

Statutory Licensing Sub-Committee

2nd July 2019

Application for the Review of a Premises Licence



Ordinary Decision

Report of Ian Thompson, Corporate Director of Regeneration and Local Services

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Burnopfield and Dipton

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine an application by Durham County Council Local Weights and Measures Authority to review the premises licence in respect of Costcutter, Units 2-3 Old Co-op Buildings, Front Street, Burnopfield, Newcastle Upon Tyne, NE16 6LU.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 On 6th March 2019, the Licensing Authority received the application from Durham County Council Local Weights and Measures Authority for a review of the premises licence number DCCC/PLA0283 for Costcutter, Units 2-3 Old Co-op Buildings, Front Street, Burnopfield, Newcastle Upon Tyne, NE16 6LU. However, the public notice was not displayed correctly (by the licensing authority) and the consultation period commenced again on 5th April 2019 for 28 consecutive days, expiring on 3rd May 2019.
- 4 The review application was scheduled to be determined on 4th June 2019. However, the licensing authority agreed to an adjournment of the hearing as it came to light that the premises licence holder and his son shared the same name and address and all parties had been liaising with the licence holder's son and not the premises licence holder. Members agreed to re-schedule the meeting to 2nd July 2019.

- 5 On 30th May 2019, the premises licence holder's Solicitor submitted some documentation in response to the review application.
- 6 During the consultation period the Licensing Authority received four representations from Responsible Authorities in support of the review application, from Durham Constabulary, Durham County Council Licensing Authority (Responsible Authority), Durham County Council Public Health and Durham Safeguarding Children Partnership.
- 7 County Durham and Darlington Fire and Rescue Service and Durham County Council Environmental Health responded to the consultation with no comments.

Recommendation(s)

- 8 The Sub-Committee is asked to determine the review 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) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 8;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 9.

Background

- 10 Background information

Applicant	Durham County Council Local Weights & Measures	
Type of Application: Review of a Premises Licence	Date received: 6th March 2019	Consultation ended: 3rd May 2019
Premises Licence Holder	Mr James Millican (Senior)	
Designated Premises Supervisor	Ms Harjinder Bal	

- 11 The premises licence in respect of Costcutter, Units 2-3 Old Coop Buildings, Front Street, Burnopfield, Newcastle Upon Tyne, NE16 6LU. currently permits the Sale of Alcohol, as detailed in the table below:

Licensable Activities	Days & Hours
Sale of Alcohol (off sales) and opening hours	Monday to Sunday: 06:00 – 23:00 hrs

- 12 A copy of the current premises licence for Costcutter, Units 2-3 Old Coop Buildings, Front Street, Burnopfield, Newcastle Upon Tyne, NE16 6LU attached at Appendix 3.

Details of the application

- 13 The review application by Durham County Council Local Weights and Measures Authority was received by the Licensing Authority on 6th March 2019.
- 14 The review application is deemed by the Licensing Authority to be relevant and the application was advertised in accordance with the regulations.
- 15 The application for review relates to the following licensing objectives:
- The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 16 A copy of the review application and supporting documents from Durham County Council Local Weights and Measures Authority are attached at Appendix 4.
- 17 A copy of the information received from the premises licence holder's Solicitor in support of the business is attached at Appendix 5.

The Representations

- 18 During the consultation period the Licensing Authority received four representations in support of the review application, from Durham Constabulary, Durham County Council Licensing Authority (Responsible Authority), Durham County Council Public Health and Durham Safeguarding Children Partnership. Attached as Appendix 6.

- 19 County Durham and Darlington Fire and Rescue Service and Durham County Council Environmental Health responded to the consultation with no comments. Attached at Appendix 7.

The Parties

- 20 The Parties to the hearing will be:
- Durham County Council Local Weights and Measures Authority – (Applicant)
 - Mr James Millican (Senior) (Premises Licence holder)
 - Durham Constabulary (Responsible Authority)
 - Durham County Council Licensing Authority (Responsible Authority)
 - Durham County Council Public Health (Responsible Authority)
 - Durham Safeguarding Children Partnership (Responsible Authority)

Options

- 21 The options open to the Sub-Committee are:
- (a) To take no further action;
 - (b) To modify or add conditions to the licence;
 - (c) Exclude a licensable activity from the licence;
 - (d) Remove the Designated Premises Supervisor;
 - (e) Suspend the licence for a period (not exceeding three months);
 - (f) Revoke the licence.

Main implications

Legal Implications

- 22 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

23 The review application was subject to a 28 day consultation.

See Appendix 1

Conclusion

24 The Sub-Committee is asked to determine the application for the review of the premises licence for Costcutter, Units 2-3 Old Coop Buildings, Front Street, Burnopfield, Newcastle Upon Tyne, NE16 6LU.

Background papers

- Durham County Council's Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

Other useful documents

- None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

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 review 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 displayed at the Council's Head Office at County Hall, Durham.

