- **a fixed penalty notice or**
- **a substantial fine and a possible premises licence revision as well as possible revocation of your personal licence**

• Be aware that enforcing authorities can and will conduct test purchases using underage children

**always use Challenge 21/25**

• In cases of underage sales the only evidence needed for a prosecution is that:

- **an actual sale was made**
- **the buyer was under 18**

- The person selling the alcohol has only limited potential defences:

**'... where he believed that the person was over 18; and that either he had taken all reasonable steps i.e asked for acceptable identification to establish the person's age or that nobody could reasonably have suspected from his appearance that the person was under 18'**

The person charged by reason of the act or default of another has a defence if he can prove he

**'... exercised all due diligence to avoid the commission of an offence...'**

All legal requirements and restrictions referred to must be fully complied with by you and your staff to avoid prosecution and the associated penalties

**properly train your staff, carry out regular refresher training and maintain comprehensive records of all of your training to sell alcohol**

#### **Late Night Refreshment**

- You must have a premises licence specifying LNR as a licensable activity if you sell hot food or hot drink after 23.00 hours and before 05.00 hours

**it is a criminal offence to provide hot food or hot beverages between 23.00 & 05.00 hours without a licence - see section VI.I**

#### **Regulated Entertainment**

- You must have a premises licence specifying the entertainment you are providing

**it is a criminal offence to provide regulated entertainment without the appropriate provision on your licence - see section VI.II**

## **II.VII NEW MANDATORY CONDITIONS**

In April 2010 a new mandatory code was issued by the Home Office for all alcohol retailers in England and Wales.

Schedule 4 of the Police and Crime Act 2009 amends the Licensing Act 2003 giving the Secretary of State the power to impose up to nine mandatory conditions in relation to the supply of alcohol.

The new mandatory licencing conditions apply to all existing and future premises licences which authorise the supply of alcohol and came into force in April 2010 two further conditions became law in September 2010.

These conditions override any conditions already included in a Premises Licence or Club Premises Certificate, so far as they are identical to the existing conditions or in consistent with, and more onerous than, the existing conditions. The new conditions will apply to every Licence and Certificate authorising the sale and supply of alcohol from the date this provision came into force.

As the new conditions are mandatory licencing conditions, any breaches are dealt with in the same way as breaches of existing conditions. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

**As from 6th April 2010 the new conditions were:**

- Ban irresponsible promotions
- Ban the dispensing of alcohol directly into the mouth.
- Ensure that customers have access to FREE tap water.

These conditions do not apply to Temporary Event Notice (TENS) or premises permitted to sell alcohol for consumption off the premises.

**As from 1st October 2010**

- Require an Age Verification Policy to be in place.
- Ensure that customers have the opportunity to choose small measures of beer, ciders, spirits and wine.  
[does not apply to TENS]

All the above conditions will apply to the on-trade whilst for shops and supermarkets (the off-trade) only the age verification conditions will apply to them.

## **II.VIII GROWING POLICE CONCERN REGARDING PRE-LOADING**

Pre-Loading is a term used to describe drinking at home before visiting town for a night out.

A recent Liverpool John Moore's University study on pre-loading surveyed 380 young people aged 18 to 35 on a night out in a large city centre in the north-west of England. Over a quarter (26.5%) of women and one in five (15.4%) men questioned had pre-loaded before going out. Those who drank before going out were over four times more likely to drink more than 20 units on a usual night out. To put that amount into context, the government advises that women should not regularly exceed 2-3 units which is equivalent to a 175ml glass of 13% wine (<http://www.drinkaware.co.uk/facts/alcohol-facts-and-information/wine>) and that men should not regularly exceed 3-4 units (equivalent to a pint and a half of 4% ABV [alcohol by volume] beer).

- Beware if your premises are located near nightclubs or nite spots and groups of customers arrive to purchase alcohol.

***Particularly during the evening, be alert for the tell tale signs of intoxication see III.X on Page 3.26***



## II.IX Legal / best practice requirements regarding display material and notices

- The Licensing Act 2003 requires that you prominently display the original copy of your Part B Summary of your Premises Licence on the premises at all times the premises are open for business

***so that it can be readily inspected by members of the public at any time - see section I for full details***

- The Act requires that the original licence itself - Part A - is available for inspection by licensing officers of the authority or a police constable at any time on demand

***do your staff have access to the original license in your absence for compliance purposes?***

- The notices endorsed by the Home Office and provided by the Retail Alcohol Sales Group - RASG - should also be displayed throughout the premises

***examples are enclosed (at Section II.X) and we strongly recommend their use, they may also be included as a legally enforceable condition on your premises license.***

- Many licensing authorities require that other notices are displayed on the premises

***check with your licensing authority to ensure compliance***

- These may include

- ***their own age verification scheme notices***
- ***Pass accredited Proof of Age Scheme***
- ***hours for licensable activity***
- ***staff notices & reminders***

- You must display an A3 notice indicating it is illegal to sell tobacco products to anyone under 18

***must be displayed at the point of sale to ensure compliance***

- Other legislation may apply to your premises which requires notices to be displayed

***ensure compliance with all statutory requirements***

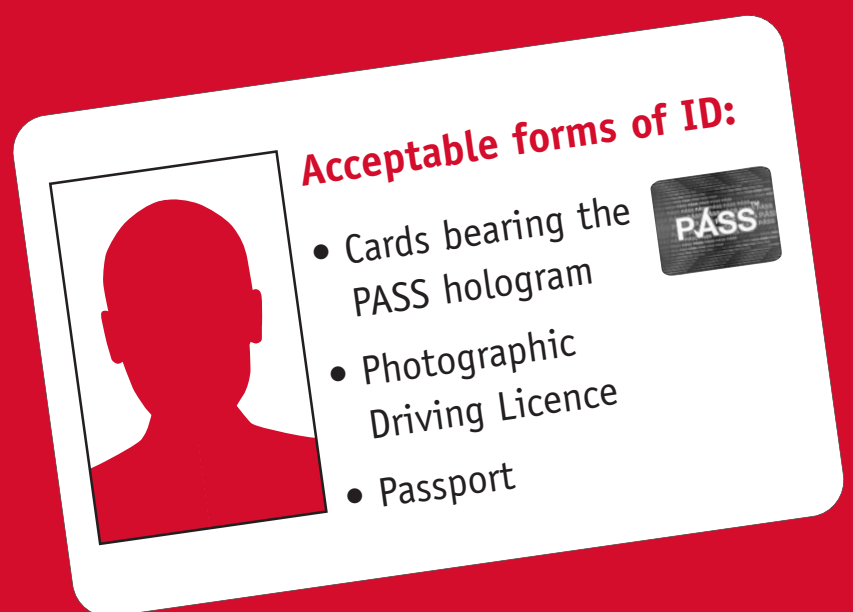
## **II.x Statutory / best practice notices**



# Under

# 21?

If you look under 21 please do not be offended if we ask you for proof of age when you buy alcohol.

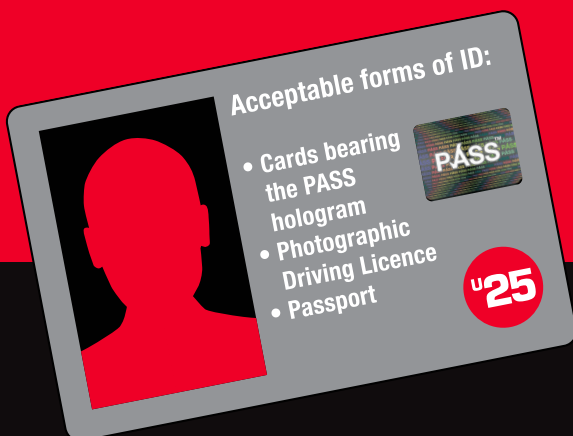


[DRINKAWARE.CO.UK](http://DRINKAWARE.CO.UK)



# UNDER 25?

Please be  
prepared to show  
proof of age when  
buying alcohol



[drinkaware.co.uk](http://drinkaware.co.uk)



**It is a criminal  
offence to buy  
alcohol on  
behalf of a child.**

**You could face a  
£5000 fine.**



**[drinkaware.co.uk](http://drinkaware.co.uk)**

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**Under the provisions of the Licensing Act 2003, it is an offence for persons under 18 years to purchase or attempt to purchase alcohol. It is also an offence for anyone to purchase or attempt to purchase alcohol for someone under 18 years.**

# Acceptable Proof of Age

## RB Retail & Licensing Services Limited

# PROOF OF AGE CARDS

## AGE RESTRICTED SALES

If there is any doubt about a persons age you are required to ask them to prove their age or you must refuse the sale

The following forms of ID are acceptable

### 1. PASSPORT

[www.gov.uk/browse/abroad/passports](http://www.gov.uk/browse/abroad/passports)

### 2. A PHOTO DRIVING LICENCE

[www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)

or

Local Post Office

### 3. A CITIZEN CARD

[www.citizencard.com](http://www.citizencard.com)



## **SECTION III (3) : Training**



### III.0 THE TRAINING REGIME

All on-site staff must read the training material provided and then satisfactorily pass the subsequent written test before being allowed to sell alcohol.

It is important that Section III is fully understood, should a staff member not satisfy the Designated Premises Supervisor (DPS) that they understand Section III then the DPS should not authorise that staff member.

#### **THEY AND YOU ARE AT RISK OF PROSECUTION FOR MAKING UNAUTHORISED SALES.**

Refresher training must be undertaken at least on an annual basis before staff are re-authorised to sell alcohol and a number of refresher quizzes have been included to help in testing your staff's knowledge.

#### **DUE DILIGENCE PROCEDURE**

- Read Section III.
- Staff to satisfactory undertake questionnaire - all questions to be answered correctly.
- Training Statement, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).
- Staff Authorisation sheet, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).

If felt appropriate, you may also wish to put your staff member forward to sit the APLH Award for Personal Licence Holders exam if there is a likelihood of them becoming a DPS in the future.

For further details please contact RB Retail & Licensing Services Limited.

All staff training must be recorded as well as individual staff authorisations to sell alcohol. You should complete both the enclosed alcohol training statement sheet and the authorisation record sheet (at IV.V & IV.VI). All staff should be issued with their own confirmation of having received their initial training, whether under this regime or any alternative proprietary system, keeping the originals for your own records.

All your current staff should be listed on the authority record and it should contain their signature as proof of their understanding of the training they have received and the responsibilities that they hold in the sale of alcohol. Subsequently as they are re-authorized to sell alcohol on a regular basis this should form part of the refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the rules relating to the sale of alcohol.

New staff should then be added as they join, subsequently signing again on a regular basis thereafter, after each refresher.

The alcohol training and authority sheets are designed for quick reference by any of the authorities which may visit your store, and for you to identify and maintain all training requirements. As such they should be filed in the appropriate section in this manual (at section VII).

### III.1 UNDERSTANDING THE LICENSING OBJECTIVES

All licence applications must comply with four objectives, namely:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

The example below refers to both new and full variation premises license applications.

#### **CRIME AND DISORDER**

A local authority, may take into account and recognise that certain criminal activity or associated problems may be taking place or have taken place either within specialist premises or in the vicinity, despite the best efforts of the staff at the premises. In such circumstances, the council is empowered to take any necessary steps to remedy the problems. Its role is to promote the licensing objectives in the interests of the wider community rather than determine guilt or innocence of individuals. Such issues are for the courts of law.

Problems could include - anti social behaviour in the vicinity or past problems with the premises and or people involved/working in the business.

#### **PUBLIC SAFETY**

The council, as the licensing authority, should not take into account any issues that are dealt with in other legislation, such as public health, cleanliness or hygiene.

Problems covered include - overcrowding (leading to an increased risk of violence or to the safety of people in the premises); fire issues; anyone being hurt or having an accident in any premises.

The public safety objective is concerned with the physical safety of staff, visitors and customers using the relevant premises and not with public health.

As part of the application process, applicants must consider the impact of their premises in relation to the licensing objectives. They should consider implementing the measures listed below.

- The premises should comply with all statutory fire safety controls.
- The premises must comply with all food safety regulations.
- Provide disabled facilities and take reasonable steps to change their practices, policies or procedures or provide a reasonable alternative method of making their services available to disabled people.

*Health and safety issues such as:*

- falls from height
- slips and trips
- manual handling
- slips on wet or food contaminated floors
- being struck by something (such as sharp knives or falling objects)
- machinery.

#### **THE PREVENTION OF PUBLIC NUISANCE**

The issues mainly relate to noise nuisance, light pollution, noxious smells and litter arising from licensable activities at the premises.

#### **THE PROTECTION OF CHILDREN FROM HARM**

This objective relates to the protection of children from moral, psychological and physical harm. This includes protecting them from early exposure whilst visiting this premises to:

- strong language
- sexual expletives
- adult entertainment
- drinking alcohol
- smoking
- drug taking
- gambling
- violence



### III.II BUSINESS LICENSABLE HOURS

You can carry out the sale of alcohol during the following period:

*Write in book your hours / licensable activities*

Note: the penalty for selling outside permitted hours is substantial - max £20,000 fine and/or six months imprisonment plus a possible licence review.

### III.III CONSUMPTION OFF THE PREMISES

A condition of your premises licence is that sales are made for consumption off the premises only. This means that customers **MUST NOT** consume alcohol on the premises. Therefore you must ensure that customers **DO NOT DRINK ANY ALCOHOL:**

- **In the premises**
- **On any forecourt the business operates**
- **In their car whilst parked on any premises forecourt**
- **E.G. The licenced business is a petrol forecourt shop**

### III.IV CONSUMPTION ON THE PREMISES

Businesses that sell alcohol for consumption on the premises are known sometimes as “On Licenses” as opposed to “Off Licenses,” which include convenience stores and supermarkets whose customers must not consume alcohol purchased within the confines of the shop.

On Licenses are more commonly known as Public Houses (Pubs), Night Clubs, Bars and Restaurants.

Special care must be taken as the risk of customers becoming intoxicated is a real possibility, so staff should be trained to be vigilant and to be prepared to refuse service as and when the point of apparent intoxication is reached.

Useful tools such as CCTV, refusal logs, incident books, notices regarding Challenge 25 are all good due diligence procedure measures but consideration also needs to be given to the employment of SIA (Security Industry Association) registered door supervisors/trained staff & drug searching and drug disposal polices/training. A risk assessment prior to commencement of business should be undertaken to identify the level of security awareness required.

It is also wise to consider the wider community who could be affected by rowdy customers leaving On Licence premises late at night - so the provision of taxi services (who do not slam doors or honk horns) are also important in the quick and effective dispersal of patrons at night.

Late night music and dancing is another factor these types of premises should consider specifically when dealing with the effective damping down of noise emanating from these venues that may affect the local residents, therefore the keeping of doors/windows closed during licensable activities is a responsible and sensible measure to take.



## **DEFINITIONS OF VARIOUS TYPES OF ON LICENSES PREMISES**

### **ON LICENCE PREMISES INCLUDING FAST FOOD PREMISES**

Many on licence premises have licensed external areas where particular care must be taken to ensure residential neighbours are not be affected by excessive noise emanating from patrons' use of there facilities - normally premises are conditioned with limited hours and other associated provisions for these licensed garden areas.

#### **A FAST FOOD PREMISES THAT MAY OR MAY NOT SELL ALCOHOL FOR CONSUMPTION ON OR OFF THE PREMISES**

Fast food premises which operate after 23.00 hours and before 00.50 hours the following morning need a late night refreshment licence (LNR) to provide late night refreshment either by way of take-away food or by eating the purchased food on the premises.

These types of premises are in general more likely than restaurants to lead to people remaining on the streets. Police generally comment that if no fast food premises were available people would be more inclined to disperse, and in retaining people until a later hour fast food premises could potentially undermine a timely dispersal of late night revellers. It is possible that these premises could be attractive to persons who have been drinking elsewhere. Licensing authorities consider that seeking to minimize the number of people on the street late at night, through rapid dispersal, especially those who have been drinking, is fundamental to promoting the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety. Some councils come to this view despite the benefits which may be offered by well run fast food premises in terms of security, staff, CCTV, toilets, and the provision of a safe environment in which to wait until transport is available.

This type of business if not properly controlled can cause food waste and litter on pavements as well as noise nuisance.

#### **B. RESTAURANTS**

A restaurant is normally defined as premises (a) in which customers are shown to their table, (b) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (c) which in some cases do not provide any take away service of food or drink for immediate consumption, and (d) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise that to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of a substantial meal.

### **C. PUBLIC HOUSES AND BARS**

A variety of pubs and bars are part of a local areas appeal and contribute towards its character and they provide for residents as well as people working in and visiting the locality. They also provide venues for live music which, aside from its cultural benefits and enjoyment by customers, often has a positive effect on licensing objectives. However, premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other local businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder.

A pub is a premises where traditionally a customer usually went for the consumption of alcoholic beverages only, although nowadays customers are just as likely to want a hot meal with or without alcohol - it is also common for such establishments to be known for vertical drinking (consumption of alcohol standing up). Customers are served from the bar area and unless there is food served there is normally no waiting staff. Pubs are found in rural, suburban and town centre environments.

A bar however tends to be located in built up areas such as town centres and can be quite upmarket in terms of its targeted clientele and therefore prices reflect the branding. Typically the premises will offer a range of wines, speciality brews, mixed drinks, ice shots, fruit punches and cocktails. Bars tend to be themed and utilise the themed environment to attract younger customers.

### **SUGGESTED CRIME PREVENTION AND EFFECTIVE MANAGEMENT CHECKLIST FOR AN OFF LICENCE PREMISES**

#### **Links to health and safety policy and legislation:**

- Is there a written Health and Safety Policy for the premises?
- Is there a written Risk Assessment?
- When was it last carried out?

#### **Incident logs - Crime & Disorder incidents to be recorded**

- Is there an incident log in operation?
- Is the incident log available for inspection?
- Within your premises, where are your crime hotspots?

### **Staff training - training to resolve identified risks**

- Are all staff trained to recognise aggressive or suspicious behaviour?
- Are all staff requested to approach customers about unattended property?
- On busy nights, are staff employed to warn customers about leaving property unattended?
- Do door Supervisors (if any) attend staff training days?
- Is there a record of staff training?
- Do staff sign a training attendance record?
- Who is responsible for company policy on staff training?
- Do the tills have an age prompt to remind staff to ask for I.D. for persons who appear to be under either 21/25 years of age, dependent on the age verification scheme adopted.

### **Staffing levels**

- What are your minimum and maximum staffing levels?
- How are they decided?

### **Design of premises - Re Crime Prevention**

- How many points of entry are there?
- Are the entry points monitored?
- Is there a Police response alarm?
- Do staff carry panic buttons?
- Is there a panic button in cash office?
- How is capacity monitored?
- Are the tills positioned, so staff face customers?
- Is cash stored on the premises?
- Is there a cloakroom?
- Does the cloakroom offer free hand luggage storage?
- Is the cloakroom facility advertised?
- Can the toilets be monitored easily?
- Are cupboards & drawers within the toilet kept locked?
- Are the cisterns boxed in and secure?
- Are there any flat surfaces?
- Do toilet cubicle doors have a gap at top and bottom?

### **Managing the effects on the local environment**

- Ensure drinking glasses remain in the licensed area of the premises
- Are noise levels within legal limits? (To be set by EHO)
- Ensure that pedestrians & vehicles are not affected
- No rubbish on street
- Correct use of CCTV
- Are staffing levels adequate to monitor outside drinking?
- What links do you have with local residents?
- What steps are taken to minimise disruption when people are leaving?



### **Positive Customer care - appropriate complaint procedures**

- Is there a Positive Customer Care Policy?

### **CCTV**

- Has the venue got CCTV?
- Do high-resolution cameras cover all entry/exit doors?
- Does CCTV cover the cash office door?
- Is there a written operational requirement for the CCTV?
- Where is the CCTV video recorder stored and is it in a secure place?
- Which members of staff have access to it?
- Are the video recordings kept secured in a secure place?
- Is there a record of CCTV maintenance?
- Is there a record of the tape changes?
- How many discs do they use?
- How often are they renewed?
- Does the CCTV cover external areas?
- Has the CCTV system a dedicated operator?
- Is the system operated in accordance with General Data Protection Regulation (GDPR) and Registered with the Information Commissioner's Office (ICO).

### **Access Control**

- Who is responsible for supervising security staff?
- Is there a written access policy?
- Is the queue supervised outside the venue?
- Is the queue supervised at the cloakroom?
- Is a record kept of door staff working on each day?
- Are personal details of security staff kept?

### **Crime Prevention**

- Is crime prevention literature displayed?
- Is there a company policy regarding the display of crime prevention material?
- Who is in charge of the policy?
- What crime prevention initiatives are in place?

### **Outside eating & drinking**

- Does the venue allow outside drinking?
- Has the venue got a street 'tables and chairs' licence?
- How are customers supervised outside?
- Is crime prevention literature displayed outside?
- Have any crime prevention measures been implemented outside?
- How are risks assessed regarding passing pedestrians and traffic?
- Are staff trained to supervise those outside?

- How are numbers of persons outside controlled? (Capacity)
- Are tables and chairs taken in when not in use to prevent them offering opportunities for being used in crimes and disorder?

### **Drugs and Weapons**

- Does the premises have a search policy?
- Are notices prominently displayed explaining the policy?
- Do security staff patrol inside the premises?
- Are staff trained in identifying problems within the venue?
- Are efforts made for close supervision of toilets and poorly lit areas?
- Are police informed of seizures?
- Are seizures correctly documented?
- Has the premises been supplied with self-sealed property bags and plastic weapon containers?
- Are door staff trained in how to deal with weapons/firearms?
- Do management/staff keep written notebooks for 'original notes'?
- Has the venue provided a search arch and/or provided search wands?
- Are door staff registered?
- Does the venue provide local police with a risk assessment one month in advance regarding external events?
- Does the premises enter into contractual agreements with outside promoters?
- Are police contracted before such agreements are signed?

### **Admission of children**

- Ensure door supervisors are trained and empowered to deal with underage drinking.
- Put in place robust systems to monitor and control the access of young people
- Have a policy statement to deal with underage access which should include reference to the use of approved 'Proof of Age' schemes which include photo identity cards as in the PASS scheme
- Display of Policy on checking of age

### III.V STAFF AUTHORISATION

Under the terms of the grant of the premises licence:

**It is an offence for a person to serve alcohol to anybody unless you have been authorised to do so by a personal licence holder**

**It is an offence to sell alcohol to anybody from premises without a premises licence and/or without a named Designated Premises Supervisor who is in possession of a personal licence.**

### III.VI UNDER-AGE SALES

It is an offence to sell alcohol to anyone under the age of 18, or to anyone purchasing alcohol on behalf of someone under the age of 18.

It is an offence for any person under the age of 18 to buy or attempt to buy alcohol.

It is an offence for anybody under 18 to sell alcohol unless

authorised to do so by a responsible person. Responsible person are defined as:

- The holder of the premises licence
- The Designated Premises Supervisor (DPS) if any, for the Premises Licence
- An individual aged over 18 authorised (ideally in writing) to sell alcohol for consumption off the premises by either the Premises Licence Holder or the Designated Premises Supervisor.

It is an offence to allow alcohol to be served to someone under 18 if the staff member could have prevented it. If a Challenge 21 or Challenge 25 scheme is adopted as a condition of the licence then each customer wishing to purchase alcohol who is unknown to the cashier serving as a person who is over 18 years of age must be asked for satisfactory identification to prove their age. If they cannot or are not asked then the cashier may be committing an offence should the condition wording be specific in this regard.

If a customer looks under 21 (or under 25) they **MUST** be challenged to prove that they are over 18 by producing photographic proof of age which must include a photograph and state the full date of birth of the customer. The only forms of proof of age that we will accept are:

- A passport
- A photographic new style driving licence
- A PASS accredited Proof of Age ID card such as:  
the Citizen Card

**DO NOT ACCEPT ANY OTHER FORMS OF ID UNDER ANY CIRCUMSTANCES**

**Note: the penalty for the member of staff selling alcohol to an under aged person ranges from a fixed penalty notice to a criminal conviction and a substantial fine.**

**You must ensure that you are completely satisfied as to the customer's age BEFORE you make the sale.**

**Do not ask staff members or 'take someone's word' that, they are over 18 and always use CHALLENGE-21 / CHALLENGE-25.**

There are only limited defences if an under-age sale is made and the impact on the DPS or personal licence holder is dependant on who made and who authorised the sale; remember, the only evidence required to prove an under-age sale was made is the actual age of the child and proof that the sale was made.

If a member of staff makes an under-age sale they may be offered a fixed penalty notice of £90 by which they admit their guilt. That is the end of the matter as far as the authorities are concerned with that individual; although disciplinary action could well follow from management as well as the premises licence being reviewed by the licensing authorities and/or the premises licence holder prosecuted if there are any underage sales.

Should the staff member deny this offence then contact RB Retail & Licensing Services Limited for further assistance.

**III.vii=TRAINING GUIDELINES REGARDING THE SALE OF AGE RESTRICTED PRODUCTS**

If you work somewhere that sells age restricted products such as cigarettes and alcohol, please read these notes.

Responsible authorities such as Trading Standards understand it can be very difficult for you to judge the age of a young person, but if you sell age restricted products to someone underage you may commit a criminal offence.

The Licensing Act requires anyone selling alcohol to take steps to check a customer's age.

The following guidance is about the importance of making sure you always get proof of age when supplying or selling goods to young people who may not be old enough to legally buy the goods they want.

You must take all reasonable steps to comply with this law. This is called due diligence.

## **DUE DILIGENCE PROCEDURE**

- Read Section III.
- Staff to satisfactory undertake questionnaire - all questions to be answered correctly.
- Training Statement, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).
- Staff Authorisation sheet, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).

Age restricted products and proof of age are inseparable!

### **SECTIONS**

- a **Introduction**
- b **Test purchasing**
- c **Age restricted products**
- d **How to check proof of age**
- e **Follow the guidelines**
- f **What the law says**

#### **a. Introduction**

To protect children from harm and comply with the law, the vast majority of retailers take under age sales very seriously. Unfortunately, the few who don't often receive bad publicity, which affects the whole trade. There can be serious consequences for businesses, licensees AND individual members of staff. Penalties for breaking the law include substantial fines, loss of licences, even imprisonment. Individual members of staff can be taken to court and prosecuted. They could also lose their job.

Trading Standards & Police are amongst the responsible authorities who are consulted on licence applications under the Licensing Act 2003. If a licensee and the staff are not following the guidelines outlined in this booklet then these matters may be raised during the licensing process. Any evidence of under age sales can also trigger a review which could lead to loss of the Licence.

#### **b. Test purchasing**

Trading standards and the Police (sometimes together) check that the law is followed and can carry out test purchases of all age restricted products as part of their enforcement duties.

The test purchases are made with volunteer young people who are to look their age.



These test purchases follow procedures supported by the government. They are allowed as evidence of under age sales. Following these guidelines and asking for proof of age and receiving appropriate proof (asking by itself is not a defence), should make sure that you don't make an illegal sale.

Samples of 'proof of age' are shown on the photocards poster in the support material (at II.X).

**c. Age restricted products**

These are some of the more common age restricted products and the age your customer must be to buy or get access to them:

<b>AGE RESTRICTED PRODUCT</b>	<b>AGE RESTRICTION</b>
Alcohol products . . . . .	<b>18</b>
Cigarettes and tobacco products including from vending machines . . . . .	<b>18</b>
Since 1st October 2015 it is illegal for retailers to sell electronic cigarettes or tobacco vapour products to underage persons . . . . .	<b>18</b>
Fireworks . . . . .	<b>18</b>
Knives, blades and axes (not including folding knives with blades under 3 inches long) . . . . .	<b>18</b>
Glue, solvents and lighter fuels, Butane & refills	<b>18</b>
Liqueur Chocolates . . . . .	<b>16</b>
Lottery tickets and scratch cards . . . . .	<b>18</b>
Petrol/Diesel . . . . .	<b>16</b>
Adult Magazines . . . . .	<b>18</b>
Spray paints . . . . .	<b>16</b>
Video/DVD/Games . . . . .	<b>As shown on certificate e.g. 12, 15, 18</b>
Analgesics & medicines . . . . .	<b>Up to the discretion of the retailer</b>

By following the rules regarding age related products it will help you show you are taking 'all reasonable precautions and exercising all due diligence'. This is legal-speak to say that you must have behaved in a way that can provide a defence in law if an illegal sale takes place. You must be able to show that you are doing all that you possibly can to make checks. This is what the courts would look at should an illegal sale take place.

**d. How to check proof of age ?**

If a customer who looks under 21 (or under 25 dependent on which scheme you use) asks to buy an age restricted product, ask for one of the prescribed forms of proof of age and check it. If appropriate proof of age cannot be produced you must refuse the sale and make an entry in the refusals register.

You must only accept proof of age with date of birth and a photo. Remember to check that the photo matches the customer and that you can see their face clearly, including asking them to remove hoods and caps.

Proof of age cards need to carry a PASS hologram to show that they are part of an approved scheme and have been correctly issued. When you see a genuine PASS logo you can be more confident that it is valid proof of age, however there are good forgeries in circulation. Please see over page for checks.



• **Always follow these checks**

1. Check that the PASS hologram is genuine and flush with the body of the card.
2. Check that the photo matches the person using it and that it is printed on the card, not just stuck on top of it. Ask them to remove helmets, hoods and sun glasses if you are not sure.
3. Check that the date of birth is properly printed on the card and that you have calculated the date of birth correctly.
4. Check that the card has not been tampered with in any way.
5. Check the person. If you are unsure about any of the above you must, and have the right to, refuse the sale.

• **Acceptable proof of age includes**

- 10 year passport
- Photo driving licence
- Citizencard
- "PASS " accredited proof of age card scheme

There are fake proof of age cards about so if you are unhappy with a card for any reason, refuse the sale. Items such as birth certificates and national insurance cards are not good enough. They carry no photo so can be passed between friends.

Legally you have the right to refuse to sell to anyone, whether over or under age, if you are unhappy with the sale in any way.

**REMEMBER - IF IN DOUBT REFUSE THE SALE**

e. **FOLLOW THESE GUIDELINES**

- Don't try to judge ages. Only accept approved proof of age cards with photos and date of birth.
- Follow either the 'Challenge 21 or Challenge 25 Rule' and ask for proof of age from anyone who does not look over 21 or over 25. Remember, if you guess wrong you could end up in court!
- Make sure notices (e.g. 'It is an offence to sell cigarettes to persons under 18') are on display.
- Know when dates of birth will be correct. Are they 18 yet? Just having today's date with the relevant year of birth will do!
- Fill in a 'refusals book' entry (at IV.XI) each time a refusal takes place. The DPS should check entries regularly to make sure all staff are using the register.
- Be careful should young people wearing school uniforms request to purchase age related products.

- Do not sell to an adult you suspect of buying for under age young people. It is an offence for an adult to buy alcohol on behalf of someone under 18. This is called proxy selling.
- Support colleagues when they refuse sales. It can be difficult to say 'no.'

**PLEASE SEE SECTION III.IX, Page 3.17 FOR INFORMATION ON HOW TO RECOGNISE AND DEAL WITH FALSE I.D.**

**f. What the law says**

**Alcohol**

The age at which product alcohol can be legally served and bought is 18.

Do not sell to over 18s who you think may be purchasing for under 18s.

Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18.

If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk.

Under 18s cannot legally purchase alcohol.

Always ask for proof of age before you serve and check the details.

You can face prosecution and a criminal record or alternatively the police can issue on the spot fine of £90 if under age sales are made.

**Cigarettes and tobacco products**

The age at which cigarettes can be legally bought is 18.

Under 18s who say they are buying for an adult must be refused.

It is illegal to split packets of cigarettes or to sell singly.

Do not sell to adults who you think may be purchasing on behalf of under 18s (proxy selling).

A notice must be displayed about sales to under 18s.

Always ask for proof of age before you sell.

**Fireworks**

The age which most fireworks can be legally bought is 18.

Do not sell to adults who think may be purchasing for under 18s (proxy selling).

If you hold a year round licence for the sale of fireworks, this could be at risk if sales are made to under 18s from your premises.

Notices must be displayed about sales to under 18s.

Always ask for proof of age before you sell.



### **Knives, blades etc.**

The age at which these can be legally bought is 18.

It applies to knives, blades, unsealed razor blades, axes and other articles that are sharp and can cause injury.\*

Do not sell to adults who you think may be purchasing on behalf of under 18s (proxy selling).

Always ask for proof of age before you sell.

*\*Not including folding knives with blades under 3 inches long*

### **National lottery tickets and scratch cards**

The age at which these can be legally bought is 18.

Your lottery terminal may be removed if you sell to under 18s.

Do not sell to adults you think may be buying on behalf of under 18s (proxy selling).

Under 18s cannot legally claim any prizes.

Always ask for proof of age before you sell.

### **Petrol**

The age at which petrol can be legally bought is 16.

Petroleum licence conditions may state that people under 16 must not access petrol.

Do not sell to adults you think may be buying on behalf of under 16s (proxy selling).

If in doubt ask for proof of age before you authorise the pump.

### **Glue, Solvents and lighter fuels**

The age which these can be legally bought is 18.

It is an offence to sell substances to people who you think may be likely to inhale them for the purpose of intoxication. Be wary of customers who make multiple purchases.

Do not sell to adults who may be buying on behalf of under 18s (proxy selling) if you suspect misuse.

Always ask for proof of age before you sell.

### **SOLVENT ABUSE CAN KILL INSTANTLY**

### **Spray paints**

The age at which spray paints can be legally bought is 16.

Do not sell to adults who you think may be purchasing on behalf of under 16s (proxy selling) if you suspect misuse.

Always ask for proof of age before you sell.

### Videos/DVDs/Games

The age at which these can be legally supplied depends on their classification always check this.

It is illegal to supply an 'R18' video/DVD except in a licensed sex shop.

Refuse the sale if you suspect an adult is attempting to obtain a product on behalf of a young person (proxy selling).

Challenge customers and ask for proof of age.

### III.VIII CHECKING PROOF OF AGE

When you ask somebody to produce proof of age in order to complete a purchase you must ensure that only an approved form of identification is accepted and that you check it correctly: Only accept -

- a valid passport
- a european style photo driving licence
- a PASS accredited cards such as a Citizen card

#### **Always ask for the identification to be handed to you for authentication purposes**

Check that

**a. Passport**

- not altered in any way
- the passport date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

**b. European style driving licence**

- not altered in any way
- the licence date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

**c. PASS cards**

- not altered in any way
- the card is completely flat with no raised edges around the photo or PASS logo - **reject the card if it is not flat**
- the PASS logo hologram 3D effect is working
- the card date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

**d. The customer**

- matches the photograph on the card
- is not acting suspiciously
- has not altered the card offered in any way

If you are in any doubt about the validity of the identification offered or the age of the customer even with the identification

**you MUST refuse the sale and record the details in the refusals book (see example at Page 3.46)**

### III.IX HOW TO RECOGNISE AND DEAL WITH FALSE ID

Young people are understandably keen to experiment and test their limits of consumption. This coupled with the disinhibitory effects of alcohol, can lead to risky and anti-social behaviour. For all of these reasons, the protection of children from harm is the licensing objective that many licensing authorities view most seriously.

Since 2010 a mandatory licence condition has required all premises to have in place an age verification policy. The policy must require that customers who appear to the staff member serving to be under 25 years of age, are required to be asked to prove that they are 18 years of age or over (or appear under 21 years of age if adopting Challenge 21 age policy) by producing appropriate ID when requested to prove their age. This, coupled with increased sanctions for premises persistently selling to under-18s, has led to many premises taking age verification much more seriously.

It has also led to a growing market for false ID. False ID is a problem in a number of areas around the country and staff who serve alcohol are sometimes uncertain about how to deal with this issue.

The fake ID cards which can be ordered on the internet often do not replicate existing documents. Examples include the UK national identification card and a provisional motorcycle licence. It is an offence under section 1 of the Forgery and Counterfeiting Act 1981 to make a false instrument or ID with the intention to use it to induce a person to accept it as genuine, and by reason of accepting this ID as genuine, the customer then commits an offence as does the seller albeit unknowingly, by their failure to properly check its validity.

#### TYPES OF FALSE ID

There are five types of false document:

- Genuine document which is being used by someone else,
- Genuine document which has been altered,
- Genuine document which has been fraudulently obtained,
- Fake document which is a copy of a genuine document, and
- Fake documents which is a form of ID that does not exist.

#### IDENTITY DOCUMENTS ACT 2010

This legislation contains a number of offences relating to the possession and use of false identity documents. For the purposes of legislation, the definition of 'identity document' includes (but is not limited to) a passport (whether a UK passport or a passport issued by the authorities of another country) and a driving licence. A full list of what items fall within the definition of 'identity documents' is found in the extracts of the Identity Documents Act 2010 in Annex A.

Two offences under the Identity Documents Act 2010 are relevant.

A person commits an offence if he or she has in their possession an identity document which is false, and which they know or believe to be false, with the intention of using

it to establish personal information about him or her to induce another to ascertain personal information about him or her, e.g. providing a date of birth that is false. A person guilty of this offence is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or a fine (or both).

A person commits an offence to have, without reasonable excuse, in his or her possession a false identity document which relates to another person. A person guilty of an offence under this section on conviction on indictment to imprisonment for a term not exceeding two years or a fine (or both).

**a. Proof of Age Standards Scheme (PASS) Approved Cards**

The Proof of Age Standards Scheme (PASS) is the UK's national guarantee for proof of age card and has the backing of the Home Office, the Association of Chief Police Officers (ACPO), the Security Industry Authority (SIA) and the Trading Standards Institute (TSI). The scheme delivers a common standard through its easily recognised logo, which is backed by a robust audit and accreditation process to help protect retailers of age restricted goods, and their employees, against being taken in by the many forms of false ID in use.

Accepting a card with the PASS hologram which carries the bearer's image and acceptable date of birth is a means of demonstrating due diligence. Examples of all PASS accredited schemes can be found on the PASS website:

[www.pass-scheme.org.uk](http://www.pass-scheme.org.uk)

**Read how to check I.D. at Section III.VI (d) Page 3.12**



**b. Passports introduced in 2006**



New UK passport designs are introduced through a phased roll-out. Older style passports were issued after the introduction of this design. These will continue to be valid until their stated expiry date.

**Key Information**

**Validity**

- Adults, normally 10 years up to a maximum of 10 years 9 months
- Children, normally 5 years up to a maximum of 5 years 9 months

**Size**

- Approximately 125 x 88 mm

**Number of pages**

- Standard issue book is 32 pages
- Business book is 48 pages

**Location of the data page**

Page 31

**Laminate**

- Page 31 and 32, sewn in, clear laminate with UV visible printing and holograms on page 31

**Photograph**

- Digitally printed

**Numbering**

- 9 digits, printed on page 1. These are entered on the biodata page in the same style as the personal details. The serial number is perforated through pages 1-30 (1-46 in business book)

**Observations**

- An electronic chip and antenna is visible on page 32 (48)

**Extra Checks**

- The holograms are on three patches attached to the underside of the laminate on page 31

- The stitching thread is red, white and blue and fluoresces yellow and red in UV light

- The front and rear endpapers are printed in green, burgundy and blue intaglio (raised printing)



## PASSPORTS INTRODUCED IN 2010



New UK passport designs are introduced through a phased roll-out. Older style passports were issued after the introduction of this design, and these passports will continue to be valid until their stated expiry date.

### Key Information

#### Validity

- Adults, normally 10 years up to a maximum of 10 years 9 months
- Children, normally 5 years up to a maximum of 5 years 9 months

#### Size

- Approximately 125 x 88 mm

#### Number of pages

- Standard issue book is 32 pages
- Business book is 48 pages

#### Location of the biodata page

Page 2

#### Laminate

- Page 2 contains a thin film patch that is clear in colour but has UV visible printing and holograms contained within it. Page 3 is not laminated

#### Photograph

- Digitally printed on pages 2 and 3

#### Numbering

- 9 digits, printed on page 1. These are entered on the biodata page (page 2) in the same style as the personal details
- The serial number is perforated from page 1 through to the rear of the cover of the passport
- The thin film patch contains a unique serial number which consists of 3 alpha characters and 4 numeric followed by a check symbol. This number is located beneath the holder's image should not be confused with the 9 digit passport number

#### Observations

- Passport visa pages feature a cross-page printed design
- A secondary image of the passport holder is located on page `3' of the passport
- Additional information about the passport holder is written on page `3' of the passport
- A check symbol is included within the laser perforated passport number. This symbol is not replicated within the printed serial number of the book on pages 1 and 2 and differs to the check symbol that is present for each thin film patch
- Observation data is bounded above and below by lines consisting of a unique character
- The passport stitching method utilises a process that is different to any previous UK passport
- The gold foil on the front cover is more lustrous than that of the previous UK passport
- Where the passport holder does not require any additional data to be inserted into the passport, the passport observations page (page 3) will read "There are no official observations."

**Laminate**

- Page 2 contains a thin film patch that is clear in colour but has UV visible printing and holograms contained within it. Page 3 is not laminated.

**Note**

- The biodata (personal details) page is at the front of the passport and located on page 2
- The passport chip is located in the cover of the passport
- The invisible printing of the laminate fluoresces strongly
- The laser perforated number consists of variable hole shapes (circle, square and triangle)

**PASSPORTS FROM FOREIGN STATES**

Space limitations do not allow images of the passports of foreign states to be reproduced in this guidance. Machine readable passports (MRP) were first introduced in the 1980s and most passports worldwide are now MRPs. To assist anyone presented with a foreign passport, set out below are features that can be detected by the naked eye or by using an ultraviolet light, that are required in all MRPs by International Civil Aviation Organisation standards:

- paper that does not reflect ultraviolet light or whose fluorescence is easily distinguishable from the blue used in commonly available fluorescent materials;
- watermarking on the biographical data and visa pages;
- an intricate, repetitive pattern as the background design on each page;
- a background design on the biographical data page that is different to the design(s) on other pages in the passport;
- ultra-violet fluorescent ink on the biographical data page;
- MRPs issued since 2010 should have a unique number on all pages except the inside covers; and
- many passports include optically variable features on the biographical data page. An optically variable feature (most commonly a hologram) changes appearance in colour or design as the page is tilted. However, the standards allow devices offering equivalent protection to be used instead.

**c. DRIVING LICENCE**



**Your personal details (1, 2 and 3)**

Fields 1, 2 and 3 of your photocard licence record your surname, first names, date and place of birth.

**Date of licence issue, photo expiry, issuing authority (4)**

The date shown in 4a is the date the photocard was issued. 4b shows either the date the photo expires (driving entitlement is valid until 70th Birthday) or the date entitlement expires (medically restricted and over 70 licences). The authority that issued the licence is shown in 4c i.e. DVLA.

### Driver number (5)

A	B	C	D	E
MORGA	657054	SM	91J	**

A - First five characters of surname. If the surname is less than five characters the remaining spaces will be made up using the figure 9 (e.g. MAN99).

B - The first and last numbers are the year of birth. The second and third numbers are the month of birth. If you are a women, '5' is added to the second number and the total used as the second digit e.g. if you were born in October the second and third numbers would be 60. The fourth and fifth digits show the day of your birth.

C - The first two initials of your forenames. If you have only one initial then the second will be a '9'.

D - Computer check digits.

E - Licence issue number.

### Holder's Photograph (6)

The new photocard licence has a black and white photo. This is because the laser technology used to burn the image onto the card producing a black and white photo is more secure. A colour photo will still need to be provided with your application to be stored on your driver record.

### Holder's signature (7)

this is digitally reproduced and burned into the photocard from the signature you produced on the application form.

### Holder's address (8)

This shows the driver's permanent address in Great Britain.

### Entitlement categories (9)

The letters in capitals show the categories of entitlement covered by the European Community Directive. National categories are shown in smaller letters.

### Holographic feature (10)

This feature is similar to a hologram but is clearer because it has definite lines and brilliant colours. It contains a steering wheel that appears to turn as you tilt the card in different directions.

### Changing images (11a and 11b)

a. This security feature is an image that changes both shape and colour depending on how you tilt the licence. On full (pink) licences it's a blue road sign changing to a black triangle, on a provisional (green) it's a red road sign changing to a black triangle.

b. This security feature is personalised according to the data on the card. It contains the last five characters of the driver number changing to the month and year of the photo expiry which appear and disappear depending on how you tilt the licence.

### Unique identifier (12)

Cards are to pre numbered by the card manufacturer. This number is laser engraved onto the card prior to delivery to DVLA and is unique on every card.

### Not used (13 and 14)

### Pictograms (15)

These illustrations are representations of types of vehicles in those categories shown.

### Category validity periods (16)

These are the dates when entitlement to drive each category begins and ends.

### Information codes (17)

The code numbers printed in this area indicate what (if any) restrictions to which the entitlement is subject.

### Steering wheel security feature (18)

This is a security feature in the shape of a steering wheel. The colour of the wheel changes from green to gold depending on how you tilt the licence.

### Security features



#### 1 & 2. Changing Images

1. This is an image that changes both shape and colour depending on how you tilt the licence. On full (pink) licences it is a blue road sign changing to a black triangle, on a provisional (green) it is a red road sign changing to a black triangle.
2. This security feature is personalised according to the data on the card. It contains the last five characters of the driver number changing to the month and year of the photo expiry which appear and disappear depending on how you tilt the licence.

#### 3. Holographic Feature

This feature is similar to a hologram but is preferred as it can be seen much more clearly due to its definite lines and brilliant colours. It contains a steering wheel which appears to turn as you tilt the card in different directions.

#### 4. Tactile Engraving

This process involves burning the data into the card for a longer period than normal, and results in the text raising up above the surface of the card. The driving licence has 'Field 1 (Surname)' and 'Field 9 (Categories)' printed in raised characters as part of the laser engraving process.

#### 5. Complex Background Pattern

A design made up of an interlocking pattern of small irregular shapes, printed in two colours and requiring very close register printing in order to preserve the integrity of the image.

#### 6. Tactile Feature

Raised tactile steering wheel placed in the centre of the card. It can be felt when a finger is run across the card and can be seen when viewed at an angle. It also contains the words "Driving Licence" in microlettering

#### 7. Laser Engraved Photograph

Laser engraving technology is highly secure as the image is burnt into different layers of the card and it can not be changed without serious damage to the card. This results

in a highly secure black and white photograph. Note: DVLA will still require a full colour photograph be provided by customers to keep on our records.

### 8. Security Background Design Overlapping With Photograph

This security feature has the rainbow print lines and the complex background pattern converging over the area where the photograph is engraved. This further protects the photo image by the integration of security elements.

### 9. Optically Variable Ink (OVI)

Optically Changing Colours is a printing feature that changes in colour depending on the angle of inspection. When the card is tilted, the element printed with Colour Change Printing will show deviations in colour tone clearly visible to the naked eye i.e. gold to green.