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

Appendix 2: Location Plan

Appendix 3: Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DCCC/PLA0283
16 March 2016
16 March 2016

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
COSTCUTTER UNITS 2 AND 3, OLD CO OP BUILDINGS FRONT STREET BURNOPFIELD NEWCASTLE UPON TYNE NE16 6LU	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates
 N/A

Licensable activities authorised by this licence
 Sale by retail of alcohol

Opening Hours of the Premises

Mon	06:00-23:00	Non-standard/seasonal timings
Tue	06:00-23:00	N/A
Wed	06:00-23:00	
Thu	06:00-23:00	
Fri	06:00-23:00	
Sat	06:00-23:00	
Sun	06:00-23:00	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:
 OFF ALCOHOL SALES ONLY

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Sale by retail of alcohol	Further details
Mon 06:00-23:00	N/A
Tue 06:00-23:00	Non-standard/seasonal timings
Wed 06:00-23:00	N/A
Thu 06:00-23:00	
Fri 06:00-23:00	
Sat 06:00-23:00	
Sun 06:00-23:00	

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
MR JAMES MILLICAN	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol
HARJINDER BAL

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Minimum Price of Alcohol:

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

We will hold the 4 objectives in high regard and will strive to keep staff fully trained on all policies and procedures.

All training records will be made available to officers when requested

The Prevention of Crime & Disorder

Initial staff training to be carried out by the DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every six months.

Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.

No serving alcohol to any person who appears to be drunk.

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality. Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas where the sale/supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly times and date stamped and kept for a period of 28 days.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at viewing the CCTV and downloading the footage onto a disc, hard drive or memory stick when requested to do so by the police/local authority.

The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

A sign will be displayed stating the opening hours and licensable hours for the sale of alcohol. The premises has a functioning burglar alarm and also a panic button.

Public Safety

Fire exits and fire equipment clearly marked.

Aware of requirements regarding health and safety.

First aid facilities will be available.

An incident log will be kept at all times.

The floor is fitted with non-slip vinyl tiles and necessary warnings will be in place if floors are damp. Access is possible for disabled persons with space to get around courtesy of the post office assessment.

The Prevention of Public Nuisance

Groups of people will be discouraged from congregating outside the premises.

The Protection of Children from Harm

The epos till will be fitted with a prompt for all age appropriate products.

Proof of age policy in place for people under 25 years of age via the Challenge 25 Scheme. The only forms of identification accepted are Passport, Photo Driving Licence and 'PASS' hologram ID ie ID4U.

Training of staff - all staff responsible for selling age restricted goods will be trained to implement the age verification policy. Training records for staff will be maintained and refresher training will be provided annually.

A refusal register will be kept and endorsed after every sale refused. This is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales).

Spirits shall be shelved behind the counter.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans attached

Attached

Signature of Authorised Officer
Head of Environment, Health and Consumer Protection

**Appendix 4: Review application and supporting documents from
Durham County Council Local Weights & Measures**

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Durham County Council - Local Weights and Measures Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description COSTCUTTER Units 2-3 Old Coop Buildings Front Street Burnopfield	
Post town NEWCASTLE UPON TYNE	Post code (if known) NE16 6LU

Name of premises licence holder or club holding club premises certificate (if known) Mr James Millican
--

Number of premises licence or club premises certificate (if known) DCCC/PLA0283

Part 2 - Applicant details

I am

Please tick yes

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

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Durham County Council Environment, Health & Consumer Protection Weights and Measures Authority Annand House PO Box 617 Durham DH1 9HZ Contact: Craig Hudson
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

See attached Grounds for Review

Please provide as much information as possible to support the application
(please read guidance note 2)

See attached Grounds for Review

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date . 06/03/2019

Capacity Team Leader (Trading Standards)

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

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

verification would indicate that inadequate processes are in place to protect children from harm.

10. The premise licence does include a full list of conditions at Annexe 2, including EPOS Prompts on the till, staff training and the use of a refusal register.
11. Whilst it is for the Licensing Authority to determine the appropriate course of action, the Applicant would ask the Authority revocation of the premises licence as the most appropriate action to promote the licensing objectives.



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DCCC/PLA0283
16 March 2016
16 March 2016

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
COSTCUTTER UNITS 2 AND 3, OLD CO OP BUILDINGS FRONT STREET BURNOPFIELD NEWCASTLE UPON TYNE NE16 6LU	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ

Telephone number:

Where the licence is time limited the dates
 N/A

Licensable activities authorised by this licence
 Sale of Alcohol

Opening Hours of the Premises

	Opening Hours	Non-standard/seasonal timings
Mon	06 00-23 00	N/A
Tue	06 00-23 00	
Wed	06 00-23 00	
Thu	06 00-23 00	
Fri	06 00-23 00	
Sat	06 00-23 00	
Sun	06 00-23 00	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:
 Off Alcohol Supplies Only

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Sale of Alcohol		Further details
Mon	06:00-23:00	N/A
Tue	06:00-23:00	Non-standard/seasonal timings
Wed	06:00-23:00	N/A
Thu	06:00-23:00	
Fri	06:00-23:00	
Sat	06:00-23:00	
Sun	06:00-23:00	

Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

MR HARJINDER BAL

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol

NORTHUMBERLAND COUNTY COUNCIL

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality.

Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas where the sale/supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly times and date stamped and kept for a period of 28 days.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at viewing the CCTV and downloading the footage onto a disc, hard drive or memory stick when requested to do so by the police/local authority.

The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

A sign will be displayed stating the opening hours and licensable hours for the sale of alcohol.

The premises has a functioning burglar alarm and also a panic button.

Public Safety

Fire exits and fire equipment clearly marked.

Aware of requirements regarding health and safety.

First aid facilities will be available.

An incident log will be kept at all times.

The floor is fitted with non-slip vinyl tiles and necessary warnings will be in place if floors are damp. Access is possible for disabled persons with space to get around courtesy of the post office assessment.

Prevention of Public Nuisance

Groups of people will be discouraged from congregating outside the premises.

Protection of Children from Harm

The epos till will be fitted with a prompt for all age appropriate products.

Proof of age policy in place for people under 25 years of age via the Challenge 25 Scheme. The only forms of identification accepted are Passport, Photo Driving Licence and 'PASS' hologram ID ie ID4U.

Training of staff - all staff responsible for selling age restricted goods will be trained to implement the age verification policy. Training records for staff will be maintained and refresher training will be provided annually.

A refusal register will be kept and endorsed after every sale refused. This is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales).

Spirits shall be shelved behind the counter.

Minimum Price of Alcohol:

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979,
- (b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence,
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question, and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

We will hold the 4 objectives in high regard and will strive to keep staff fully trained on all policies and procedures.

All training records will be made available to officers when requested

Prevention of Crime & Disorder

Initial staff training to be carried out by the DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every six months.

Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
No serving alcohol to any person who appears to be drunk.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

MR JAMES MILLICAN

Registered number of holder, for example company number, charity number (where applicable)

Company no: N/A

Charity no: N/A

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

MR HARJINDER BAL

State whether access to the premises by children is restricted or prohibited

NO RESTRICTIONS

Signature of Authorised Officer
Head of Environment, Health and Consumer Protection

**DURHAM COUNTY COUNCIL – CONSUMER PROTECTION
ENVIRONMENT, HEALTH & CONSUMER PROTECTION**

STATEMENT OF WITNESS

(Criminal Procedure Rules, r6.2; Criminal Justice Act 1967, s.9)

STATEMENT OF: Graham John Blount
AGE: (if over 18 enter "over 18"): over 18
OCCUPATION: Senior Trading Standards Officer
ADDRESS: C/O EHCP (Trading Standards) PO Box 617,
Durham, DH1 9HZ

This statement consisting of 2 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 19 day of Feb 20 19

Signed

I am a Senior Trading Standards Officer employed by Durham County Councils Trading Standards Service in the Business Compliance Team. I hold the Diploma in Trading Standards awarded in 1992. I am currently qualified as a Trading Standards Practitioner through the Chartered Institute of Trading Standards. I am an Authorised Officer under the Licensing Act, 2003.

On 13th December, 2018 I was employed on Operation in underage test purchase exercise that was targeting off licences within the County. I was accompanied by PC Ian Robertson and PCSO Michelle Williamson, of Durham Constabulary. All the premises targeted during that exercise had been identified through complaints from the public or intelligence received that they were selling alcohol to underage youths.

At the beginning of the operation a photograph was taken of the volunteer which I now produce as Exhibit GJB/A.

Signed:

Statement Taken by:

STATEMENT OF: Graham John Blount

Continuation Sheet 1

Durham and attempt to purchase alcohol. At 19.01 hours the volunteer emerged from the premises carrying a bottle of wine. I took the wine from the volunteer and placed it in an evidence bag, and labelled it as Exhibit GJB/1. The transaction was recorded on a covert camera worn by the volunteer and I now produce the footage from the camera as Exhibit GJB/2.

On 21st December, 2018, again as part of Operation I returned to carry out a follow up test purchase from the premises accompanied again accompanied by PC Roberston and by PCSO Williamson. Before the operation commenced I took a photograph of the volunteer. I now produce a copy of this photo as GJB/B

At 19.09 hours I tasked the volunteer to enter Costcutter, Units 2-3 Old Coop Buildings, Front Street, Burnopfield, County Durham and to attempt to again test purchase alcohol. At 19.12 hours the volunteer emerged from the premises carrying a bottle of wine. I took the bottle from the volunteer and placed them in an evidence bag and labelled them as Exhibit GJB/3. The transaction was again recorded on a covert camera worn by the volunteer and I now produce the footage from the camera as Exhibit GJB/4.

On 15th January, 2018 I visited Costcutter, Units 2-3 Old Coop