### 10. Unique Number

Cards are to be pre numbered by the card manufacturer. This number is to be laser engraved onto the card prior to delivery to DVLA and is unique on every card.

## PROVISIONAL DRIVING LICENCE



The security features of the provisional licence are identical to the full driving licence.

## QUESTIONS THAT CAN BE ASKED TO CHECK THE IDENTITY

Staff should ask customers questions once ID is given to verify ownership and on this basis compiled the following list of questions that may be used:

- Ask the person for their date of birth - this can lead to them mixing their own with the one on the ID or not being able to recite the date on the ID on the spot.
- Ask the person for their star sign - a young person may have memorised the date of birth on the ID which they are using but are unlikely to know the corresponding star sign.
- Ask for another form of ID, such as a bank or student card. If someone steals or borrows another person's ID, they are unlikely to take other forms and their purse/wallet will have their own ID in it.
- Ask for the postcode on the ID; a person using borrowed ID may know the first line of the address but may have difficulty remembering the postcode under pressure.
- Ask for their age - someone with borrowed ID may accidentally give their own age or 18 as this is the legal drinking age.

## How false ID should be stored and recorded

It is advisable that premises have an incident book to record those occasions on which there has been the use or attempted use of false ID at or on entry to the premises. If false ID is handed in, this should be recorded in the book along with the names of staff involved, the name on the ID and the name of the manager in overall charge of the premises. A description of the person using the ID and the time of the incident may also be useful to the police.

Once the false ID has been recorded, it should be stored, along with the police half of the bailment form (where in use), in the same way that a premises handles confiscated drugs. It should be locked away in a secure place until the police are ready to collect it or the manager takes it to the police station.

### **How and when to contact the police**

The police should consider setting up a single point of contact in the licensing team whom licenced premises may contact to deal about false ID issues. Local arrangements should be made between the police and licensed premises to outline how and when the police should be informed of incidents involving false ID.

It is good practice that false ID should be held at premises for a period not greater than 72 hours after it was handed over. This means that ID handed over on Friday evening can be held until Monday morning before being given to the police.

### **What to do if a person complains after handing over their ID**

If someone complains that their ID has been retained, the premises manager (if available) should take the person to one side and explain why this has happened. If this person is still unhappy call the police and ask for guidance.

### **Signs that can be placed at entrances**

Signs placed at the entrances to premises can deter young people who intend to use false ID from entering the premises, and are a means of diffusing anger towards door staff. Such signs could set out the ID policy and inform individuals that anyone using false ID will be asked to hand it over and, if they fail to do so, the police may be called. An example of wording for these signs is below, or a common example is:



“These premises operate a Challenge 25 policy. You may be asked to show ID if you appear to be under 25. If the ID that you present is suspected to be false or belonging to someone else, you may be refused entry to these premises and you may be asked to hand over the ID so that it can be given to the police. If you fail to do so, the police may be called. Gaining entry to these premises using fake ID or ID that doesn’t belong to you may be a criminal offence.”

### III.X WHAT TO WATCH OUT FOR REGARDING THE IDENTIFICATION OF A PERSON POSSIBLY UNDER THE INFLUENCE OF ALCOHOL

#### 50 SIGNS OF VISIBLE INTOXICATION:

Serving alcohol to a visibly intoxicated person (VIP) is against the law. If you can tell on sight that a person has been drinking or using other drugs, the person is visibly intoxicated. Staff are not expected to know a customer's blood alcohol content as determined by a blood, breath, or urine test, but they are required to recognize visible intoxication.

Here are some of the common signs of visible intoxication. These are not all of the possible signs. If a person shows just one or two of these signs that does not necessarily mean the person is intoxicated. But if a person shows a combination of several signs, or has a sudden change of behavior, that could be a strong indication that the person is intoxicated. Remember that intoxication can result from the use of drugs other than alcohol. **IF IN DOUBT, DO NOT SERVE.**

#### APPEARANCE

1. Bloodshot, glassy, or watery eyes
2. Flushed face
3. Droopy eyelids
4. Blank stare or dazed look
5. Twitching or body tremors
6. Disheveled clothing

#### SPEECH

7. Thick, slurred speech
8. Loud, noisy speech
9. Speaking loudly, then quietly
10. Rambling train of thought
11. Unusually fast or slow talking
12. Slow response to questions or comments
13. Repetitive statements
14. Bravado, boasting
15. Making irrational statements

#### ATTITUDE

16. Annoying other customers and employees
17. Argumentative
18. Aggressive or belligerent
19. Obnoxious or unpleasant
20. Inappropriate sexual advances
21. Overly friendly to other customers or employees
22. Boisterous

#### BEHAVIOR

23. Swaying, staggering, or stumbling
24. Unable to sit straight

#### BEHAVIOR (cont.)

25. Careless with money
26. Difficulty counting change
27. Restless
28. Depressed or sullen
29. Crying or moody
30. Extreme or sudden change in behavior
31. Overtly animated or entertaining
32. Crude, inappropriate speech or gestures
33. Drowsiness or falling asleep
34. Lack of focus and eye contact
35. Difficulty standing up
36. Unusual walk
- 37.\* Can't find mouth with glass
- 38.\* Falling down or falling off a chair
- 39.\*\* Difficulty lighting cigarettes
- 40.\*\* Lighting more than one cigarette
41. Clumsy
42. Difficulty remembering
- 43.\* Spilling drinks
44. Disoriented
45. Agitated, anxious
46. Grinding teeth
47. Vomiting

#### OTHER

48. Odor of alcohol, drugs or chemicals
49. Excessive perspiration
50. Repeated trips to toilet or outside area.

\* On Licence Premises

\*\*Observed in smoking areas only



a. **Other ways of determining if someone is intoxicated**

Interaction with the person and their friends will help to determine whether someone is intoxicated and their level of intoxication, i.e. a friend laughs and says that 'Bill is well \*\*\*\*\* (insert slang phrase for intoxication).

Talk with the person and ask them questions such as:

How much alcohol have they consumed?

When did they last eat and how much?

Whether they consider themselves intoxicated?

What type of alcohol has been consumed?

How much has the person been witnessed drinking? If it is difficult getting a reasonable response from the person, talk to the people the customer is with.

***Be sensitive to a person's right of privacy.***

***THESE SIGNS ARE  
NOT EXHAUSTIVE AND  
NOT ALWAYS  
NECESSARILY  
CONCLUSIVE PROOF OF  
INTOXICATION***



### III.XI CONFLICT MANAGEMENT - some practical steps staff can take

#### Experienced Staff

An experienced and well trained member of staff will contribute to good standards of a premises and help create the right atmosphere, so customers are aware that bad behaviour will not be tolerated.

Cashiers should at all times enforce their legal responsibilities and consider the consequences of allowing alcohol into the hands of under age or intoxicated people.

In refusal of service or conflict situations, you will need a lot of patience. Try to learn from your more experienced colleagues and observe what they do and say in different situations. Practice also helps you to get it right. Reading this information is a good first step, but putting it into practice and learning from your successes and mistakes is what this section is really about!

#### Initial / Action Points

1. Write down 3 key phrases you can use when refusing service to someone who is underage.
2. Write down 3 key phrases you can use when refusing service to someone who is drunk.
3. Speak to friends and colleagues about their experience of situations that they gotten out of hand and how they dealt with them. Would you deal with them differently now that you have read this guide?
4. Set up an incident book for your workplace or make sure you know where the current one is kept.

**Keep calm.** Don't get into an argument.

**Explain briefly why you cannot sell.** Try saying, for example:

- 'I'm sorry, if I serve you I might be breaking the law.'
- 'We have a policy of 'no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

**Show customers notices, posters and stickers** that indicate you will not serve alcohol to under 18s or sell other age restricted products.

**Offer an application form for an approved proof of age scheme. E.G. CITIZEN CARD**

**Be positive in your refusal.** Have a firm tone of voice, be confident and use direct eye contact. The law is on your side and you are doing the right thing.

**Call your supervisor or manager for support if necessary/available.**

**Remember the object is to get the customer who is being refused goods / services out of the shop** if all else fails call the Police to help remove the customer and if appropriate ban the customer from using the premises in future.



### Reacting to Trouble

Most conflict can be prevented or controlled in the early stages. However, if a situation has deteriorated to a heated stage before you arrive, it can be much more difficult.

Remember your own and others' safety:

- Keep calm and try to slow things down
- Try to find out what the problem is, making sure you listen

A good way to keep in mind all the essential stages is to use the word REACT.

### REACT

**R** Request - ask the conflicting parties to calm down or leave

**E** Explain - that their behaviour is unacceptable and list any rule or law that has been broken

**A** Appeal - say "please," turn it around and say things like, "You don't want me to get into trouble" or "if you keep this up, I won't be able to serve you" or I don't want to call the police but I will have to if you don't back down"

**C** Confirm - if the customer still refuses to abandon the confrontation, repeat any potential consequences and ask them if there is still anything you can do to get them to stop misbehaving

**T** Take Action - here you will have to ask them to leave again. If they refuse to do so, you will have to call the police. Physical force is the last resort and should never be used if you are on your own. Unless you are alone in the shop you may wish to lead the misbehaving customer towards the door, but be careful about using any level of physical force or coercion and be aware of your own safety. If all else fails call the police.

Once trouble is over, it is important to apologise to other customers for any disruption and reassure them that everything is back to normal. Recognise that you have been through a difficult situation and take a break, if possible, to regain your composure.

It is also good practice to record the incident accurately, while information is still fresh in your mind.

### Recording Incidents

You should record all incidents for a variety of reasons:

- It can be used as a learning tool and can assist in communication between staff and management
- It provides an accurate record for police, company or insurance purposes
- It can help to prevent similar incidents from happening again

The record should include the following:

- Date
- Time
- What happened
- Who was involved
- How it was dealt with
- Whether police were called
- You may also wish to record the names of any witness and their contact information.

### Body Language

Understanding body language can be very helpful in seeing trouble and dealing with it effectively. The table below shows the signs to look out for if someone is getting aggressive. You also need to think about your own body language. When dealing with the situation, you need to be assertive if you want people to do as you say.



BODY LANGUAGE			
	<b>AGGRESSIVE</b> (angry)	<b>ASSERTIVE</b> (in control)	<b>PASSIVE</b> (weak)
Body Position	Leaning forward	Upright / straight	Shrinking
Head	Chin jutting out	Firm, not rigid	Head down
Eyes	Strongly focused, staring, often piercing or glaring eye contact	Good, regular eye contact	Glancing away or downwards, little eye contact
Face	Set or firm	Expression fits the words	Smiling even when upset
Voice	Loud and emphatic	Well modulated to fit content	Hesitant or soft, trailing off at ends of words or sentences
Arms/Hands	Hands on hips, fist, sharp gestures, pointing, jabbing	Relaxed / moving easily, open palms	Aimless / still
Movement /Walking	Slow and pounding or fast, deliberate	Measured pace suited to the situation	Slow and hesitant or fast and jerky

### How to get it right

It's not easy to get it right. You must try to be **assertive**, not aggressive or passive.

Don't give up. If you think carefully about your voice, your movements and being calm, everything else tends to follow.

### Distance

You'll probably be aware that each person has a certain amount of "personal space". If a stranger stands too close, it is uncomfortable. In conflict situations, standing too close may be seen as a threat, so keep a comfortable distance from the person you're speaking to. Remember also that a person from a different country or culture may prefer a different amount of personal space (e.g. they may like to stand closer or further away than you do).

A barrier of some kind, such as a table, can help to keep this distance. The counter itself is a barrier. You may have found that you feel more comfortable speaking with people when you are behind the counter than when you are out on your own. This is because the physical barrier acts as a psychological barrier as well.

### III.XII DUTY TO REFUSE SERVICE

It is your duty to refuse to serve under 18s and also you must refuse to serve a person if they are or appear to be drunk.

#### ***How to refuse a sale***

Sometimes refusing a sale will make the customer angry. Here are some tips to help you handle difficult refusals.

**Ask for proof of age.** This helps the situation as it is not a direct refusal. It says that you will make the sale if they can produce valid proof of age. Only accept proof of age with a photo, and only if you are happy it is correct.

**Refuse politely.** If necessary repeat your refusal clearly.

**Keep calm.** Don't get into an argument.

**Explain briefly why you cannot sell.** Try saying

- 'I'm sorry, if I serve you I might be breaking the law.'
- 'We have a policy of 'no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

**Show customers notices, posters and stickers** that indicate you will not serve alcohol to under 18s or sell other restricted products.

**Offer an application form for an approved proof of age scheme.**

**Be positive in your refusal.** Have a firm tone of voice, be confident and use direct eye contact. The law is on your side and you are doing the right thing.

**Call your supervisor or manager for support if necessary.**

**Record details** in your premises' refusal register.

Report incidents where you have felt threatened and/or intimidated.

Remember, ***you commit an offence*** if:

- You sell alcohol to a person who is under 18
- You allow alcohol to be sold to someone who is under 18 when you could have prevented that sale
- You sell alcohol to a person who is drunk
- You sell alcohol to a companion of a person who is drunk for the drunken person's consumption
- You allow alcohol to be sold to someone who is drunk when you could have prevented that sale

On the spot fixed penalty notices can be issued for serving alcohol to someone who is drunk or under age with prosecution also being a possibility.

If someone is drunk or disorderly they can be ejected from the premises and the police must assist if requested to do so - if you think a customer should be ejected please ensure that you seek assistance from a colleague and follow your company procedures in order to deal with the incident properly and safely.

## Last Word

- However hard you work at preventing violence there is a possibility that you will be confronted by a violent customer at some stage on your premises  
***avoid situations if at all possible. A conflict management course for you and your staff would help avoid confrontation because you would identify earlier the key signs and take steps to defuse this problem***
- Ensure that you and your staff know the company procedure for dealing with violent customers and follow it if faced with such a situation  
***do not hesitate to involve the police if you are concerned for your own or your staff or customers' safety***

## III.XIII TEST PURCHASES

Police and Weights & Measures officers may send under 18s in to your premises to attempt to buy alcohol to check compliance with the law. Under some circumstance the test purchaser may not tell the truth when asked if they are over 18 or if they have ID you **MUST** ask for approved proof of age and check it.

When an attempt is made to purchase alcohol you must either Challenge 21 or Challenge 25 (depending on the scheme used) and ask for acceptable proof of age identification from any customer who appears to be under 21 or 25 years old and is unknown to you as a person over 18 years old, if in doubt - ask for identification if you fail in this duty you may commit a criminal offence.

If you have any doubt about someone's age even, if they have produced proof of age, do not serve them with alcohol and note the refusal in the site refusal book.

## III.XIV REFUSALS BOOK

If you have to refuse a sale of alcohol (or any other age restricted products such as cigarettes, tobacco, lottery tickets etc.) you **MUST** enter the details of the refusal in the **REFUSALS BOOK**. This will help you maintain evidence that under-age sales are being refused and also act as a training tool for your staff.

**You have the right to refuse to sell any alcohol product, provided that the reasons for refusal are not based on discrimination on the grounds of sex, race or disability and you have a duty not to sell age restricted products to anybody under age.**

Always keep letters of third party test purchases such as tobacco checks by trading standards and lottery ticket sales by Camelot.

### III.XV REVIEWS

The review provisions in the Act, added to ensure an element of balance under the new regime, allow residents and businesses in the area and the regulatory authorities to voice concerns subsequent to the grant of a licence if they feel that there are relevant problems being generated at or by the premises.

Reviews are important because premises licences are not renewed (they are granted for the life of the business, subject to the annual fee paid to the local authority) so an objection can no longer be made as with the old system at renewal of the Justices' licence.

### III.XVI STREET DRINKING & SUPER STRENGTH BEER/LAGER /CIDER

#### Introduction

Street drinking and the availability of super strength beer, lager and cider (i.e. above 6.5% ABV - Alcohol by volume) are potential concerns that may be raised by the police and other responsible authorities when considering new licence applications and variations to existing licences. Indeed in some cases where this problem has become excessive the local authorities in partnership with the police sometimes request voluntary agreement from retailers to not stock super strength beer/lager and cider as this is the preferred drink of many street drinkers because it is generally inexpensive and gives the "buzz" street drinkers crave.

#### The Law

Recent legislation has given the police greater powers to address the alcohol related offence problems that they believe have fuelled a large proportion of crime and disorderly anti-social behaviour. These are specifically:

- S17 Crime and Disorder Act 1998
- S13 Criminal Justice and Police Act 2001
- S4 Licensing Act 2003
- S27 Violent Crime Reduction Act 2006
- Part 7 Police & Crime Act 2017

These acts impose duties on either or both the Police & Local Authorities or provide powers to reduce anti-social incidents that result in crime and disorder from the misuse of alcohol as well as other substances.

Various strategies are being considered and will continue to be reviewed on a local authority by local authority basis such as Early Morning Restriction Orders and Late Night Levies (to fund extra policing at night etc.) Additional legislation has also been introduced by central government to ensure a minimum level of price per unit of alcohol is enforced by the licensing section and monitored by local government to try to eradicate cheap alcohol being offered for sale in shops and pubs.

#### Super Strength Beer, Lager & Cider

Nothing has yet been formally announced regarding super strength beer, lager and cider products being banned or reduced in strength or the packaging in which they are offered for sale being cut in size but there is a growing consensus amongst health professionals and the police that government must do more.

#### Street Drinkers

Strong beers, lagers and cider have over the last decade or so have become the preferred alcohol product of choice by street drinkers who can generally be described as persons who have limited financial resources, are unemployed, have underlying health and/or mental issues and possibly homeless.

A street drinker has been defined by a community safety partnership as: "Someone who regularly drink alcohol, or is drunk in public places, and their behaviour significantly raises the risk of the following:

- Offending behaviour - if littering or urinating in public, or begging.
- Harm to themselves
- Harm to others
- Anti-Social behaviour - causing harassment, alarm or distress.
- Drawing other vulnerable people into the same type of lifestyle.
- Homelessness.

Street drinkers themselves describe health issues when asked, that mirror health problems experienced by dependent drinkers such as:

- Damage to heart, liver and stomach.
- High blood pressure.
- Double incontinence.
- Fits.
- Mental health problems.
- Depression.
- Black Outs
- Memory loss.

The ramifications of the above include:

- Anger
- Loss of self-esteem.
- Sickness in morning if no alcohol is available.
- Bleeding veins
- Stomach ulcers
- Aching bones
- Loss of balance
- Sleep deprivation

Fortunately the vast majority of adults who drink, do so responsibly whilst street drinking affects a very small minority of people. However the cost to the public is disproportionate as it is very expensive for the police, NHS, local authorities and others to initially respond to the issues caused and then fund the cost of helping the street drinkers themselves - and who in some cases do not want to accept help.

Other groups of street drinkers can be described as ethnic drinkers where drinking outside for example may be considered the social norm and therefore they drink outside as a matter of choice.

Some local authorities have adopted a legal instrument called a DPPO (Designated Public Places Order) although some may know this as a DACZ (Designated Alcohol Control Zone) both mean that should an individual drink in public and is observed causing a criminal nuisance offence by a police officer then the alcohol can be confiscated.

DPPO/DACZ are so effective that in some cases the street drinking problems are moved into areas where there is no DPPO/DACZ in force and therefore move the problem from one area to another.



Voluntary agreements to not stock cheap high strength alcohol will in some cases resolve the issue as long as it is adopted consistently by other similar retailers within the designated geographical area. Otherwise the street drinkers will just congregate near to businesses that stock their favourite product rather than loiter in the areas that do not.

### **III.XVII ALCOHOL DELIVERY SERVICES**

There are an increasing number of licensing applications by small independent operators for the provision of off-sales of alcohol ordered by customers direct to their home via the telephone or online.

Premises that wish to deliver alcohol direct to customers should seek professional assistance on how to run such an operation be it during normal shop hours or for up to 24 hours a day.

The applicant must comply, for example, with the following:

- the premises to be licensed should be where the product is stored prior to its dispatch and not a separate call centre where the money is taken.
- the applicant cannot license the delivery vehicle.
- there needs to be a robust procedure in place to ensure the alcohol is delivered to the person ordering the product including checking proof of age. The delivery person should also, as far as possible, check that the customer is not buying alcohol for the consumption by under 18s e.g. a party at the same premises where young people are in attendance.
- the application should ensure that the four licensing objectives are not compromised.
- the advertisement of the alcohol delivery services show potential customers a full list of the terms and conditions.
- payment should not be taken at the point of delivery.

It is recommended that the applicant seeks proper guidance before submitting such an application. R.B. Licensing Services would be pleased to assist.

### **III.XVIII BAN ON THE SELLING OF ALCOHOL BELOW THE COST OF DUTY + VAT**

The Government launched its Alcohol Strategy which was published on 17th July 2013 following the analysis of all the consultation responses received and concluded that a policy was needed to reshape the approach to alcohol and specifically reduce the number of people drinking to excess. The Alcohol Strategy is targeted at harmful and hazardous consumers and aimed to limit the impact on responsible consumers. The document set out its intention to ban below cost selling to tackle the worst examples of sales of cheap alcohol. This ban came into force on the 28th May, 2014.

The ban prevents businesses from selling alcohol at heavily discounted prices and aims to reduce excessive alcohol consumption and its associated impact on alcohol related crime and health harms.



The ban is a new licensing condition of the Mandatory Code of Practice. The Mandatory Code of Practice applies to all licensed premises, including those with club premises certificates, in England and Wales.

Responsibility for ensuring compliance within the mandatory condition part of your premises licence will always be the responsibility of the premises licence holder and/or designated premises supervisor irrespective whether the pricing was undertaken by a member of staff or not.

The level of duty plus VAT is calculated by taking the relevant excise duty figure for a particular product and the applying the current rate of VAT to this amount. Duty rates differ in accordance with the type of alcohol and often the strength of the product. There are three categories for calculating the permitted price of duty plus VAT.

The three categories are:

1. Beer
2. Spirits, spirit-based ready-to-drinks, wine and made-wine (exceeding 22% ABV)
3. Wine, made-wine and cider (not exceeding 22% ABV)

The following calculations are used to determine the permitted price for each product:

**Beer permitted price = Duty + VAT**

Where Duty (pence) = volume (litres) x strength (% ABV) x duty rate

**Spirits, spirit-based ready-to-drinks, wine and made-wine (exceeding 22%) permitted price = Duty + VAT**

Where Duty (pence) = volume (litres) x strength (% ABV) x duty rate

**Wine, made-wine and cider (not exceeding 22% ABV) permitted price = Duty + VAT**

Where Duty (pence) = volume (litres) x duty rate

(Note: duty rates for beer, wine, made-wine and cider are given in pounds per hectolitre. For clarity of calculation, and because of the small quantities involved, this has been translated into pence per litre, which is an identical figure. Duty rates for spirits and other products over 22% ABV are given in pounds per litre of pure alcohol. For clarity of calculation, and because of the small quantities involved, this has been translated into pence per centilitre (i.e. 10ml) of pure alcohol, which is also an identical figure.)

It should be noted that there are different duty rates within each of the categories of beer and wine and cider, and that the appropriate rate should be used.

Duty rates may change each year, typically following the Chancellor's Budget. Therefore, those who supply alcohol will need to ensure the new duty rates are applied to the three formulae in the preceding section when duty rates change.

Businesses and others who supply alcohol will need to ensure that their pricing systems are accurate enough to prevent any sale of alcohol below the cost of duty plus VAT. This includes ensuring that prices are accurate on shelves, barcodes, menus and price lists, where appropriate.



Care should be taken when undertaking any of the following activities:

- Multibuy promotions
- Multibuy promotions that include alcohol and non-alcohol products
- Multipack products that consist of bulk packs of alcohol
- A package that includes inclusive alcoholic drinks
- Complimentary alcoholic drinks
- Discount coupons which include alcoholic drinks
- Reward cards which can include alcoholic drinks
- Staff discount Companies can offer staff discount, as long as the price after all discounts are applied is above the permitted price of the alcohol
- Online internet sales. The ban will apply to all sales of alcohol that take place (i.e. the alcohol is despatched to the customer) within England and Wales.

If unsure regarding any of the above please contact either your wholesale supplier or contact RB Retail & Licensing Services Limited.

### III.XIX RIGHT TO WORK IN THE UK

#### New powers to tackle illegal working in licensed premises

Under the measures, brought in as part of the Immigration Act 2016, immigration checks will be part of the process for applying for a licence. As from 6th April 2017, a premises or personal licence will not be issued to anyone who does not have permission to be or work in the UK. Being granted a licence and continuing to hold it will also be reliant on complying with the UK's immigration laws.

Additionally, the Home Office will be consulted in the same way as the police before a license is granted. If a business has any immigration offences and civil penalties, these will be considered as part of the licence application, and as a ground for making a formal request to a licensing authority for a license to be reviewed.

Immigration officers will also receive the same powers as licensing enforcement officers and the police to enter a premises being used to sell alcohol or late night refreshment, in order to investigate immigration offences. This will enable joint enforcement operations with licensing enforcement officers, and allow immigration officers to enter licensed premises without a warrant where there is intelligence of illegal working taking place.

If persons are found working in premises performing paid or unpaid work and do not have a right to work in the UK, then the premises (if licensed) can be reviewed by the local authority with a high probability that the premises licence will be revoked.

- All staff current and new must produce documentation from the list of documents reproduced on pages 3.39/3.40.
- Copies (preferably colour) of the original documents must be kept by the business as evidence of compliance and kept safely onsite. Should local licensing officers, police or representatives of any other responsible authority visit the shop and ask for proof of the right to work in the UK, you will be able to provide appropriate documentation. Failure to do so may result in a review of your premises licence and the instigation of criminal proceedings against you.
- Regarding New Foreign National worker applicants:  
Foreign Nationals must now also provide a Share Code from the HM Government. The prospective employer should print off and keep this on file as evidence that proper enquiry checks have been made **BEFORE** that person is allowed to commence employment.

**PLEASE SEE THE RIGHT TO WORK  
CHECKLIST ON THE FOLLOWING  
TWO PAGES**



Home Office

## Right to Work Checklist

<b>Name of person:</b>	
<b>Date of check:</b>	
<b>Type of check:</b>	Initial check before employment <input type="checkbox"/> Follow-up check on an employee <input type="checkbox"/>

### Step 1 Obtain

- You must **obtain original** documents from either **List A** or **List B** of acceptable documents.

#### List A

- A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office, to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office, to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

#### List B Group 1

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

#### List B Group 2

- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months old together with a Positive Verification Notice** from the Home Office Employer Checking Service.
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
- A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.



Step 2 Check			
<ul style="list-style-type: none"> <li>You must <b>check</b> that the documents are genuine, that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering.</li> </ul>			
1. Are photographs consistent across documents and with the person's appearance?	Yes	<input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
2. Are dates of birth consistent across documents and with the person's appearance?	Yes	<input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
3. Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed (if applicable)?	Yes	<input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
4. Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (for <b>students</b> who have limited permission to work during term-times, you <b>must</b> also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed)	Yes	<input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
5. Are you satisfied the document is genuine, has not been tampered with and belongs to the holder?	Yes	<input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
6. Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? (Supporting documents should also be photocopied and a copy retained.)	Yes	<input type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>

Step 3 Copy
<p>You must make a clear <b>copy</b> of each document in a format which cannot later be altered, and retain the copy securely: electronically or in hardcopy. You must copy and retain:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> <b>Passports:</b> any page with the document expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph, and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.</li> <li><input type="checkbox"/> <b>All other documents:</b> the document in full, both sides of a Biometric Residence Permit.</li> </ol> <p>You must also record and retain the date on which the check was made.</p>

Know the type of excuse you have
<p>If you have correctly carried out the above 3 steps you will have an excuse against liability for a civil penalty if the above named person is found working for you illegally. However, you need to be aware of the type of excuse you have as this determines how long it lasts for, and if, and when you are required to do a follow-up check.</p> <p>The documents that you have checked and copied are from:</p> <ol style="list-style-type: none"> <li><b>List A</b> <input type="checkbox"/> You have a <b>continuous statutory excuse</b> for the <b>full duration</b> of the person's employment with you. You are <b>not</b> required to carry out any repeat right to work checks on this person.</li> <li><b>List B: Group 1</b> <input type="checkbox"/> You have a <b>time-limited statutory excuse</b> which expires when the person's permission to be in the UK expires. You should carry out a <b>follow-up check when the document evidencing their permission to work expires.</b></li> <li><b>List B: Group 2</b> <input type="checkbox"/> You have a <b>time-limited statutory excuse</b> which expires 6 months from the date specified in your Positive Verification Notice. <b>This means that you should carry out a follow-up check when this notice expires.</b></li> </ol> <p><b>Date follow-up check required:</b> _____</p>

### III.xx STAFF TRAINING - Revision

The Licensing Act 2003 introduced a single integrated system throughout England and Wales to regulate the sale and supply of alcohol, the provision of entertainment to the public and the provision of late-night refreshment - the sale of hot food and hot drinks between the hours of 11pm and 5am.

Under the Act there is a statutory requirement that retail sales of alcohol can only be made from premises that have been granted a premises licence.

In addition all premises licensed for the sale of alcohol must have a designated premises supervisor (DPS) appointed for those premises who must be a personal licence holder.

Sales of alcohol can only be made or authorised by a personal licence holder.

### UNDERSTANDING THE LICENSING LANGUAGE

**The licensing objectives** - these are the governing principles of licensing law in England and Wales. Everyone involved with any of the licensable activities including the sale of alcohol must be aware of and actively promote these objectives at work.

The four licensing objectives, all of which are of equal importance, are as follows:

- ***The prevention of crime and disorder***
- ***Public safety***
- ***The prevention of public nuisance***
- ***The protection of children from harm***

### LICENSABLE ACTIVITIES

For a business to carry out any of the following activities, a premises licence is required. The licensable activities are defined as:

sale of alcohol by retail

supply of alcohol in club premises

provision of regulated entertainment

provision of late night refreshment 11pm - 5am

The penalties for carrying out a licensable activity without a licence or failure to comply with the conditions on a premises licence are severe:

**A MAXIMUM FINE OF £20,000  
AND/OR 6 MONTHS IMPRISONMENT**

Make yourself aware of the hours and any conditions on the premises licence

#### **Premises licence**

The licence required by a business to allow it to carry on any of the licensable activities listed above.

The premises licence will usually be held in the name of the owner of the business or the operator and can be a company or an individual person or persons.

#### **Personal licence**

The licence needed to be held by a person to allow that person to sell alcohol from premises that hold a premises licence (that allows the sale of alcohol) and to authorise others who do not hold personal licences to do so. There must be at least one personal licence holder at your site but there can be more than one.

#### **Designated premises supervisor**

Usually the person in day-to-day control of the premises named to the Licensing Authority as the person responsible for the sale of alcohol at the premises by the premises licence holder. A person must have a current personal licence to hold this position and there can only be one named DPS for each site.

#### **Understanding your duties with regard to the sale of alcohol**

The sale of alcohol is a licensable activity controlled by law and carrying penalties that reflect the important social responsibilities that apply to people who sell it.

These penalties only relate to those people who break the law, committing what is a criminal offence punishable by measures varying from a fixed penalty notice of £90 to a £20,000 fine and/or six months imprisonment and forfeiture of the premises licence.

When selling alcohol it is your responsibility to ensure that you carry out this action lawfully. Remember you can only sell alcohol when you have been authorised to do so and then only to customers who it is lawful for you to sell it to.

#### **Authorised sales**

Regardless of your age or training you are only legally allowed to sell alcohol when you have been authorised to do so by your DPS or another personal licence holder at the site. You will only receive this authorisation when you have demonstrated to the DPS that you understand your responsibilities and the law controlling these sales. You will have to be re-authorised on a regular basis and this would normally follow refresher training in the sale of alcohol.

**Do not sell alcohol unless you are sure that you have been authorised to do so.**

**Do not accept authorisation if you are unclear on the law and/or your responsibilities involved in these sales.**

## SALE OF ALCOHOL

**It is a criminal offence for any person to sell or supply alcohol to a person under the age of 18.**

## **THERE ARE NO EXCEPTIONS TO THIS**

It is an offence to sell alcohol to someone under 18.

It is an offence to deliver alcohol to someone under 18.

It is an offence for anyone under 18 to purchase or attempt to purchase alcohol.

It is an offence to obtain alcohol for someone under 18.

It is an offence to sell alcohol if you are under 18 unless you are authorised to do so and the individual sale is supervised by somebody over 18 who is also authorised by a Designated Premises Supervisor.

You must not sell alcohol to someone you believe to be buying for a person under 18 (proxy purchasing).

It is an offence to allow another person to sell alcohol to somebody under 18 where you could have prevented that sale.

Those who commit such offences could be fined up to £5000.

A fixed penalty notice of £90 may be applied to the person selling the alcohol.

The holder of the relevant premises licence may also have their licence reviewed which could result in the alcohol sales at the premises being suspended for up to three months or in serious cases removed permanently.

### **Our rules for the sale of alcohol**

In order to avoid under age sales and committing an offence we have twelve basic rules which must be obeyed at all times. These basic rules for the sale of alcohol are simple and straight forward and once a member of staff has been properly trained there can be no excuse for not obeying them at all times, please refer to Page 3.45 for Rules.



**SUMMARY OF AGE RELATED PRODUCTS TYPICALLY SOLD IN  
RETAIL STORES**

You must not sell liqueur confectionery (chocolates with alcohol inside) to a person under the age of 16.

Your site may have other age-restricted products that you must know about, including:

<b>AGE RESTRICTED PRODUCT</b>	<b>AGE RESTRICTION</b>
Alcohol products . . . . .	<b>18</b>
Cigarettes and tobacco products including from vending machines . . . . .	<b>18</b>
Since 1st October 2015 it is illegal for retailers to sell electronic cigarettes or tobacco vapour products to underage persons . . . . .	<b>18</b>
Fireworks . . . . .	<b>18</b>
Knives, blades and axes (not including folding knives with blades under 3 inches long) . . . . .	<b>18</b>
Glue, solvents and lighter fuels, Butane & refills	<b>18</b>
Liqueur Chocolates . . . . .	<b>16</b>
Lottery tickets and scratch cards . . . . .	<b>18</b>
Petrol/Diesel . . . . .	<b>16</b>
Adult Magazines . . . . .	<b>18</b>
Spray paints . . . . .	<b>16</b>
Video/DVD/Games . . . . .	<b>As shown on certificate e.g. 12, 15, 18</b>
Analgesics & medicines . . . . .	<b>Up to the discretion of the retailer</b>

Please speak to your supervisor about the products you have on sale at your site and the age restrictions that relate to them.

Weights & measures inspectors may also send under 18 test purchasers to attempt to purchase cigarettes, tobacco or tobacco products from any premises to check compliance with the law.

**Remember, you commit an offence  
if you sell age-related products  
to somebody who is under age.**



## MY 12 BASIC RULES FOR SELLING ALCOHOL

1. I can only be authorised to sell alcohol for the hours stated on our licence summary and once authorised will not do so outside of those hours.
2. Alcohol sales are only for consumption off the premises and I must be aware of customers actions at all times & not allow consumption on the premises.
3. I will not sell alcohol to anybody under the age of 18.
4. I will challenge anybody attempting to purchase alcohol who appears to be under the age of 21/25 (delete one) to prove that they are over 18 by producing acceptable proof of age.
5. I will only accept a Passport, a Photo Driving Licence or a PASS accredited card as proof of age such as the Citizen Card.
6. I will not sell alcohol to anybody who I believe is purchasing to supply somebody under the age of 18 (proxy selling).
7. I will not sell alcohol to anybody who I believe is, or appears to be drunk.
8. I will not sell alcohol to anybody who I believe is purchasing for somebody who is, or appears to be drunk.
9. If I am in any doubt at all on numbers 3, 6, 7 and 8 as written above I will refuse the sale.
10. I will record all incidents of refusals in the refusals book noting the date and time, plus a description of (and name of) the person (if known) together with a note of the product refused.
11. I will advise my supervisor of the refusal as soon as possible and certainly no later than the end of my shift.
12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times.

**Example of refusal log**

RB Retail & Licensing  
Services Limited

**REFUSAL LOG**

DATE: 12th July 2017	TIME: 17.02	PRODUCT: can of Boddingtons
Reason for refusal: <i>looked under 18, no ID with him and got aggressive</i>		
Description of person: <i>white male, 6'3", goatee beard, short blond hair, earring in both ears, blue jeans, black hoody.</i>		
Till Operator <i>Aaron Brown</i>	Manager <i>Geoffery James</i>	
Premise Supervisor <i>Geoffery James</i>	Area manager <i>w/a</i>	

DATE: 18th July 2017	TIME: 6.55 pm	PRODUCT: Bulmers Cider
Reason for refusal: <i>Girl looked under 21, not happy with ID shown as she would not give it to me</i>		
Description of person: <i>white, 5'7", long black gothic style hair, black vest top and black trousers, lots of tattoos and jewellery</i>		
Till Operator <i>Miranda Hastings</i>	Manager <i>Geoffery James</i>	
Premise Supervisor <i>Geoffery James</i>	Area manager <i>w/a</i>	

DATE:	TIME:	PRODUCT:
Reason for refusal:		
Description of person:		
Till Operator	Manager	
Premise Supervisor	Area manager	



## **SECTION IV (4): Due diligence records**

# IV.0 A: Alcohol procedure and law quiz

Name:	Date:
Site Address:	Site Name:
DPS Name:	Date test marked and number of questions answered incorrectly Date: ..... Answered incorrectly: .....

Please ring around the answer that you think MOST correct - there is only ONE correct answer

## INITIAL TRAINING 1

Staff signature: .....

#### IV.0 A Alcohol Procedure and Law quiz – Questions – When marking please use a tick or a cross

Please answer the following questions putting a ring around multiple choice answers:

- 1 Name the designated premises supervisor (DPS) for these premises  
.....
- 2 What are the hours you are allowed to sell alcohol from these premises?  
.....
- 3 Circle who from the list below who you must refuse to serve with alcohol
  - a someone who appears to be drunk
  - b someone who appears to be under 21 OR 25 (depending on the scheme adopted) without ID
  - c someone under 18
  - d someone purchasing for somebody else who is drunk
  - e someone purchasing for somebody who is under 18
  - f someone you do not know
- 4 Who has to authorise you to sell alcohol otherwise you are not allowed to do so ?  
.....
- 5 To sell alcohol a person must
  - A be aged over 21
  - b have more than two years experience
  - c be aged 18 or over and have been authorised by the DPS or another personal licence holder
  - d be trained to call for an authorised adult staff member to supervise each alcohol sale should the staff member serving be under 18 years old.
- 6 In conflict management situations there are three general types of Body Language – what are they?
  - a Suggestive, Assertive, Passionate
  - b Aggressive, Assertive, Pathetic
  - c Apathetic, Passionate, Helpful
  - d Aggressive, Assertive, Passive
  - e Strong, Helpful, Rude
  - f belligerent, thoughtful, kind
- 7 What is the meaning of Challenge 25?  
.....  
.....
- 8 Circle from the list below what you will accept as proof of age
  - a photographic ID card
  - b current passport
  - c birth certificate
  - d credit card
  - e photo driving licence
  - f student union photo ID
  - g pass accredited photo ID
  - h. provisional photo driving licence
- 9 If when a customer wishes to purchase alcohol, you are in any doubt about whether the customer is intoxicated, under age, the correct ID is being shown, or whether the adult person buying is doing so on behalf of someone who may fall within any of the previous three categories what two things must you do ?  
.....  
.....
10. Identify two ways to recognise a false driving licence card and/or identify a person holding a false/stolen driving licence card?  
.....

- 11 What is a proxy purchaser? And what two things should you do should such a customer appear to wish to buy an age related product?  
.....
- 12 list 3 other products sold at the premises that are age-related and require proof of age before a sale is completed?  
.....  
.....
- 13 What may happen to each of the following individuals if (a) you, (b) the DPS and the (c) premises licence should you sell alcohol to somebody who is under 18? Please mark your answers with (a) and then (b) and then (c) .....  
.....
- 14 Write down 2 key phrases you can use when refusing service to someone you think is underage.  
.....  
.....  
.....  
.....
- 15 Give two examples of a staff member exercising appropriate body language thereby demonstrating good control in a conflict management situation?  
.....  
.....  
.....
- 16 Give four examples of the visible signs that a person is intoxicated?  
.....  
.....  
.....  
.....  
.....

# IV.0 B: Alcohol procedure and law quiz

Site:	Site Address:
-------	---------------

## Master Answers

### INITIAL TRAINING 1

Staff signature: .....



**IV.0 B Alcohol Procedure and Law quiz - Questions – When marking please use a tick or a cross**

**Please answer the following questions putting a ring around multiple choice answers :**

1 Name the designated premises supervisor (DPS) for these premises

Name of the DPS on the premises licence.....

2 What are the hours you are allowed to sell alcohol from these premises?

Hours as listed on the premises licence summary and confirmed to you by the DPS.....

3 Circle who from the list below who you must refuse to serve with alcohol:

- a someone who appears to be drunk
- b someone who appears to be under 21 OR 25 (depending on the scheme adopted) without ID
- c someone under 18
- d someone purchasing for somebody else who is drunk
- e someone purchasing for somebody who is under 18
- f someone you do not know

a, b, c, d, e, are correct, f is not correct.....

4 Who has to authorise you to sell alcohol otherwise you are not allowed to do so ?

Name your DPS.....

5 To sell alcohol a person must

- a be aged over 21
- b have more than two years experience
- c be aged 18 or over and have been authorised by the DPS or another personal licence holder
- d be trained to call for an authorised adult staff member to supervise each alcohol sale should the staff member serving be under 18 years old.

c & d are correct, a & b are not correct.....

6 In conflict management situations there are three general types of Body Language – what are they?

- a Suggestive, Assertive, Passionate
- b Aggressive, Assertive, Pathetic
- c Apathetic, Passionate, Helpful
- d Aggressive, Assertive, Passive
- e Strong, Helpful, Rude
- f Belligerent, Thoughtful, Kind

d Aggressive, Assertive, Passive

7 What is the meaning of Challenge 25?

Alcohol cannot be served to somebody who looks under 21 or 25 (dependant on which scheme adopted) unless they can prove, by producing appropriate ID that they are over 18.

8 Circle from the list below what you will accept as proof of age :

- a photographic ID card
- b current passport
- c birth certificate
- d credit card
- e photo driving licence
- f student union photo ID
- g pass accredited photo ID
- h. provisional photo driving licence

b, e & g are correct, a, c, d, f & h are not correct.....

9 If when a customer wishes to purchase alcohol, you are in any doubt about whether the customer is intoxicated, under age, the correct ID is being shown, or whether the adult person buying is doing so on behalf of someone who may fall within any of the previous three categories what must you do ?

Refuse to serve alcohol and record the incident in the refusals book.....

10. Identify two ways to recognise a false driving licence card and/or identify a person holding a false/stolen driving licence card?

Does the picture area or signature strip areas of the card feel raised when you run your thumb over them, ask the cardholder for their date of birth and star sign at the same time quickly, ask for the post code on the cards address .....

- 11 What is a proxy purchaser? And what should you do should such a customer appear to wish to buy an age related product?

Any adult trying to buy age related goods on behalf of a person under 18 year or an intoxicated person is committing a criminal offence...and you must refuse to serve, marking the details in the refusal log.

- 12 List 2 other products sold at the premises that are age-related and require proof of age before a sale is completed?

Products sold may include Lottery tickets, all tobacco products, lighter fluid & butane, glues & solvents, adult magazines, DVD's (dependant on age classification) & videos, liquer confectionery, knives & blades, fireworks, petroleum spirit & derv and some pharmaceuticals.

- 13 What may happen to each of the following individuals if (a) you, (b) the DPS and the (c) premises licence should you sell alcohol to somebody who is under 18? Please mark your answers with (a) and then (b) and then (c)

(a) You will either receive an on the spot fine or face prosecution, you will also face disciplinary action, (b) the DPS and/or premises licence holder may be prosecuted and (c) the premises licence may be reviewed leading to either a suspension for up to 3 months or the licence can be revoked for permanently.

- 14 Write down 2 key phrases you can use when refusing service to someone you think is underage.

For example:

"I'm sorry, If I serve you I might be breaking the law" or

"We have a policy of – no proof of age, no sale" or

"Our company policy is not to sell these products to young people"

"If I break the law I will lose my job"

"I wish I still looked as young as you but I cannot serve you without the correct ID – Sorry"

Or some-thing that works for you

- 15 Give two examples of a staff member exercising appropriate body language thereby demonstrating good control in a conflict management situation?

For example

Good, regular eye contact – not staring or avoiding eye contact

Relaxed posture, open hands – not pointing or aimless/still

Upright straight – not slumped over the till, cringing or leaning forward

Well modulated voice – not loud or too soft/hesitant

Expression fits the words – not smiling or face like granite

- 16 Give four examples of the visible signs that a person is intoxicated?

For example:

Slurred/rambling speech

Aggressive behaviour

Dishevelled appearance

Examples of uncoordinated movement. Swaying and staggering

Smells of alcohol

Offensive language

Etc Etc

# IV.1 A: Alcohol procedure and law quiz

Name:	Date:
Site Address:	Site Name:
DPS Name:	Date test marked and number of questions answered incorrectly Date: ..... Answered incorrectly: .....

Please ring around the answer that you think MOST correct - there is only ONE correct answer

## INITIAL TRAINING 2

Staff signature: .....

**IV.I A**

**Alcohol Procedure and Law quiz - Questions**

Please answer the following questions putting a ring around multiple choice answers:

1 Name the designated premises supervisor (DPS) for these premises

.....

2 What are the hours you are allowed to sell alcohol from these premises?

.....

3 Circle who from the list below who you must refuse to serve with alcohol

a someone who appears to be drunk

b someone who appears to be under 21 OR 25 (depending on the scheme adopted) without ID

c someone under 18

d someone purchasing for somebody else who is drunk

e someone purchasing for somebody who is under 18

f someone you do not know

4 Who has to authorise you to sell alcohol otherwise you are not allowed to do so ?

.....

5 To sell alcohol a person must

A be aged over 21

b have more than two years experience

c be aged 18 or over and have been authorised by the DPS or another personal licence holder

d be trained to call for an authorised adult staff member to supervise each alcohol sale should the staff member serving be under 18 years old.

6 What is the meaning of challenge 21 or Challenge 25 (dependant upon the scheme adopted)?

.....

.....

7 Circle from the list below what you will accept as proof of age

a photographic ID card

b current passport

c birth certificate

d credit card

e photo driving licence

f student union photo ID

g pass accredited photo ID

8 If you are in any doubt what must you do ?

.....

.....

9 Where must you record details of any refusals ?

.....

10 Who must you tell about the refusal and when ?

.....

11 What other products sold at the site are age-related and require proof of age before a sale is completed?

.....

.....

12 What may happen if you sell alcohol to somebody who is under 18 ?

.....

.....

# IV.1 B: Alcohol procedure and law quiz

Site:	Site Address:
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## Master Answers

### INITIAL TRAINING 2

Staff signature: .....



## IV.IB

## Alcohol Procedure and Law quiz - **Answers**

Please answer the following questions putting a ring around multiple choice answers:

1 Name the designated premises supervisor (DPS) for these premises

**Name of the DPS on the premise licence.....**

2 What are the hours you are allowed to sell alcohol from these premises?

**Hours as listed on the premise licence summary and confirmed to you by the DPS.....**

3 Circle who from the list below who you must refuse to serve with alcohol:

a someone who appears to be drunk

b someone who appears to be under 21 OR 25 (depending on the scheme adopted) without ID

c someone under 18

d someone purchasing for somebody else who is drunk

e someone purchasing for somebody who is under 18

f someone you do not know

**a, b, c, d, e, are correct, f is not correct.....**

4 Who has to authorise you to sell alcohol otherwise you are not allowed to do so ?

**Name your DPS or another Personal Licence Holder working at the premise.....**

5 To sell alcohol a person must

A be aged over 21

b have more than two years experience

c be aged 18 or over and have been authorised by the DPS or another personal licence holder

d be trained to call for an authorised adult staff member to supervise each alcohol sale should the staff member serving be under 18 years old.

**c & d are correct, a & b are not correct.....**

6 What is the meaning of challenge 21 or challenge 25?

**Alcohol cannot be served to somebody who looks under 21 or 25 (dependant on which scheme adopted) unless they can prove, by producing appropriate ID that they are over 18.**

7 Circle from the list below what you will accept as proof of age:

a photographic ID card

b current passport

c birth certificate

d credit card

e photo driving licence

f student union photo ID

g pass accredited photo ID

**b, e & g are correct, a, c, e, & f are not correct.....**

8 If you are in any doubt what must you do ?

**Refuse to serve alcohol and record the incident in the refusals book.....**

9 Where must you record details of any refusals ?

**Fully complete an entry in the refusal book.....**

10 Who must you tell about the refusal and when ?

**My manager or shift supervisor before the end of my shift.....**

11 What other products sold at the site are age-related and require proof of age before a sale is completed?

**Products sold may include Lottery tickets, all tobacco products, lighter fluid & butane, glues & solvents, adult magazines, DVD's (dependant on age classification) & videos, liquer confectionery, knives & blades, fireworks, petroleum spirit & derv and some pharmaceuticals.**

12 What may happen if you sell alcohol to somebody who is under 18 ?

**You will either receive an on the spot fine or face prosecution, you will also face disciplinary action, the DPS and/or premise licence holder may be prosecuted and the premise licence may be reviewed.**

# IV.11 A: Alcohol procedure and law quiz



Name:	Date:
Site Address:	Site Name:
DPS Name:	Date test marked and number of questions answered incorrectly Date: ..... Answered incorrectly: .....

Please ring around the answer that you think MOST correct - there is only ONE correct answer

## REFRESHER TRAINING 1

Staff signature: .....

## IV.II A Alcohol Procedure and Law quiz – Questions. Page 1 of 2

Please answer the following questions putting a ring around multiple choice answers:

1. To sell alcohol by retail a person must:
  - a. Be aged over 21 years of age.
  - b. Have more than two years experience in the licensed trade.
  - c. Have been authorised to do so by the premise DPS or another personal licence holder at the site.
  - d. Be aged over 15 years of age.
  
2. What are the hours you are allowed to sell alcohol from your premises?
  - a. Whenever the premises are open.
  - b. The hours specified on the premise licence.
  - c. Permitted hours as specified in the Licensing Act 2003.
  - d. Hours as requested by your customers.
  
3. The licensing Act 2003 covers;
  - a. England
  - b. United Kingdom
  - c. England & Wales
  - d. Scotland
  
4. Which of the following is one of the licensing objectives?
  - a. Protecting children from harm.
  - b. Promoting a family friendly environment.
  - c. Ensuring quality of service to customers.
  - d. Ensuring correct food hygiene standards are maintained.
  
5. 'Challenge 21' or 'Challenge 25' (dependant on scheme adopted) means
  - a. You may only sell alcohol to someone who is over 21 or 25 years of age (scheme dependant).
  - b. If someone looks under 21 or 25 they must be accompanied by an adult.
  - c. If someone looks under 21 or 25 they must be accompanied by a vicar.
  - d. If someone looks under 21 or 25 they must prove they are over 18 years of age.
  
6. Which of the following would you accept as proof of age?
  - a. Student Union photo ID.
  - b. Credit card.
  - c. 'PASS' accredited card.
  - d. Birth certificate.
  
7. If you are in any doubt regarding the validity of a persons ID you should:
  - a. Refuse the sale.
  - b. Refer to the DPS.
  - c. Ask the customer to sign confirming they are over 18 years of age.
  - d. Give the customer the benefit of the doubt.
  
8. Which of the following products is not an age related product requiring proof of age?
  - a. Alcohol.
  - b. Fireworks.
  - c. Cigarettes & tobacco.
  - d. Cough Sweets.
  
9. What may happen if you sell alcohol to someone under 18 years of age?
  - a. For the first offence you would only receive a caution.
  - b. You may receive a fixed penalty or a potential fine of up to £5000.
  - c. You will receive a written warning in line with your company`s discipline policy & procedure.
  - d. You may receive a fixed penalty of up to £200.
  
10. What must you do when you refuse the sale of an age related product?
  - a. Record the details in the refusals book and inform your manager at the earliest opportunity.
  - b. Inform another member of the staff.
  - c. Write the customers details on a sign and place in a prominent position.
  - d. Take no action if you believe this to be the individual`s first offence.



## IV.II A Page 2 of 2

11. Under what circumstances can customers consume alcohol within premises where only alcohol can be sold for consumption off the premises.
  - a. When they are over 18.
  - b. Not allowed under any circumstances.
  - c. When they are over 21 or 25.
  - d. At the discretion of the staff.
  
12. What should you do if you think an adult is purchasing alcohol for underage persons?
  - a. Nothing
  - b. Ask the DPS.
  - c. Refuse service.
  - d. Offer them other products.
  
13. It is an offence to sell alcohol to:
  - a. Anyone riding a bicycle.
  - b. Anyone who is drunk or appears to be drunk.
  - c. HM revenue customs officer.
  - d. Weights and measures Inspectors (Trading Standards).
  
14. It is an offence under the licensing Act 2003 to:
  - a. Allow disorderly conduct on licensed premises.
  - b. Discount alcoholic drinks.
  - c. Serve alcohol to a known prostitute.
  - d. Serve refreshments to a uniformed police officer
  
15. Who are empowered to send persons aged under 18 into licensed premises to attempt to buy alcohol?
  - a. HM revenue & customs.
  - b. Food Hygiene inspectors.
  - c. Police and Weights & Measures inspectors (Trading Standards).
  - d. Social workers.
  
16. Which of the following would you NOT accept as potential proof of age?
  - a. Photo driving licence.
  - b. Birth Certificate.
  - c. 'PASS' accredited photo ID.
  - d. Passport.
  
17. Which of the following is an age related product requiring appropriate proof of age?
  - a. Fresh meat.
  - b. Light Fuel.
  - c. Phone cards.
  - d. Drinks with less than 0.05% abv.
  
18. Under what circumstances would premises require a DPS?
  - a. Where the premises is licensed for entertainment only.
  - b. Where the premises licence includes the sale of alcohol by retail.
  - c. Where the premises are licensed to sell alcohol for consumption on the premises only.
  - d. Where the premises are licensed to sell alcohol for consumption away from the premises only
  
19. Which of the following is a licensable activity?
  - a. Provision of late night refreshment between 11pm and 5am.
  - b. The retail sale of newspapers.
  - c. The sale of tobacco products.
  - d. The provision of hot food between 12.00 and 14.00 hours.
  
20. Which of the following statements is correct?
  - a. You must not sell alcohol to a companion of a drunken person for the drunken person's consumption.
  - b. You must not sell alcohol to a traffic warden.
  - c. You must not sell alcohol to a driver.
  - d. You must not sell alcohol to a local councillor.

# IV.II B: **Alcohol procedure and law quiz**

Site:	Site Address:
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## **Master Answers**

### **REFRESHER TRAINING 1**

Staff signature: .....



## IV.II B Alcohol Procedure and Law quiz – Answers. Page 1 of 2

Please answer the following questions putting a ring around multiple choice answers:

1. To sell alcohol by retail a person must:
  - a. Be aged over 21 years of age.
  - b. Have more than two years experience in the licensed trade.
  - c. **Have been authorised to do so by the premise DPS or another personal licence holder at the site.**
  - d. Be aged over 15 years of age.
  
2. What are the hours you are allowed to sell alcohol from your premises?
  - a. Whenever the premises are open.
  - b. **The hours specified on the premise licence.**
  - c. Permitted hours as specified in the Licensing Act 2003.
  - d. Hours as requested by your customers.
  
3. The licensing Act 2003 covers;
  - a. England
  - b. United Kingdom
  - c. **England & Wales**
  - d. Scotland
  
4. Which of the following is one of the licensing objectives?
  - a. **Protecting children from harm.**
  - b. Promoting a family friendly environment.
  - c. Ensuring quality of service to customers.
  - d. Ensuring correct food hygiene standards are maintained.
  
5. 'Challenge 21' or 'Challenge 25' (dependant on scheme adopted) means
  - a. You may only sell alcohol to someone who is over 21 or 25 years of age (scheme dependant).
  - b. If someone looks under 21 or 25 they must be accompanied by an adult.
  - c. If someone looks under 21 or 25 they must be accompanied by a vicar.
  - d. **If someone looks under 21 or 25 they must prove they are over 18 years of age.**
  
6. Which of the following would you accept as proof of age?
  - a. Student Union photo ID.
  - b. Credit card.
  - c. **'PASS' accredited card.**
  - d. Birth certificate.
  
7. If you are in any doubt regarding the validity of a persons ID you should:
  - a. **Refuse the sale.**
  - b. Refer to the DPS.
  - c. Ask the customer to sign confirming they are over 18 years of age.
  - d. Give the customer the benefit of the doubt.
  
8. Which of the following products is not an age related product requiring proof of age?
  - a. Alcohol.
  - b. Fireworks.
  - c. Cigarettes & tobacco.
  - d. **Cough Sweets.**
  
9. What may happen if you sell alcohol to someone under 18 years of age?
  - a. For the first offence you would only receive a caution.
  - b. **You may receive a fixed penalty or a potential fine of up to £5000.**
  - c. You will receive a written warning in line with your company's discipline policy & procedure.
  - d. You may receive a fixed penalty of up to £200.
  
10. What must you do when you refuse the sale of an age related product?
  - a. **Record the details in the refusals book and inform your manager at the earliest opportunity.**
  - b. Inform another member of the staff.
  - c. Write the customers details on a sign and place in a prominent position.
  - d. Take no action if you believe this to be the individual's first offence.

## IV.II B Page 2 of 2

11. Under what circumstances can customers consume alcohol within premises where only alcohol can be sold for consumption off the premises.
  - a. When they are over 18.
  - b. **Not allowed under any circumstances.**
  - c. When they are over 21 or 25.
  - d. At the discretion of the staff.
  
12. What should you do if you think an adult is purchasing alcohol for underage persons?
  - a. Nothing
  - b. Ask the DPS.
  - c. **Refuse service.**
  - d. Offer them other products.
  
13. It is an offence to sell alcohol to:
  - a. Anyone riding a bicycle.
  - b. **Anyone who is drunk or appears to be drunk.**
  - c. HM revenue customs officer.
  - d. Weights and measures Inspectors (Trading Standards).
  
14. It is an offence under the licensing Act 2003 to:
  - a. **Allow disorderly conduct on licensed premises.**
  - b. Discount alcoholic drinks.
  - c. Serve alcohol to a known prostitute.
  - d. Serve refreshments to a uniformed police officer
  
15. Who are empowered to send persons aged under 18 into licensed premises to attempt to buy alcohol?
  - a. HM revenue & customs.
  - b. Food Hygiene inspectors.
  - c. **Police and Weights & Measures inspectors (Trading Standards).**
  - d. Social workers.
  
16. Which of the following would you NOT accept as potential proof of age?
  - a. Photo driving licence.
  - b. **Birth Certificate.**
  - c. 'PASS' accredited photo ID.
  - d. Passport.
  
17. Which of the following is an age related product requiring appropriate proof of age?
  - a. Fresh meat.
  - b. **Lighter Fuel.**
  - c. Phone cards.
  - d. Drinks with less than 0.05% abv.
  
18. Under what circumstances would premises require a DPS?
  - a. Where the premises is licensed for entertainment only.
  - b. **Where the premises licence includes the sale of alcohol by retail.**
  - c. Where the premises are licensed to sell alcohol for consumption on the premises only.
  - d. Where the premises are licensed to sell alcohol for consumption away from the premises only
  
19. Which of the following is a licensable activity?
  - a. **Provision of late night refreshment between 11pm and 5am.**
  - b. The retail sale of newspapers.
  - c. The sale of tobacco products.
  - d. The provision of hot food between 12.00 and 14.00 hours.
  
20. Which of the following statements is correct?
  - a. **You must not sell alcohol to a companion of a drunken person for the drunken person's consumption.**
  - b. You must not sell alcohol to a traffic warden.
  - c. You must not sell alcohol to a driver.
  - d. You must not sell alcohol to a local councillor.

# IV.III A: Alcohol procedure and law quiz

Name:	Date:
Site Address:	Site Name:
DPS Name:	Date test marked and number of questions answered incorrectly Date: ..... Answered incorrectly: .....

Please ring around the answer that you think MOST correct - there is only ONE correct answer

## REFRESHER TRAINING 2

Staff signature: .....



#### IV.III A Alcohol Procedure and Law quiz – Questions. Page 1 of 2

Please answer the following questions putting a ring around multiple choice answers:

1. Where is part A of the premises licence for the premises kept?
  - a. At home.
  - b. At the magistrate`s Court.
  - c. Looked after by the DPS /keeper of the licence.
  - d. Under the counter.
  
2. What are the hours you are allowed to sell alcohol from your premises?
  - a. Whenever the premises are open.
  - b. The hours specified on the premise licence.
  - c. Permitted hours as specified in the Licensing Act 2003.
  - d. Hours as requested by your customers.
  
3. Where is part B (the Summary) of the Premises licence for the premises kept?
  - a. In the office (looked after by the DPS).
  - b. Under the counter.
  - c. On display so that it can be easily read by members of the public.
  - d. At home.
  
4. What is a DPS (designated premise supervisor)?
  - a. A personal licence holder who is nominated to be responsible for the sale of alcohol from the premises.
  - b. The owner of the premises.
  - c. A council employee.
  - d. A magistrate.
  
5. Who MUST you refuse the sale of alcohol to?
  - a. Someone who is under 21 or 25 (dependant on scheme adopted).
  - b. Someone who appears to be drunk.
  - c. A policeman.
  - d. A driver.
  
6. Who may enter the premises to check that the premises are complying with the licensing Act 2003?
  - a. A magistrate.
  - b. An authorised officer from the council.
  - c. A door supervisor.
  - d. A traffic warden.
  
7. How old does someone who is unknown to you have to look without you first needing to check their ID?
  - a. 20.
  - b. 16.
  - c. Over 25
  - d. 18.
  
8. Who can legally send in underage people to try and buy alcohol from your premises?
  - a. The Courts.
  - b. Social workers.
  - c. Police and Weights & Measures Inspectors (Trading Standards).
  - d. Member of Parliament.
  
9. If someone appears to be 20 or 24 years of age (dependant on scheme adopted) can you serve them with alcohol?
  - a. Yes.
  - b. Only if they are unaccompanied.
  - c. Only if they can produce acceptable proof of age ID which shows them to be of legal age.
  - d. Only if they are accompanied by an older adult.
  
10. What must you do when you refuse the sale of an age related product?
  - a. Record the details in the refusals book and inform your manager at the earliest opportunity.
  - b. Inform another member of the staff.
  - c. Write the customers details on a sign and place in a prominent position.
  - d. Take no action if you believe this to be the individual`s first offence.

#### IV.III A Page 2 of 2

11. If you don't hold a personal licence can you sell alcohol?
  - a. If the customer is happy for you to do so.
  - b. If the premises requires you do to so.
  - c. Only if trained and authorised by a Personal Licence Holder.
  - d. At the discretion of the other staff.
  
12. To be classified as 'alcohol free' a drink must contain no more than?
  - a. 1.2% abv.
  - b. 0.5% abv.
  - c. 0.8% abv.
  - d. 0.055 abv.

# IV.III B: **Alcohol procedure and law quiz**

Site Name:	Site Address:
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## **Master Answers**

### **REFRESHER TRAINING 2**

Staff signature: .....



#### IV.III B Alcohol Procedure and Law quiz – Answers. Page 1 of 2

Please answer the following questions putting a ring around multiple choice answers:

1. Where is part A of the premise licence for the premises kept?
  - a. At home.
  - b. At the magistrate`s Court.
  - c. **Looked after by the DPS /keeper of the licence.**
  - d. Under the counter.
  
2. What are the hours you are allowed to sell alcohol from your premises?
  - a. Whenever the premises are open.
  - b. **The hours specified on the premise licence.**
  - c. Permitted hours as specified in the Licensing Act 2003.
  - d. Hours as requested by your customers.
  
3. Where is part B (the Summary) of the Premises licence for the premises kept?
  - a. In the office (looked after by the DPS).
  - b. Under the counter.
  - c. **On display so that it can be easily read by members of the public.**
  - d. At home.
  
4. What is a DPS (designated premise supervisor)?
  - a. **A personal licence holder who is nominated to be responsible for the sale of alcohol from the premises.**
  - b. The owner of the premises.
  - c. A council employee.
  - d. A magistrate.
  
5. Who MUST you refuse the sale of alcohol to?
  - a. Someone who is under 21 or 25 (dependant on scheme adopted).
  - b. **Someone who appears to be drunk.**
  - c. A policeman.
  - d. A driver.
  
6. Who may enter the premises to check that the premises are complying with the licensing Act 2003?
  - a. A magistrate.
  - b. **An authorised officer from the council.**
  - c. A door supervisor.
  - d. A traffic warden.
  
7. How old does someone who is unknown to you have to look without you first needing to check their ID?
  - a. 20.
  - b. 16.
  - c. **Over 25**
  - d. 18
  
8. Who can legally send in underage people to try and buy alcohol from your premises?
  - a. The Courts.
  - b. Social workers.
  - c. **Police and Weights & Measures Inspectors (Trading Standards).**
  - d. Member of Parliament.
  
9. If someone appears to be 20 or 24 years of age (dependant on scheme adopted) can you serve them with alcohol?
  - a. Yes.
  - b. Only if they are unaccompanied.
  - c. **Only if they can produce acceptable proof of age ID which shows them to be of legal age.**
  - d. Only if they are accompanied by an older adult.
  
10. What must you do when you refuse the sale of an age related product?
  - a. **Record the details in the refusals book and inform your manager at the earliest opportunity.**
  - b. Inform another member of the staff.
  - c. Write the customers details on a sign and place in a prominent position.
  - d. Take no action if you believe this to be the individual's first offence.

#### IV.III B Page 2 of 2

11. If you don't hold a personal licence can you sell alcohol?
- If the customer is happy for you to do so.
  - If the premises requires you do to so.
  - Only if trained and authorised by a Personal Licence Holder.
  - At the discretion of the other staff.
12. To be classified as 'alcohol free' a drink must contain no more than?
- 1.2% abv.
  - 0.5% abv.
  - 0.8% abv.
  - 0.05% abv.

# IV.IV A: Alcohol procedure and law quiz



Name:	Date:
Site Address:	Site Name:
DPS Name:	Date test marked and number of questions answered incorrectly Date: ..... Answered incorrectly: .....

Please ring around the answer that you think MOST correct - there is only ONE correct answer

## REFRESHER TRAINING 3

Staff signature: .....

#### IV.IV A Alcohol Procedure and Law quiz – Questions. Page 1 of 2

Please answer the following questions putting a ring around multiple choice answers:

1. What is a DPS (designated premise supervisor)?
  - a. A personal licence holder who is nominated to be responsible for the sale of alcohol from the premises.
  - b. The owner of the premises.
  - c. A council employee.
  - d. A magistrate.
2. To sell alcohol a person must be:
  - a. a aged over 21.
  - b. Have been more than two years experience.
  - c. Have been authorised by the DPS or another Personal Licence Holder.
  - d. Aged over 18 unless each sale authorised by a personal licence holder.
3. What are the hours you are allowed to sell alcohol from your premises?
  - a. Whenever the premises are open.
  - b. The hours specified on the premise licence.
  - c. Permitted hours as specified in the Licensing Act 2003.
  - d. Hours as requested by your customers.
4. Where is Part B (the Summary) of the Premise Licence for the premises kept.
  - a. In the office (looked after by the DPS).
  - b. Under the counter.
  - c. On display so that it can be easily read by members of the public
  - d. At home.
5. How old does someone have to be to purchase alcohol?
  - a. 20
  - b. 16
  - c. 21 or 25 (dependent upon the scheme adopted).
  - d. 18
6. If someone appears to be 20 years of age can you serve them with alcohol?
  - a. Yes.
  - b. Only if they are unaccompanied.
  - c. Only if they can produce accepted proof of age ID which proves their age.
  - d. Only if they are accompanied by an older adult.
7. 'Challenge 21' or 'Challenge 25' (dependant on the scheme adopted) means?
  - a. You may only sell alcohol to someone who is over 21 years of age.
  - b. If someone looks under 21 they must be accompanied by an adult.
  - c. If someone looks under 21 they must be accompanied by the local vicar.
  - d. If someone looks under 21 they must prove they are over 18 years of age.
8. If you are in any doubt regarding the validity of a persons ID you should:
  - a. Refuse the sale.
  - b. Refer to the DPS.
  - c. Ask the customer to sign confirming they are over 18 years of age.
  - d. Give the customer the benefit of the doubt.
9. What must you do when you refuse the sale of an age related product?
  - a. Record the details in the refusals book and inform your manager straight away.
  - b. Inform another member of staff.
  - c. Write the customers details on a sign and place in a prominent position.
  - d. Take no action if you believe this to be the individual's first offence.
10. What should you do if you think an adult is purchasing alcohol for underage persons?
  - a. Nothing.
  - b. Ask the DPS.
  - c. Refuse the sale and record the incident in the refusal book.
  - d. Offer them other products.

- 11. If you do not hold a Personal Licence can you sell alcohol?
  - a. If the customer is happy for you to do so.
  - b. If the premises require you to do so.
  - c. Only if trained and authorised by a Personal Licence Holder who may be the DPS.
  - d. At the discretion of the other staff.

12. Name the designated Premises supervisor (DPS) for these premises.

- a. ....

# IV.IV B: Alcohol procedure and law quiz

Site Address:	Site Name:

## Master Answers

### REFRESHER TRAINING 3

Staff signature: .....



#### IV.IV B Alcohol Procedure and Law quiz – Answers. Page 1 of 2

Please answer the following questions putting a ring around multiple choice answers:

1. What is a DPS (designated premise supervisor)?
  - a. A personal licence holder who is nominated to be responsible for the sale of alcohol from the premises.
  - b. The owner of the premises.
  - c. A council employee.
  - d. A magistrate.
2. To sell alcohol a person must be:
  - a. a aged over 21.
  - b. Have been more than two years experience.
  - c. Have been authorised by the DPS or another Personal Licence Holder.
  - d. Aged over 18 unless each sale authorised by a personal licence holder.
3. What are the hours you are allowed to sell alcohol from your premises?
  - a. Whenever the premises are open.
  - b. The hours specified on the premise licence.
  - c. Permitted hours as specified in the Licensing Act 2003.
  - d. Hours as requested by your customers.
4. Where is Part B (the Summary) of the Premise Licence for the premises kept.
  - a. In the office (looked after by the DPS).
  - b. Under the counter.
  - c. On display so that it can be easily read by members of the public.
  - d. At home.
5. How old does someone have to be to purchase alcohol?
  - a. 20.
  - b. 16.
  - c. 21 or 25 (dependent upon the scheme adopted).
  - d. 18.
6. If someone appears to be 20 years of age can you serve them with alcohol?
  - a. Yes.
  - b. Only if they are unaccompanied.
  - c. Only if they can produce acceptable proof of age ID which proves their age.
  - d. Only if they are accompanied by an older adult.
7. 'Challenge 21' or 'Challenge 25' (dependant on the scheme adopted) means?
  - a. You may only sell alcohol to someone who is over 21 years of age.
  - b. If someone looks under 21 they must be accompanied by an adult.
  - c. If someone looks under 21 they must be accompanied by the local vicar.
  - d. If someone looks under 21 they must prove they are over 18 years of age.
8. If you are in any doubt regarding the validity of a persons ID you should:
  - a. Refuse the sale.
  - b. Refer to the DPS.
  - c. Ask the customer to sign confirming they are over 18 years of age.
  - d. Give the customer the benefit of the doubt.
9. What must you do when you refuse the sale of an age related product?
  - a. Record the details in the refusals book and inform your manager straight away.
  - b. Inform another member of staff.
  - c. Write the customers details on a sign and place in a prominent position.
  - d. Take no action if you believe this to be the individual's first offence.
10. What should you do if you think an adult is purchasing alcohol for underage persons?
  - a. Nothing.
  - b. Ask the DPS.
  - c. Refuse the sale and record the incident in the refusal book.
  - d. Offer them other products.

- 11. If you do not hold a Personal Licence can you sell alcohol?
  - a. If the customer is happy for you to do so.
  - b. If the premises require you to do so.
  - c. Only if trained and authorised by a Personal Licence Holder who may be the DPS.
  - d. At the discretion of the other staff.
  
- 12. Name the designated Premise supervisor (DPS) for these premises.
  - a. DPS name is.....



## IV.v TRAINING STATEMENT

Premises name:

Premises address:

### **TRAINING STATEMENT**

I am over 18 years of age and confirm that I have been trained in the sale of alcohol and alcohol products. I am fully conversant with my obligations in the sale of these products and the penalties that will apply if I serve a customer illegally. These range from a fixed penalty notice of £90 to a criminal conviction with a fine of up to £20,000 and/or 6 months imprisonment.

#### **I warrant that:**

1. Once authorised I can only sell alcohol during the hours specified on our Licence Summary as displayed on the premises.
2. Alcohol sales are only allowed for consumption off the premises and I will not allow consumption on the premises.
3. I will not sell alcohol to anybody under the age of 18.
4. I will challenge anybody attempting to purchase alcohol who appears to be under the age of 21/25 (delete one) to prove that they are over 18 by producing acceptable proof of age.
5. I will only accept a Passport, a Photo Driving Licence or a PASS accredited card as proof of age such as the Citizen card.
6. I will not sell alcohol to an adult who I believe is purchasing to supply somebody under the age of 18 (proxy selling).
7. I will not sell alcohol to an adult who is, or appears to be drunk.
8. I will not sell sell alcohol to anybody who I believe is purchasing for somebody who is, or appears to be drunk.
9. If I am in any doubt at all regarding numbers 3, 6, 7 and 8 as written above I will refuse to make the sale.
10. I will record all incidents of refusals in the refusals book noting the date and time, plus a description of and name of the person if known together with a note of the product refused.
11. I will advise my supervisor of the refusal as soon as possible and certainly no later than at the end of my shift.
12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times.

Staff Name (print):

Signature:

DPS Name (print):

Signature:

Date:

**Two copies to be signed - one for the staff member and one to be filed in the premises manual in each staff members training file in Section 7**



**IV.VI AUTHORISATION TO SELL ALCOHOL**

***Licensing Act 2003***

**Site Name & Number:**

**Site Address:**

***Authorisation for Staff to sell Alcohol***

As the Designated Premises Supervisor (DPS) I confirm that the following staff have been fully trained in the sale of alcohol and alcohol products and that in my opinion they have demonstrated their understanding of the legal requirements relating to these sales.

(Initial training level is indicated by the initials IT and refresher training by the initial R).

I therefore authorise by delegated authority the following staff to sell alcohol from these premises known as: .....

<b>Staff Name (print)</b>	<b>Staff Signature</b>	<b>DPS Signature</b>	<b>Training level</b>	<b>Date</b>

**PLEASE NOTE THAT REFRESHER TRAINING IS TO BE CARRIED OUT AT LEAST EVERY 12 MONTHS FOR EACH STAFF MEMBER**

**IV.vii DPS CHECKLIST SUMMARY**



<b>ANNUAL DPS REFRESHER TRAINING PLANNER</b>		
Year: .....	Staff member planned to receive refresher training	DPS Initials
JANUARY		
FEBRUARY		
MARCH		
APRIL		
MAY		
JUNE		
JULY		
AUGUST		
SEPTEMBER		
OCTOBER		
NOVEMBER		
DECEMBER		

**IV.VIII**

**Licensing Act 2003  
DPS Premises Licence Monthly Checklist**

**Site Name:**.....

**Site No:**.....**Total No of Staff:**.....

Licensable Activities authorised by the premises licence:

Sale of Alcohol by Retail

Late Night Refreshment

Regulated Entertainment

Are there any specific conditions listed on the premises licence \* yes/no

Are all staff aware of these conditions and are they being adhered to yes/no

Do the site's **opening** hours match the hours listed on the licence yes/no

Do the site's **alcohol** trading hours match those listed on the licence yes/no

Does the DPS named on the licence still work at the site yes/no

Does the site sell hot food/hot drinks between 11pm & 5am \* yes/no

Is Late Night Refreshment approved on the licence for these hours yes/no

Does the site have any Regulated Entertainment \* yes/no  
*(background music and live radio do not count as regulated entertainment)*

Is Part B summary of the premises licence prominently on display yes/no  
*(ie. behind the counter)*

Is the letter showing the nominated keeper of the licence on display yes/no  
*(ie. behind the counter)*

Is Part A the main part of the premises licence available for inspection yes/no

Where is it kept?.....



*continued from page one*

Is all Challenge 21 material clearly on display yes/no

Please list all Personal Licence Holders working at the site including yourself and note the licence numbers and expiry date

.....  
.....  
.....

Have all cashiers been issued with "your guide to selling alcohol" yes/no

Have all cashiers taken the "alcohol sales questionnaire" yes/no

Have all cashiers signed a "training statement" yes/no

Have all cashiers signed the "authorisation for staff to sell alcohol" yes/no

Have you signed the "authorisation for staff to sell alcohol" yes/no

Does each cashier have complete records maintained for the above yes/no

When was refresher training last carried out .....

How many staff have had refresher training .....

When was the refusals book last used and by whom .....

Is it being countersigned by you AND the area manager yes/no

*continued on third page*



*continued from page two*

- Are you named on the premises licence as the DPS yes/no
- Are your name/address details current & correctly listed on this licence yes/no
- Do all staff use Challenge 21 / Challenge 25 at all times (delete one) yes/no
- Do you have your personal licence with you during working hours yes/no
- Do all other personal licence holders have their licences with them too yes/no
- Are their name/address details current & correctly listed on their licence yes/no

**Signed:**.....**Date:**.....

**Print Name:**.....

**IF YOU HAVE ANSWERED NO TO ANY  
QUESTION APART FROM ONES  
MARKED BY \* THEN YOU MUST  
CONTACT YOUR LINE MANAGER  
IMMEDIATELY**





#### **IV.X Nominated keeper of the premises licence**

Date

**Premises Address:**

#### **Re: Nominated Keeper of the Premises Licence**

With reference to the premises licence for this site, I/We, Any Company Ltd, nominate the Designated Premises Supervisor/Manager for these premises to be the keeper of the licence.

Signed:

Print Name:

Position:

Company Name:



**IV.XI**

# **REFUSALS BOOK**

*- for -*

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....



**RB Retail & Licensing**  
**Services Limited**

DATE:	TIME:	PRODUCT:
Reason for refusal:		
Description of person:		
Till Operator:		Manager:
Premise Supervisor:	Area Manager:	

DATE:	TIME:	PRODUCT:
Reason for refusal:		
Description of person:		
Till Operator:		Manager:
Premise Supervisor:	Area Manager:	

DATE:	TIME:	PRODUCT:
Reason for refusal:		
Description of person:		
Till Operator:		Manager:
Premise Supervisor:	Area Manager:	

DATE:	TIME:	PRODUCT:
Reason for refusal:		
Description of person:		
Till Operator:		Manager:
Premise Supervisor:	Area Manager:	

## **IV.XII: Staff training pamphlet**



## **IV.XIII: Designated premises supervisor consent form (DPS)**



**Consent of individual to being specified as premises supervisor**

I \_\_\_\_\_  
*[full name of prospective premises supervisor]*

of

\_\_\_\_\_ *[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

\_\_\_\_\_ *[type of application]*

by

\_\_\_\_\_ *[name of applicant]*

relating to a premises licence \_\_\_\_\_  
*[number of existing licence, if any]*

for

\_\_\_\_\_ *[name and address of premises to which the application relates]*

**Consent of individual to being specified as premises supervisor**

I .....  
*[full name of prospective premises supervisor]*

of

.....  
*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

.....  
*[type of application]*

by

.....  
*[name of applicant]*

relating to a premises licence .....  
*[number of existing licence, if any]*

for

.....  
*[name and address of premises to which the application relates]*

## **SECTION V (5) : Product Knowledge**



## V.1 PRODUCT KNOWLEDGE

Please copy this section leaving a copy at the point of sale to support your staff when needed.

### • *How wine is made*

#### **HARVEST**

Winemaking begins with the grape harvest, the time for picking is determined by scientific testing of the juice's sugar and acid content, but the decision to pick is still subject to chance.

#### **CRUSHING**

After picking, the grapes are transported to the winery and they are crushed and de-stemmed to produce 'must,' which is treated with sulphur dioxide to kill any harmful microbes.

#### **PRESSING**

The separation of the juice from the skins, stems and pips is known as the pressing. For red wine, the juice is separated at a later stage, with rose wine the juice is run off after a short time, but white wines are pressed immediately after crushing before the juice picks up the tannins and pigments from the skins and stems.

#### **FERMENTATION**

The juice or 'must' is transferred to a fermentation tank, where pure wine yeasts are added. During the process of fermentation the yeast acts upon the sugars in the grape juice, converting them into alcohol and carbon dioxide. Under normal conditions, the yeast will go on working until all the sugar is converted to alcohol, therefore, the wine would be dry. However, it is possible to stop fermentation by adding sulphur to kill the yeasts or by filtering the yeasts out.

#### **RACKING**

After fermentation the wine is transferred to a new tank and the process of racking or clarification begins. The wine is allowed to stand quietly so all the suspended material falls to the bottom: the residue is known as the 'lees.' The clear wine is then pumped off and undergoes a final clarification prior to blending and/or bottling. Most wines will go into wooden casks for ageing during which time they are racked periodically.

#### **BOTTLING**

This final process is carried out under scrupulously clean conditions. The right moment must be chosen to bottle the wine; white wines and light reds are usually bottled a few months after they are made, but the finer wines spend up to five years in cask. Some types of wine need bottle aging as well, to reach their full potential.

### • *Wine labels*

#### **HOW TO READ A WINE LABEL**

1. **CONTENTS:** All alcoholic drinks must show the contents either in litres or centilitre. In 1989 EEC regulations decreed that the standard wine bottle size would be 75cl. An 'e' stated after the contents indicates that all necessary quality checks have been completed by the bottler.

2. **COUNTRY OF ORIGIN:** This must appear on the label regardless of where the wine comes from. Only wines from the EEC may be blends of more than one country. Such a blend must have on the label, in english, 'a blend of wines from different countries of the EEC.'



3. **NAME & ADDRESS OF BOTTLER:** By law, in case of complaint, the name and address at which the bottler can be contacted must appear on the label. If the wine is bottled outside the EEC, the name of the importer should be shown.

4. **ALCOHOL CONTENT:** Alcohol content is measured in per cent by volume. The possible range is from 6.5% to 20% or more.

5. **TABLE WINE:** Refers to light wine produced in EEC. It must be labelled as such, but if produced outside the EEC, it need only be labelled 'wine.' If the wine meets certain yield and quality factors, it can be described as Vin de Pays, etc.

6. **QUALITY WINES:** Stringent labelling requirements, and must show the region of production as well as country. No blending is allowed. The words 'Quality Wine' or equivalent must be shown:

FRENCH:	VDQS.AC.AOC
ITALIAN:	DOC.DOCG
GERMAN:	Qba.QmP
SPANISH:	Ditto

• **Food and wine**

**FISH AND SEAFOOD:** Can be served with a whole range of whites, from dry Burgundies to light Loire wines. Fresh water fish like trout go well with Chablis or German Mosells. Salmon goes well with dry whites or reds such as Chinon or Beaujolais.

**GAME:** Hearty robust Burgundy wines, or those from the Rhone or Italy. If the game is served cold, Bordeaux is best.

**ROASTS & CASSEROLES:** Roast beef is perfect with red Burgundies and Bordeaux. Other roasts go well with Rhones, Californian reds, Italian reds and the classic Spanish red, Rioja.

**SMOKED FOOD:** Smoked fish is best with dry white Bordeaux and fino sherries or Alsace grape varieties. German wines are also popular.

**CHEESE:** Strong acidic English cheese are complimented by good ports and red wines such as Chateaufneuf or Barolo. Choose sweet or strong regional wines to accompany continental cheeses.

**DESERT WINES:** Dessert wines are very sweet, and are traditionally served chilled with the dessert course or fruit. One never needs to drink much of these wines, and one bottle will serve up to eight people.

Sweet dessert wines reach their peak among small districts of Sauternes and Barsac in France. These golden wines produced from Semillon and Sauvignon grapes are large and fragrant and age well in the bottle.



• **Wine sweetness guide**

**WHITE WINE:**

The following gives an indication of the sweetness of some popular wines, those marked 1 being the driest and 9 the sweetest, with the numbers spanning the remaining dry to sweet spectrum.

- |  |  |
|--|--|
| <p>1. Muscadet<br/>Chablis<br/>White Bordeaux<br/>Pouilly Fume<br/>Bergerac Blanc</p>                          | <p>5. Vouvray Demi Sec<br/>Liebfraumilch<br/>Medium British Sherry</p>           |
| <p>2. White Burgundy<br/>Chenin Blanc<br/>Chardonnay<br/>Pinot Grijio<br/>Soave<br/>Rioja<br/>Fino Sherry</p>  | <p>6. Demi Sec Sparkling Wine<br/>Demi Sec Champagne<br/>Medium Spanish Wine</p> |
| <p>3. Anjou Rose<br/>Dry Amontillado Sherry<br/>Dry White Vermouth</p>   | <p>7. Asti Spumante<br/>Rosso/Bianco/Rose Vermouth<br/>Pale Cream Sherry</p>     |
| <p>4. Moselle Kabinett<br/>Rhine Kabinett<br/>EEC Wines<br/>Yugoslav Laski<br/>Portuguese Rose/Vinho Verde</p> | <p>8. Sauternes<br/>Barsac<br/>Rich Cream Sherry</p>                             |
|  | <p>9. Marsala</p>  |

**RED WINE:**

The Guide starts with wines which are comparable to Beaujolais - light and easy to drink, at the other end of the scale at 'E', the wines are more concentrated with more depth and fullness.

- |  |  |
|--|--|
| <p>a. Bardolino<br/>Lambrusco Rosso<br/>Beaujolais</p>   | <p>c. Bordeaux Rouge/Claret<br/>Cotes du Rhone<br/>Chinon<br/>Rioja<br/>Bergerac Red</p> |
| <p>b. Cotes de Rousillon<br/>Pinot Noir<br/>Red Burgundy<br/>Valpolicella<br/>Spanish Red Wine</p> | <p>d. Chateauneuf du Pape<br/>Chianti</p>  |
|  | <p>e. Cyprus Red<br/>Barolo<br/>South African Shiraz</p>                                 |

## White Grape Varieties

### **CHARDONNAY:**

The principle white grape of Burgundy and also Champagne, California and Australia. Wines range from pale green to a golden straw in colour.

### **CHENIN BLANC:**

Produces pale greenish tinged wines.

### **GEWURZTRAMINER:**

The spicy speciality of Alsace. Dark, gold and pungent. Also grown in Germany, Australia & California.

### **MUSCAT/MOSCATO:**

Aromatic smell, used in Italian sparkling wines and sweet fortified wines.

### **RIESLING:**

Produces nearly all German fine wines. Pale green/gold, sharp and aromatic.

### **SAUVIGNON:**

Produces soft dry and fruity wines, sometimes smoky.

### **TREBBIANO/UGNI BLANC:**

A versatile grape used in French and Italian blends to give bite and acidity. Also used for distillation in Cognac.

### **PALAMINO:**

Classic Spanish variety, used for making Sherry. Also grown in California, Australia, Cyprus and South Africa.

## Red Grape Varieties

### **CABERNET SAUVIGNON:**

From Bordeaux region of France, produces dark, dry wines which require considerable ageing.

### **GAMAY:**

Only makes first class wines, grown in Beaujolais. Light, fruity and acidic, the wines are designed to drink young.

### **NEBBIOLO:**

Also known as 'Spanna,' it is grown in North West Italy. Produces deep brownish-red wines, high in alcohol and tannin.

### **PINOT NOIR:**

From the Cote d'Or in Burgundy, produces delicate silky wines. In champagne it is pressed before fermentation to make white wines.

### **SYRAH**

The best red grape of the Rhone. The wines tend to be intense and high in alcohol, deep in colour and smoky and spicy when aged. The Australian (Hermitage) makes some excellent wines.



## V.II ALCOHOL STRENGTHS

### HOW MUCH?

Because of the different strengths and varying sizes of serving measures, the actual amount of alcohol you drink is measured in units.

1 unit = 8 grams or 1cl of pure alcohol

This is equivalent to:

1 pub measure of spirits (40% alcohol)

Small glass of fortified wine, Sherry etc. (17-20% alcohol)

A glass of table wine (10-12% alcohol)

A half pint of beer (4% alcohol)

The following table shows normal or main range of alcoholic strengths for a variety of types of drink. The strengths must by law be shown on the label by the term '% volume' which states the percentage of the total liquid made up of pure alcohol.

<b>PRODUCT</b>	<b>% Volume</b>
Alcohol free wine	Less than 0.05%
De-alcoholised wine	Less than 0.5%
Reduced alcohol products	1.2 - 5.5%
Light wine	8.5 - 13%
Sherry, Port	15 - 22%
Spirits	37 - 40%
Liqueurs	18 - 40%

## **SECTION VI (6): Other licensable activities**



## VI.1 LATE-NIGHT REFRESHMENTS

Since 24th November 2005 you are committing a criminal offence if you sell hot food or hot drink (i.e. above ambient temperature) in your premises after 23.00 hours until 05.00 on any day without the grant of this provision on a current premises licence.

The only authority to sell hot food and hot beverages during the hours of 23.00 hours to 05.00 hours comes from your premises licence and it is only valid if you have applied for this provision under the Act.

If you are in any doubt at all about this activity contact Richard Baker Licencing Consultant for advice.

If the hot food or hot beverages are supplied to the customer via a customer payment vending machine, and providing the customer inserts the payment and removes the product themselves and is not served by premises staff, a licence is not needed.

The only other exception to this are residents in hotels and guest houses, under all other retailing circumstances this provision is required on a premises licence, even if you do not sell alcohol. This includes heating products in a microwave, either by staff or customers and coffee dispensers and jug coffee sales or pot noodle machines!

If you have late-night refreshment as a licensable activity the operating details can be found on your premises licence and summary in section 1.

The area of display or supply and point of production and sale will also be shown on your premises plan.

If you wish to engage in this activity and do not have the provision as a licensable activity on your licence contact RB Retail & Licensing Services Limited for details of how we can assist you to secure this this on your behalf.

## VI.II AN OUTLINE OF REGULATED ENTERTAINMENT

Since 24th November 2005 you are committing a criminal offence if you provide regulated entertainment on your premises at any time of the day or night without the grant of this provision on a current premises licence.

This applies whether you sell alcohol or not and whether or not you provide food and beverages in any form at any time.

### **Regulated entertainment is defined in the Act by paragraph 2(0) of schedule 1:**

performance of a play

exhibition of a film

indoor sporting event

boxing or wrestling entertainment

\*performance of live music

playing of recorded music

performance of dance

entertainment of a similar description to the performance of live music, the playing of recorded music or the performance of dance where the entertainment takes place in the presence of an audience and includes all forms of live music, dance, theatre and shows as well as presentations and showing of films, pre-recorded TV, DVDs, videos etc.

All theatres, cinemas, concert halls and night clubs are now required to have this provision on their current premises licence and restaurants, member clubs and pubs are also required to have it where such a licensable activity occurs.

\*As of 26th March 2015 - Premises do not need a premises licence to stage a performance of live music or the playing of recorded music if:

- It takes place between 8am - 11pm and;
- It takes place at an alcohol on-licensed premises and;
- And the audience is no more than 500 people
- In some circumstances a licence may be required - **Check with RB Retail & Licensing Services Limited.**

There are qualifying exemptions which include:

- film exhibitions
- education/information/advertisements
- museums and art galleries

incidental or background music

- shops
- garages
- pubs
- lifts
- restaurants
- shopping malls
- etc.

tv and radio broadcasts

- must be live not recorded e.g.
  - live football
  - live sport commentary

religious services or places of religious worship

garden fetes - unless for private gain

Morris dancing

Amusement machines are not classed as regulated entertainment and are not classed as regulated entertainment and are not therefore licensed under the premises licence but they must be licensed under other legislation.

The details of the grant of the provision of entertainment for your premises is to be found on your premises licence in section 1 of this manual, with further details on your plan.

Should you have any queries on this licensable activity, or if you are unclear as to whether it applies to you or not, or if you wish engage in this activity and do not have the provision as a licensable activity on your licence contact RB Retail & Licensing Services Limited for details of how we can assist you to secure this on your behalf.



## **SECTION VII (7): Staff training records**



# Staff Training Records

Site Address: .....

.....

.....





# Training Records

Staff Name: .....

Date:            Training Given:

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....

## **SECTION VIII (8): Licence Documents**





print



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next



back to se.

[Full Text] - Judgment Approved - 17 pages

**DANIEL THWAITES PLC (Claimant) v WIRRAL BOROUGH MAGISTRATES' COURT (Defendant) & SAUGHALL MASSIE CONSERVATION SOCIETY (First interested party) & WIRRAL MBC (Second interested party) (2008)**

[2008] EWHC 838 (Admin)

**QBD (Admin) (Black J) 6/5/2008**

HOSPITALITY AND LEISURE - LOCAL GOVERNMENT

JUDICIAL REVIEW : LICENSING AUTHORITIES : LOCAL AUTHORITIES

**Counsel:**

For the claimant: D M W I

For the defendant: No appearance or representation

For the first interested party: D F

For the second interested party: M C

**Solicitors:**

For the claimant: Naphens Plc

For the first interested party: Kirwans

For the second interested party: In house solicitor

**LTL 6/5/2008**

**Document No. AC0117188**



Neutral Citation Number: [2008] EWHC 838 (Admin)

Case No: CO/5533/2006

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 06/05/2008

**Before:**

**THE HONOURABLE MRS JUSTICE BLACK**

-----  
**Between:**

<b>Daniel Thwaites Plc</b>	<b><u>Claimant</u></b>
- and -	
<b>Wirral Borough Magistrates' Court</b>	<b><u>Defendant</u></b>
- and -	
<b>The Saughall Massie Conservation Society</b>	<b>1<sup>st</sup> Interested Party</b>
- and -	
<b>Wirral Metropolitan Borough Council</b>	<b>2<sup>nd</sup> Interested Party</b>

-----  
-----

**D MW P** instructed by **Naphens plc** for the **Claimant**

**The Defendant did not appear and was not represented**

**D F** (instructed by **Messrs Kirwans**) for the **1<sup>st</sup> Interested Party**

**M C** (instructed by **Wirral MBC**) for the **2<sup>nd</sup> Interested Party**

Hearing date: 10<sup>th</sup> March 2008  
-----

**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

**Black J :**

1. This is an application by Daniel Thwaites Plc (“the Claimant”) for judicial review of a licensing decision made by the Wirral Magistrates’ Court (“the Magistrates’ Court”) on 5 April 2006 and that court’s decision on 21 April 2006 concerning the costs of the proceedings. The Claimant seeks an order quashing both decisions. Permission to apply for judicial review was granted by Mr Justice Pitchford on 2 November 2006.

The factual background

2. The Claimant owns the Saughall Hotel in Saughall Massie, Wirral which it operates as licensed premises (“the premises”). It originally held a licence under the Licensing Act 1964. In June 2005, it commenced an application to the Licensing Sub-Committee of the Metropolitan Borough of Wirral (“the licensing authority”) for the existing licence to be converted to a premises licence under the Licensing Act 2003 and for the licence to be varied simultaneously.
3. In essence, the Claimant was seeking to conduct business at the premises for longer hours than were permitted under the original licence. The police did not support the extension of the hours to the extent that the Claimant initially proposed. The Claimant agreed to restrict the hours to those that were acceptable to the police. Accordingly, the licensing authority was asked to grant a licence that would permit music and dancing to 11 p.m. and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1 p.m., with the doors closing one hour after the last alcohol sale every night.
4. The police withdrew their representations against the modified proposals and did not appear before the licensing authority when the matter was heard on 23 August 2005. No representations were made by the Wirral Environmental Health Services either. However, there was opposition to the proposals at the hearing from the Saughall Massie Conservation Society (“the First Interested Party”) and other Saughall Massie residents.
5. The Claimant told the licensing authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later “on special occasions” This was a matter of which the licensing authority took note as is recorded in the minutes of their determination.
6. The licence was granted in the modified terms requested together with an additional hour for licensable activities and an extra 30 minutes for the hours the premises were to be open to the public over Christmas and at the major bank holidays. Special arrangements were also permitted for New Year’s Eve. The licensing authority removed certain conditions that had been imposed on the old licence (requiring all alcohol to be consumed within 20 minutes of the last alcohol sale and banning children under 14 from the bar) and imposed other conditions which were obviously aimed at controlling noise, namely that the area outside must be cleared by 11 p.m., that the premises must promote the use of taxi firms which use a call-

Approved Judgment

- back system, that all doors and windows must be kept closed when regulated entertainment was provided and that prominent notices should be placed on the premises requiring customers to leave quietly.
7. The Saughall Massie Conservation Society and “others” appealed against the licensing decision to the Magistrates’ Court on the ground that the licensing authority’s decision “was not made with a view to promotion of and in accordance with the licensing objectives pursuant to Section 4, Part 2 of the Licensing Act 2003”.
  8. The appeal occupied the Magistrates’ Court from 3 – 5 April 2006. The respondents to the appeal were the licensing authority and the Claimant which both defended the licensing authority’s decision. Witnesses were called including Saughall Massie residents, Police Sergeant Yc who dealt with the stance of the Merseyside police, and Mr M , the manager of the premises.
  9. The justices granted the appeal. Their Reasons run to 3 pages of typescript, one page of which is entirely taken up with setting out the new hours of operation they imposed. These permitted entertainment until 11 p.m. and alcohol sales until 11.30 p.m. on all nights except Friday and Saturday when entertainment would be permitted until 11.30 p.m. and alcohol sales until midnight. The premises could remain open to the public until midnight on all nights except Friday and Saturday when they could close at 1 a.m.. Similar provisions were imposed to those imposed by the licensing authority in relation to later opening at Christmas and major bank holidays and the provisions relating to New Year’s Eve and the conditions of the licence remained unaltered.
  10. The new licence had come into effect on 24 November 2005 so the new arrangements had been running for several months by the time of the hearing before the Magistrates’ Court. There had been no formal or recorded complaints against the premises under the old or the new regime as the justices acknowledged in their Reasons. The residents who gave evidence were fearful of problems if the extended hours were allowed in the summer. The Chairman of the Conservation Society, who gave oral evidence, spoke of people urinating in the gardens and a problem with litter. It appears from the statement filed by the Chairman of the Bench for these judicial review proceedings that evidence was also given of interference with machinery on nearby Diamond Farm. The justices’ Reasons make no reference at all to these matters. As to the statements of the “Witnesses of the Appellant”, they say simply that they have read and considered them but attached little or no weight to them.
  11. The justices and their legal advisor have filed a considerable amount of material in response to the judicial review proceedings, in all 31 closely typed pages. These comprise their Response to the Claim, statements from A B (who was the chairman of the bench), M: Wc (another of the bench) and S F (the legal advisor), and what is said in the index to be a document by Mr B from which he prepared his statement. There was limited argument before me as to the status of these documents and the weight that I should give to them. It was not submitted that I should decline to have *any* regard to them although I think it is fair to say that it was common ground between the parties, rightly in my view, that I should concentrate principally on the Reasons. It is established by authorities such



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as R v Westminster City Council ex p Ermakov [1996] 2 All ER 302 that the court can admit evidence to elucidate or, exceptionally, correct or add to the reasons given by the decision maker at the time of the decision but that it should be very cautious about doing so. The function of such evidence should generally be elucidation not fundamental alteration, confirmation not contradiction. In the circumstances, I have read carefully what the magistrates have provided but approached its role in the judicial review proceedings cautiously.

The broad nature of the claim in relation to the licensing decision

12. The Claimant argues that the Magistrates' Court decision is unlawful for a number of reasons. It is argued that the decision was not in line with the philosophy of the Licensing Act 2003 ("the Act") and imposed restrictions on the Claimant's operation which were not necessary to promote the licensing objectives set out in that Act, that it was based on speculation rather than evidence, that it took into account irrelevant considerations and failed to take into account proper considerations, and that it was a decision to which no properly directed magistrates' court could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises must close, it is submitted that this was not a matter which can be regulated under the Act. It is further argued that the magistrates failed to give adequate reasons for their decision.

The legal background

13. The Licensing Act 2003 was intended to provide a "more efficient" "more responsive" and "flexible" system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.
14. Note 12 of the explanatory notes to the Act gives an indication of the approach to be taken under the Act. It reads:

"12. In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on. Instead, the applicant for a premises licence or a club premises certificate will be able to choose the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives."

15. Section 1 of the Act provides:

"S1(1) For the purposes of this Act the following are licensable activities—

- (a) the sale by retail of alcohol,
- (b) [clubs]
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment."

Approved Judgment

16. To carry on a licensable activity, a premises licence granted under Part 3 of the Act is generally required, section 2. Application for a premises licence must be made to the relevant licensing authority, section 17(1).
17. By virtue of section 4, the licensing authority must carry out all its functions under the Act (including its functions in relation to determining an application for a premises licence or an application for a variation of a premises licence) with a view to promoting the “licensing objectives”. These are set out in section 4 as follows:

“S 4(2) The licensing objectives are—

  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.”
18. In carrying out its licensing functions, by virtue of section 4(3) the licensing authority must also have regard to its licensing statement published under section 5 and any guidance issued by the Secretary of State under section 182.
19. Section 182 obliges the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act. Guidance was issued in July 2004 (“the Guidance”). It was updated in June 2007 but it is the original guidance that is relevant in this case. In any event, none of the changes made are material to the issues I have to determine.
20. The Foreword says that the Guidance

“is intended to aid licensing authorities in carrying out their functions under the 2003 Act and to ensure the spread of best practice and greater consistency of approach. This does not mean we are intent on eroding local discretion. On the contrary, the legislation is fundamentally based on local decision-making informed by local knowledge and local people. Our intention is to encourage and improve good operating practice, promote partnership and to drive out unjustified inconsistencies and poor practice.”
21. As the Guidance says in paragraph 1.7, it does not replace the statutory provisions of the Act or add to its scope. Paragraph 2.3 says:

“Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.”
22. An application to the licensing authority for a premises licence must be accompanied by an operating schedule in the prescribed form including a statement of the matters set out in section 17(4) which are as follows:

“(a) the relevant licensable activities,

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- (b) the times during which it is proposed that the relevant licensable activities are to take place,
  - (c) any other times during which it is proposed that the premises are to be open to the public,
  - (d) where the applicant wishes the licence to have effect for a limited period, that period,
  - (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
  - (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
  - (g) the steps which it is proposed to take to promote the licensing objectives,
  - (h) such other matters as may be prescribed.”
23. Section 18 deals with the determination of an application for a premises licence. Section 35 deals in very similar terms with the determination of an application to vary a premises licence. It will be sufficient only to set out here the provisions of s 18.
24. Section 18(2) provides that, subject to subsection (3), the authority must grant the licence in accordance with the application subject only to:
- “(a) such conditions as are consistent with the operating schedule accompanying the application,
  - and
  - (b) any conditions which must under section 19, 20 or 21 be included in the licence.”
25. Section 19 deals with premises licences which authorise the supply of alcohol. Such licences must include certain conditions ensuring that every supply of alcohol is made or authorised by a person who holds a personal licence and that no supply of alcohol is made when there is no properly licensed designated premises supervisor. Sections 20 and 21 are not relevant to this claim.
26. Section 18(3) provides that where relevant representations are made, the authority has certain specified obligations. In so far as is relevant to this appeal “relevant representations” are defined in section 18(6) as follows:
- “(6) For the purposes of this section, “relevant representations” means representations which—
  - (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
  - (b) meet the requirements of subsection (7),
  - (c) ....”
27. Subsection (7) provides:
- (7) The requirements of this subsection are—
  - (a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c),
  - (b) that they have not been withdrawn, and
  - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

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28. Where relevant representations are made, the authority must hold a hearing to consider them unless the authority, the applicant and each person who has made representations agrees that a hearing is unnecessary. By virtue of section 18(3)(b), the authority must also:
- “(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.”
29. Section 18(4) provides:
- “(4) The steps are—
- (a) to grant the licence subject to—
- (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
- (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application.”
30. Conditions are modified for the purposes of subsection (4)(a)(i) if any of them is altered or omitted or any new condition is added.
31. During the currency of a premises licence, by virtue of section 51, an interested party (broadly speaking, a local resident or business) or a responsible authority (police, fire, environmental health etc.) may apply to the relevant licensing authority for a review of the licence on a ground which is relevant to one or more of the licensing objectives. By virtue of section 52, a hearing must be held to consider the application and any relevant representations and the authority must take such steps from a specified list as it considers necessary for the promotion of the licensing objective. The steps range from modifying the conditions of the licence to suspending it or revoking it completely.
32. The Act makes provision in Part 5 for “permitted temporary activity” which, loosely speaking, is a form of ad hoc licensing to cover licensable activities which are not covered by a more general licence. The system involves proper notification of an event to the licensing authority and the police. Provided the applicable number of temporary event notices has not been exceeded and the police do not intervene, the event is automatically permitted. Temporary event notices can only be given in respect of any particular premises 12 times in a calendar year and the period for which each event lasts must not exceed 96 hours.
33. Section 181 provides for appeals to be made against decisions of the licensing authority to a magistrates’ court which is, of course, how the decisions in relation to which judicial review is sought in this case came to be made.

The detail of the claim

34. The Claimant submits that in making its decision to allow the appeal in relation to the premises licence, the Magistrates’ Court failed in a number of respects to take account of the changes that the new licensing regime has made and failed to adopt the

approach required by the Act. It is further submitted that the magistrates failed properly to consider and take into account the Guidance.

35. There is no doubt that the Guidance is relevant in the magistrates' decision making. As I have set out above, section 4(3) requires the licensing authority to "have regard" to the Guidance. By extension, so must a Magistrates' Court dealing with an appeal from a decision of the licensing authority. The Guidance says:

"10.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court concerned will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it is justified to do so because of the individual circumstances of any case."

36. Mr Pi . . . submits that although the Guidance is not binding and local variation is expressly permitted, it should not be departed from unless there is good reason to do so.

37. Mr F . . . for the First Interested Party submits that the Guidance simply serves to provide information for the magistrates and provided that they have had regard to it, that is sufficient. He also points out that, in some respects (as is clear from the wording of the Guidance), the Guidance is a statement of Government belief rather than proved fact. Inviting attention to the judgment of Beatson J in J. D. Weatherspoon plc v Guildford Borough Council [2006] EWHC 815 (Admin), he identifies that different policy elements in the Guidance may pull in different directions in a particular case, flexibility and customer choice potentially conflicting with the need to prevent crime and disorder. He submits that provided that the magistrates consult the Guidance, they do not need to use it as "a decision making matrix that the deciding Court has to sequentially address in making its decision in the manner it would if considering a section of a statute".

38. There is no doubt that regard must be had to the Guidance by the magistrates but that its force is less than that of a statute. That is common ground between the parties. The Guidance contains advice of varying degrees of specificity. At one end of the spectrum, it reinforces the general philosophy and approach of the Act. However, it also provides firm advice on particular issues, an example being what could almost be described as a prohibition on local authorities seeking to engineer staggered closing times by setting quotas for particular closing times. I accept that any individual licensing decision may give rise to a need to balance conflicting factors which are included in the Guidance and that in resolving this conflict, a licensing authority or magistrates' court may justifiably give less weight to some parts of the Guidance and more to others. As the Guidance itself says, it may also depart from the Guidance if particular features of the individual case require that. What a licensing authority or magistrates' court is not entitled to do is simply to *ignore* the Guidance or fail to give it any weight, whether because it does not agree with the Government's policy or its methods of regulating licensable activities or for any other reason. Furthermore, when a magistrates' court is entitled to depart from the Guidance and justifiably does so, it must, in my view, give proper reasons for so doing. As paragraph 2.3 of the Guidance says in relation to the need for licensing authorities to give reasons:

“When [departing from the Guidance], licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.”

This is a theme to which the Guidance returns repeatedly and is a principle which must be applicable to a magistrates’ court hearing an appeal as it is to a licensing authority dealing with an application in the first instance. I agree with Mr F for the First Interested Party that the magistrates did not need to work slavishly through the Guidance in articulating their decision but they did need to give full reasons for their decision overall and full reasons for departing from the Guidance if they considered it proper so to do.

39. In this case, Mr P submits that proper attention to the Guidance would have helped the magistrates to come to a correct and reasonable decision and that they have failed to adhere to it without proper reason and failed to carry out their licensing function in accordance with the Act.
40. The foundation of the Claimant’s argument is that the Act expects licensable activities to be restricted only where that is *necessary* to promote the four licensing objectives set out in section 4(2). There can be no debate about that. It is clearly established by the Act and confirmed in the Guidance. For example, in the Act, section 18(3)(b), dealing with the determination of an application for a premises licence, provides that where relevant representations are made the licensing authority must “take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives” (the steps in subsection (4) include the grant of the licence subject to conditions). Section 34(3)(b), dealing with the determination of an application to vary a premises licence, is in similar terms. The Guidance repeatedly refers, in a number of different contexts, to the principle that regulatory action should only be taken where it is *necessary* to promote the licensing objectives. In particular, it clearly indicates that conditions should not be attached to premises licences unless they are necessary to promote the licensing objectives, see for example paragraph 7.5 and also paragraph 7.17 which includes this passage:
- “Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.”
41. The Guidance also refers a number of times to the need for regulation to be “proportionate”. This is not a term contained in the Act but if a regulatory provision is to satisfy the hurdle of being “necessary”, it must in my view be confined to that which is “proportionate” and one can understand why the Guidance spells this out.
42. Mr P submits, and I accept, that the Act anticipates that a “light touch bureaucracy” (a phrase used in paragraph 5.99 of the Guidance) will be applied to the grant and variation of premises licences. He submits that this means that unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted. A prime example of this arises when an application for a premises licence is made and there are no relevant representations made about it. In those circumstances, s 18(2) obliges the licensing authority to grant the licence and it can only impose conditions which are consistent with the operating schedule submitted by the applicant. Mr P says that such a light touch is made possible, as

the Guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of a licence in respect of individual premises. He invites attention also to the existence of other provisions outside the ambit of the Act which provide remedies for noise, for example the issue of a noise abatement notice or the closure of noisy premises under the Anti-Social Behaviour Act 2003. The Guidance makes clear that the existence of other legislative provisions is relevant and may, in some cases, obviate the need for any further conditions to be imposed on a licence. Paragraph 7.18 from the section of the Guidance dealing with attaching conditions to licences is an illustration of this approach:

“7.18 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.”

43. The Guidance includes a section dealing with hours of trading which the Claimant submits further exemplifies the philosophy of the Act. It begins with paragraph 6.1 which reads:

“This Chapter provides guidance on good practice in respect of any condition imposed on a premises licence or club premises certificate in respect of hours of trading or supply.”

44. It continues:

“6.5 The Government strongly believes that fixed and artificially early closing times promote, in the case of the sale or supply of alcohol for consumption on the premises, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn produces friction and gives rise to disorder and peaks of noise and other nuisance behaviour. It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public.

6.6 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided. We will monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives. If necessary in the light of these findings, we will introduce further legislation with the consent of Parliament to strengthen or alter any provisions.”

45. The Claimant submits that in imposing shorter hours than it requested for the supply of alcohol and for entertainment, the magistrates went beyond that which was necessary for these premises and failed to take into account that, as the Guidance explains, longer opening times would in fact reduce the potential for problems arising from licensed premises whereas curtailing operations could run counter to the licensing objectives.
46. The magistrates' Reasons record their acceptance that there had been no reported complaint in regard to public nuisance and that the extended hours had operated

without any incidents. The magistrates also record in the Reasons, as I have already said, that they had attached little or no weight to the statements from witnesses of the appellant. Nothing is said about difficulties mentioned in evidence by the witnesses. As it was clearly incumbent on the magistrates at least to advert in broad terms to those matters that they took into account, it is fair to conclude in the circumstances that they proceeded upon the basis that there was no reliable evidence of actual problems linked to the premises either under the old licence or under the new revised licence. This was in line with the oral evidence of Police Sergeant Y (as recorded in the rather truncated notes of the legal advisor):

“I reported incident for the site. No other incidents or complaints have been received. There are none in my file. There are no incidents we can directly link to the Saughall Hotel since previously open. There have been incidents locally but not linked to these premises.”

47. To judge by the Reasons therefore, what led the magistrates to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems. The First Interested Party observes that the manager of the premises had given evidence that he intended in the summer to “make hay while the sun shines” and submits, correctly in my view, that the magistrates were entitled to take this apparent change of emphasis into account. However, Mr F. . . further submits that the evidence of what had happened in the winter months was therefore of “little evidential value” in determining what was likely to happen in the future and I cannot wholly agree with him about this. Undoubtedly the fact that the Claimant intended in future to make more use of the extended hours reduced the value of the premises’ past record as a predictor of the future but it could not, in my view, be completely discarded by the magistrates. They still had to take into account that there had been extended hours for some months without apparent problems.
48. It is plain that the magistrates’ particular concern was “migration” rather than problems generated by those coming directly to the premises for their evening out. Under the heading “The Four Licensing Objectives”, they say that they accept that there have been no formal or recorded complaints against the premises “but feel that because of the concept of migration that public nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the Local Authority”. Under the heading “Migration/Zoning” they begin:
- “The Saughall Hotel due to its location and the fact that a number of license premises in the surrounding area have reduced hours to that of the Saughall Hotel we believe that as a consequence of this would be that customers would migrate from these premises to the Saughall Hotel. [sic]”
- and end:
- “We appreciate that the extended hours have been in operation for several months without any incidents but have taken into consideration this was during the Winter months and inevitable numbers will increase in the Summer causing nuisance/criminality.”
49. They reiterate their concern under the heading “Nuisance (Existing/Anticipated)” saying that they “feel that public nuisance will be inevitable”.



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50. The Claimant complains that the magistrates' treatment of the issue of "migration" was fundamentally flawed on a number of grounds.
51. Firstly, it submits that there was no evidence on which the magistrates could find that customers *would* come to the premises when other premises in the vicinity closed or cause trouble and their concerns were no more than inappropriate speculation. The Claimant's position was that there was no evidence of migration to their premises. There were no recorded complaints of any kind about the premises let alone specifically about migration. Ms I      §      who lives opposite the premises and is the Secretary of the Saughall Massie Conservation Society gave evidence of her fear that customers would migrate but said that she did not think there had been any migration.
52. Apart from their own local knowledge, the only material on which the magistrates could possibly have formed their views about migration was what Police Sergeant Y      said in evidence. According to the legal advisor's notes, whilst being cross-examined by Mr K      , the sergeant gave evidence about the other licensed premises operating in the vicinity (which I have seen marked on a local map and which were within walking distance of the premises) and their closing hours and said that there were three assaults each week at one of the premises. The legal advisor records that he also said,

"We have staggered closing. This could cause problems it has the potential to cause difficulties in the area. I have a list of considerations but none would rank as high as crime, not even noise. No complaints have been made to me even regarding noise. One concern was dispersal. We gave people one hour to disperse and therefore reduced from 2.00 a.m. to 1.00 a.m.. 1.00 a.m. closing at 2. 280 people leaving premises. Other premises subject to high levels of crime *migration not an issue.*" [my italics]

53. I appreciate that this evidence acknowledged that staggered closing *could* cause problems but, had migration been a significant issue as opposed to a mere possibility, one can, I think, assume that the police would have made representations on that score, particularly given that they had plainly considered the impact of trading hours specifically and *had* initially objected to the even longer hours originally proposed by the Claimant. It is noteworthy that even when they were in opposition to the plans, it was never on the basis of migration of disruptive characters from other licensed premises and always simply on the basis of late noise from ordinary customers of the premises dispersing. The absence of police objections before either the licensing authority or the Magistrates' Court seems to have surprised the magistrates who said so in their Reasons, commenting:

"We were surprised that the Police originally objected to the application but withdrew that objection after a slight variation of the terms."

In so saying, they convey, in my view, not only their surprise about the Police approach but also their disagreement with it.

54. It was not open to the magistrates, in my view, to elevate what Sergeant Y      said in the witness box to evidence that a problem with migration could reasonably be expected, nor do they say anything in their reasons which suggests that they did rely on his evidence in this way. The only concerns about migration were therefore the

magistrates' own with perhaps some fears expressed by local residents though not on the basis of firm historical examples of migration to the premises.

55. It is clear from the Guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds. These magistrates did recognise the absence of police objections which caused them surprise and they chose to differ from the police in reliance on their own views. The Claimant submits that in so doing they departed into the realms of impermissible speculation not only in concluding that there would be migration but also in concluding that in this case it would generate nuisance and disorder. The First Interested Party is correct in submitting that the Guidance accepts a link between migration and a potential breach of the licensing objectives but it is also clear from the Guidance that each case must be decided on its individual facts so the magistrates could not simply assume that if people came from other premises, there would be trouble.
56. The Claimant complains that the magistrates' treatment of the migration issue also flies in the face of the Guidance because firstly it was an improper attempt to implement zoning and secondly it ignored the general principle of longer opening hours.
57. Zoning is the setting of fixed trading hours within a designated area so that all the pubs in a given area have similar trading hours. The problem created by it, as demonstrated by experience in Scotland, is that people move across zoning boundaries in search of pubs opening later and that causes disorder and disturbance. The Guidance says, at paragraph 6.8:
- "The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially-early closing times."
- It stresses that above all, licensing authorities should not fix predetermined closing times for particular areas.
58. I am not convinced that the magistrates' limiting of the Claimant's operational hours can properly be described as implementing zoning which, in my view, is a term that is more appropriate to describe a general policy imposed by a licensing authority for a defined area than an individual decision of this type, albeit made with reference to the opening hours of other premises in the vicinity and having the effect of imposing the same hours as those premises.
59. What has more weight, however, is the Claimant's submission that the magistrates failed to give proper weight to the general principle of later opening hours and to the intention that the approach to licensing under the Act would be to grant the hours

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sought for the premises unless it was necessary to modify them in pursuit of the licensing objectives. The Reasons include a heading “Flexibility” under which the magistrates say simply:

“We have considered the concept of Flexibility.”

In so saying, they may be referring to the sort of flexibility to which reference is made, for example, in paragraph 6.6 of the Guidance (see above) but their shorthand does not enable one to know to what conclusions their consideration of the concept led them in this case nor whether they had reliably in mind that the starting point should be that limitations should not be imposed upon the licence sought unless necessary to promote the licensing objectives rather than that the licensing authority or the court should form its own view of what was necessary for the premises and only grant that.

60. The Claimant was seeking to have the freedom to open later on certain occasions when the trade justified it or, as the magistrates put it, “the application for extended hours was to allow *flexibility* to open later on certain occasions”. As the First Interested Party would submit, the magistrates may have inferred from Mr M’s comment about making hay that the premises would *often* be open late rather than this happening only infrequently in accordance with the picture presented to the licensing authority. If this was their inference, however, it is odd that they considered that the Claimant could deal with the position by applying for a temporary certificate because this would have allowed the premises to open later on only a limited number of occasions. They make no express finding in their Reasons as to the frequency on which they considered the Claimant intended to keep the premises open late. This was material not only to the degree of disturbance that might be caused generally by late opening but also specifically to the issue of whether there would be migration. It would seem unlikely that customers from nearby pubs would bother to walk or even drive to the Saughall Hotel in search of another drink at the end of their evenings unless the Saughall Hotel was open late sufficiently frequently to lead them to a reasonable expectation that their journey would be worthwhile.
61. The magistrates’ comment about the temporary certificate also seems to me to be an example of a failure by them to adopt the lighter approach that the Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates would be a cumbersome and restricted means of achieving flexibility, not responsive to the day to day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the Act.
62. There is no consideration in the magistrates’ decision of whether the imposition of conditions to control noise or other nuisance (which were going to be imposed) would be sufficient to promote the licensing objectives without reducing the operating hours of the premises. Given that the Act dictates that only such steps as are necessary should be taken with regard to the variation of the terms of operation sought, such consideration was required.

My overall conclusions

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63. It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their Reasons, they correctly identify those which are relevant. Similarly, as the First Interested Party submits, whilst they did not *articulate* that the curtailment of the hours sought was “necessary” to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be “an inevitable consequence” of leaving the hours as granted by the Local Authority. However, in my view their approach to what was “necessary” was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the Act and the Guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them whereas, in fact, they appear to have dismissed the police view because it did not agree with their own. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. They would then have been able to compare this to the winter opening pattern in relation to which they accepted there had been no complaints and draw proper conclusions as to the extent to which the summer months would be likely to differ from the winter picture. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to Saughall Massie. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and it must be quashed.
64. I have said little so far about what appears in the magistrates’ response for the judicial review proceedings. The various documents comprising the response did nothing to allay my concerns about the magistrates’ decision. Indeed quite a lot of what was said reinforced my view that the magistrates had largely ignored the evidence and imposed their own views. They refer in their response to incidents about which the residents had given evidence and to the residents not having complained formally for various reasons, for example because it was Christmas or because there was thought to be no point. If the magistrates considered these matters to be relevant, it was incumbent on them to say so clearly in their reasons whereas they there recorded their acceptance that there had been no formal or recorded complaints, that the extended hours had been in operation for several months without incidents and that they had attached little or no weight to the statements of the witnesses of the appellants. They also refer extensively in their response to their thoughts on migration, including that people may come from further afield than the pubs in the vicinity in cars. Particularly concerning is that they refer repeatedly to a perceived issue over police resources which is not something that, as far as I can see, had been raised by Sergeant Y or explored with him in evidence. Mr B says in his statement for example, “....there is also the question of Police resources

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and their ability to effectively police this area especially at weekends with already stretched resources being deployed in Hoylake”.

65. Reference is made in the response documents to the court feeling that the Brewery’s proposed opening hours contradicted the acceptable activities of a family pub and that the Saughall Hotel is “a village pub and not a night spot in the centre of town”. For the court to take matters such as this into account seems to me to be an interference with the commercial freedom of the premises of a type that was not permissible under the Act unless it was necessary to promote the licensing objectives. I appreciate that the magistrates’ response seems to suggest that they feared that a different type of customer was being courted or would invite themselves once it got too late for families but this does not seem to have been founded on anything that was given in evidence so was really not much more than speculation.
66. Mr B’s statement ends with a reference to the Brewery wanting to make hay while the sun shines, of which he says, “I believe that this statement was indicative of the Brewery’s attitude to local residents and to the general management of the premises.”. Given that problems with or in the vicinity of the premises had been almost non-existent and that the magistrates had not seen fit to make reference in their Reasons to any difficulties caused by the Hotel, it is hard to see how this belief could be justified but it does perhaps exemplify the approach of the magistrates.
67. I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly keeping premises open (as opposed to providing entertainment or supplying alcohol there) is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in section 17(4) and these include not only the times when it is proposed that the licensable activities are to take place but also “any other times during which it is proposed that the premises are to be open to the public”. On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow that it can impose an earlier time for the premises to be locked up than the applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of

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closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives.

The costs argument

68. In the light of my conclusion that the magistrates' decision is unlawful and therefore must be quashed, it is not appropriate for me to consider the arguments in relation to their costs order further. The appellants had given an undertaking to the Licensing Authority that they would not seek costs against the Licensing Authority and they sought the entirety of their costs of the appeal from the Claimant. The magistrates granted that order and the Claimant submits that that was not an order that was open to them. Whatever the merits of that argument, the magistrates' order in relation to costs cannot now stand. The basic foundation for the order for costs was that the appeal had succeeded and the Claimant had lost. That position has now been overturned and the costs order must go along with the magistrates' main decision. The magistrates would have had no reason to grant costs against the Claimant if the appeal had been dismissed.

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## **Appendix 5: Representation and Residents' Petition**

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**From:** d  
**Sent:** Monday, December 23, 2024 2:14 PM  
**To:** Yvonne Raine  
**Subject:** [EXTERNAL]:Licensing Act Applications

Submission of Opposing Letter and Petition

Dear Durham Licensing

I hope this message finds you well.

We are writing to formally submit an opposing letter regarding the application to grant a new licence.

Premises details  
Seaside Lane Minimarket  
Gupta House  
Seaside Lane  
Easington Colliery  
Peterlee  
SR8 3JZ

on behalf of our community. Attached to this email, you will find our letter, which outlines our concerns in detail. Additionally, we have gathered nearly 200 signatures from local residents who support our position, demonstrating the strong community sentiment on this matter.

As community members we, D Sadler and L Dodds, are committed to ensuring that the voices of our residents are heard and considered in this process.

Thank you for your attention to this important matter. We look forward to your response.

Best regards,

D Sadler  
L Dodds

My phone number

Address

Easington Colliery  
Sr8 3QQ



## Formal Opposition to the Application for Seaside Lane Mini Market

Dear Durham Licensing

We, D Sadler and L. Dodds, residents of Easington Colliery, are writing to express our strong opposition to the application for the Seaside Lane Mini Market, found at Gupta House, Seaside Lane, Easington Colliery, Peterlee, SR8 3JZ. We also stand for other concerned residents who have given us their authority to voice their concerns. A list of these residents, including their names, addresses, and signatures, will be attached to this correspondence.

The area from the bottom of Easington Colliery to the top of Easington Village spans approximately 1.5 miles and is already home to six licensed stores. This over-saturation is not only unnecessary but poses a significant risk to our community. Easington Colliery is notorious for violence, rising crime, store thefts, vandalism, and underage drinking. Adding another store will only worsen these issues, creating additional opportunities for criminal activity and disorder.

### Prevention of Crime and Disorder

Statistics from police.uk show that the most reported crimes in our area include violence, sexual offences, criminal damage, arson, shoplifting, and anti-social behaviour. The proposed store's location, directly opposite the homes of aging former mine workers, raises serious concerns about the safety and well-being of our most vulnerable residents. Increasing the number of licensed establishments will undoubtedly provide thieves and troublemakers with more opportunities to engage in criminal activities, further compromising the safety of our community.

### Public Safety

The potential for increased crime will pose a direct threat to public safety. Many of our neighbours have personally suffered from violence and crime linked to alcohol consumption in the area. We have seen first-hand the detrimental effects of excessive alcohol availability, including violent incidents and disturbances that disrupt the peace of our community. Existing stores have taken proactive measures such as hiring added staff, restricting serving hours, limiting customer numbers, and enhancing security with

**CCTV. These initiatives prove a collective effort among local businesses and residents to create a safer environment.**

#### **Prevention of Public Nuisance**

The addition of another licensed store will likely contribute to public nuisance, including noise disturbances and increased foot traffic associated with alcohol consumption. We are already struggling with anti-social behaviour, and further complicating this issue with another store will only serve to undermine our hard-won progress in maintaining a peaceful community.

#### **Protection of Children from Harm**

Perhaps most importantly, the proposed store will jeopardise the protection of children from harm. Underage drinking is a significant issue in Easington Colliery, and granting this license will provide more opportunities for minors to access alcohol. The potential normalisation of drinking culture in our community will exacerbate this problem, endangering the well-being of our youth and undermining the efforts of parents and community members working to protect them.

While some may argue that added retail outlets can stimulate local economic growth, we must prioritise the safety and well-being of our residents over potential financial gain. The social costs associated with increased crime and anti-social behaviour far outweigh any superficial economic benefits that may arise from another licensed store. Our community has worked hard to implement measures to counteract these issues, and we cannot afford to take a step backward by allowing further alcohol availability.

We believe that our community deserves better. We have witnessed the pain and suffering caused by violence and crime, and we refuse to stand by while further risks are introduced. Easington Colliery should be a safe place for families, children, and elderly residents. The addition of the Seaside Lane Mini Market will only threaten our collective safety and the cherished quality of life we have fought so hard to protect.

**In conclusion, we strongly oppose the granting of a license for the Seaside Lane Mini Market. Attached is a petition signed by residents of Easington Colliery, affirming their agreement with our arguments and their strong opposition to the establishment of this new licensed store.**

**Thank you for considering our concerns seriously. We look forward to your prompt response.**

Sincerely,

**D Sadler**

**L Dodds**

**Residents of Easington Colliery**

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By signing this petition, we affirm our commitment to keeping a safe and healthy environment for all residents of Easington Colliery.

NAME ADDRESS SIGN

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D	SADLER	
K	Jones	
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NAME	ADDRESS	SIGN
K Jones		
M Jones		
S Robinson		
I BOWER	"	
D. Hubbard		
K STEPHANSON		
M Hadan		
L Gregory		
G Kennedy		
R. I. HARBOTT		
L Searby		
L Darby		
A O'Shea		

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W	WILSON	
A	Beckett	h:
C	kenessey	
J	abson	
R	Rogerson	
A:	HODGKINSON	
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K. [unclear]		
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Easington Colliery.  
EASINGTON Colliery.

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NAME ADDRESS SIGN

G Payne

C Wardell

K Lewis

K Turnbull

A Turnbull

M Turnbull

M BOWES

B

S Johnson

D

A Rutherford

I DIXON

PETERLEE

AYCLIFF

A

C MORRIS

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NAME ADDRESS SIGN

P  
 A JONES  
 C HARRIS  
 T Dawson  
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 J BELL  
 D Bennett  
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NAME

ADDRESS

SIGN

J Kells

S Ferguson

D DICKINSON

N. DICKINSON

~~P. Smith~~

A Chalmers

B Wood

O Hardy

K Welch

A Stan

D Johnson

D Stan

M Benn

M Brown

A Curran

C Ferguson

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NAME ADDRESS SIGN

J Baulby  
R Walker  
A Elliott  
B Jones  
D. Conley  
S Ferguson  
K Lightowler  
L Fortone

D Turner  
J Elliott  
Z Parks  
M. Corrigan  
T Johnson  
C Galls  
S Coles  
C Barrow  
E. BARRON  
A Williams

J Stephenson  
G Stephenson  
W Ooos  
T Carr  
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NAME

ADDRESS

SIGN

27/11

22/12/24

M. KAND

21/12/24

S. NEWMAN

B. PASKIN

C. HOPE

C. STODOLSKA

R. PHILLIPS

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T WALKS	(	
J H Parry	(	
R O Donnell		





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## **Appendix 6: Statement of Licensing Policy**

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## **7.0 Promoting the four licensing objectives**

**7.1 The Prevention of Crime and Disorder** - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

**The council encourages, and will look positively on**, the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

**The council expects** every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden, a marquee, in a smoking shelter etc.

**The council expects** all applicants to demonstrate, in their operating schedules, that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder.

**The council recommends** that procedures to deal with drunken customers, violence and anti-social behaviour, in and outside premises, and the provision of closed-circuit television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

**The council encourages** personal licence holders to actively participate in established “Pub watch” schemes, where issues relating to crime and disorder can be addressed.

**The council encourages** involvement in the “Best Bar None” initiative which enables premises to demonstrate good safe operating procedures. Such

schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

**The council recognises and promotes** effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

**The council will take a positive view** of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from DCC Licensing Services and Police.

**The council also considers it to be good practice** if the DPS or premises licence holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises
- At all times when the premises are a "vertical drinking establishment" where little or no seating is provided
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

**Maximum occupancy:** When its discretion is invoked, the council will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service) before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

**Security:** Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives, they will need to be licensed by the SIA as a supervisor/manager. The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment as well as the hours of trading.

**Toughened/Safety Glass:** Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

The council and several of its partners have signed a collective new pledge as part of an ongoing campaign to eradicate single use plastics. The agreement commits all signatories to significantly reduce, and work towards ultimately removing, the use of unnecessary single use plastics from their operations. If alternatives to normal glass are used, the use of suitable alternatives, including non-single use plastics, is encouraged.

**Drugs/Knives/Weapons:** The council will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands or consumed within the premises to prevent tragedies and harm because of drug misuse.

**The council will expect** licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The council also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

In addition to the information provided above, **Table 1 in Appendix VI** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

**7.2 Public Safety** - The Act covers a wide range of premises that require licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants and people in the immediate vicinity who may be affected by the premises and activities taking place therein.

Applicants are advised to seek advice on such matters from the council's occupational health and safety team, Health and Safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service. They should incorporate any recommendations from these responsible authorities in their Operating Schedule before submitting their applications. Matters for consideration include:

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Occupancy levels

In addition to the information provided above, **Table 2 in Appendix VI** provides recommendations, suggestions and examples of how to prevent the specific dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

**7.3 Prevention of Public Nuisance** - Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping near the premises.

The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. **The council will expect** applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the **applicant will be expected** to offer measures designed to minimise its impact on residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used or appropriate signage requesting customers to consider residents and monitoring of such areas by staff.

The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway, relevant authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, the use of tables and chairs outside may be allowed however, **the council will normally expect** them to be removed before the premises close, and any resulting litter/debris cleared away.

**Applicants should consider** reducing potential noise nuisance by, for example (this list is not exhaustive):

- Assessment of likely noise levels in the premise
- Assessment of noise levels if outdoor drinking is allowed
- The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation)
- The distance and direction to the nearest noise-sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises)
- Dispersal of patrons – where necessary the council will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits
- Ways to limit noise / disorder from patrons leaving the premises

The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

**Applicants are advised** to seek advice from Durham County Council's Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

**Takeaways and fast-food outlets - The council expects** takeaways and late-night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

**Important note: The council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises ("takeaway" premises).**

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the nighttime economy but without the same framework around them, e.g. pub watch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

From a health perspective, obesity levels are rising nationally and locally; without action the health of the population will continue to suffer. Responsible licensees can support the 'Working toward a healthy weight in County Durham' goals and the council would see the following steps as a contribution to reducing health harms and health inequalities:

- Menu to display recommended daily calorie limits for adults. For women, the recommended limit is 2,000 calories a day for men it is 2,500.
- Consider portion sizes across the menu. For example, offer a choice of smaller portions and/or offer child-sized portions of adult meals.
- Actively promote healthier options, for example by increasing the offer of vegetables, salads and fruit, or by making salad/vegetables the default offer to accompany a main course.

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

**7.4 Protection of Children from Harm** - the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Secretary of State's Guidance to the Licensing Act 2003 also makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

While the Act does not prohibit children from having free access to any licensed premises, the council recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting. Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.

Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

**The council will expect** applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. **The council will also expect** any licence holder who wishes to hold events for children to provide it, and the Police, with a detailed risk assessment of that event including how the event will be

managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

**The council will give considerable weight** to representations about child protection matters particularly from the Local Safeguarding Children's Board who act as the responsible authority under the Act for matters relating to child protection. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations.

These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the council, linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries), this evidence will be considered. The council will also consider what action is appropriate to ensure this licensing objective is effectively enforced.

In relation to applications for the grant of a licence in areas where evidence is presented, on high levels of alcohol-related harms in persons aged under 18, the council will also consider what conditions may be appropriate to ensure that this objective is promoted effectively.

The council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

**The council will expect** all licence holders or premises, that wish to allow children on to their premises, to ensure that access is restricted where appropriate. This could include ensuring that all children are accompanied and that they do not have access to, or sight of, alcohol. The council will consider the following when dealing with a licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four licensing objectives.

The council recommends that retailers of alcohol ensure that their staff are properly trained in all aspects of responsible retailing, including the sale of



alcohol and age restricted sales. The Council fully endorses and promotes knowledge of and adherence to Challenge 25 within the retail business sector.

Further advice and information on age-restricted sales and training can be found by contacting Durham County Council's Trading Standards service at [trading.standards@durham.gov.uk](mailto:trading.standards@durham.gov.uk)

The council will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. We know alcohol is harmful to the health of children and young people whose minds and bodies are still developing.

Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17-year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

The council is aware of a young person's vulnerability to alcohol and events, which are aimed at children under the age of 18 years on licensed premises, will not be supported by the council unless the applicant can demonstrate that all safeguards for children have been addressed (such as the removal of alcohol advertising).

The council, Durham Constabulary Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the council and should be adhered to by licence holders and event organisers. The guide is reproduced in Appendix I.

Recorded staff training programs, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are encouraged by the council.

**Access to Cinemas:** The 2003 Act requires that any premises showing films must ensure that children are not able to view age restricted films (as classified by the British Board of Film Classification). **The council will expect** any licence holder or applicant who intends to show films to outline suitably robust measures on how they will protect children from exposure to this potential harm. The authority may impose suitable conditions if it believes it is required for the promotion of the four licensing objectives.

The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the council itself.

Should the council need to adopt its own system of film classification the information regarding such classifications will be published on the council's website.

**Children and Public Entertainment:** Many children go to see and/or take part in entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises. Where many children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

Where entertainment requiring a licence is specifically presented for children, the council will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The council will require those caring for or supervising children to have undergone an appropriate criminal record check with the Disclosure and Barring Service.

Venue operators may also apply their own admissions policy to their premises. If a venue has carried out a risk assessment that deems it appropriate to exclude children or young persons from their premises, then that is a matter for them.

**The council will expect** all venue operators to risk assess their venues accordingly against the nature of the licensable activities they intend to carry out. This could include, for example, allowing accompanied children into a premise up until a certain time and then excluding them for the rest of the time the premises are open.

Regarding this licensing objective, the council considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified because of premises, personal applications and all variations to licences are covered by this protocol.

Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications.

**The council strongly recommends** that events, involving persons under the age of 18 years and persons over 18 years, do not take place unless there are sufficient and robust control measures in place. Experience has shown that mixed age events are extremely difficult to control and manage and they have

led to persons under the age of 18 being exposed to alcohol and entertainment late into the night.

It is the council's view that mixed age events should not take place within the late- night economy, particularly at venues that are alcohol and entertainment-led and which are operating late at night. It is the council's view that these mixed aged events can have an adverse impact on a young persons wellbeing as well exposing them to unacceptable levels of harms associated with the night time economy.

In addition to the information above, **Table 4 in Appendix VI** provides recommendations, suggestions and examples of how to protect children from each of the dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, cliental and workforce when identifying hazards, assessing risks and identifying controls.

**Appendix II: Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises**

<b>Category of Premises</b>	<b>Weekdays</b>	<b>Weekends</b>	<b>Bank Holidays</b>
Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises with licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g. takeaways	01.00	02.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)

**\* NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

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## **Appendix 7: Section 182 Guidance**

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## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.
- 2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:
- Putting alcohol into someone's drink without their knowledge or permission
  - Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
  - Injecting another person with prescription or illegal drugs without their knowledge or permission
  - Putting prescription or illegal drugs into another person's food without their knowledge or permission
  - Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

## **Public safety**

- 2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.9 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);

- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.11 Counter terrorism and public safety

2.12 Licensing committees may wish to give due consideration to appropriate counter-terrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.

2.13 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.

2.14 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.

2.15 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

## **Ensuring safe departure of those using the premises**

2.16 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:



- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## **Maintenance and repair**

2.17 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## **Safe capacities**

2.18 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.19 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.20 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling

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<sup>1</sup> S 177 of the 2003 Act now only applies to performances of dance.

entertainment.

## **Public nuisance**

- 2.21 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.23 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.24 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.25 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise

emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.26 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **Protection of children from harm**

- 2.28 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.29 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or
  - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.30 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism,

or entertainment involving strong and offensive language.

- 2.31 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.32 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.33 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
  - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
  - restrictions on the parts of the premises to which children may have access;
  - age restrictions (below 18);
  - restrictions or exclusions when certain activities are taking place;
  - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.34 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.35 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.36 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the

licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.37 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

### **Offences relating to the sale and supply of alcohol to children**

- 2.38 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

## Table of relevant offences under the 2003 Act

<b>Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority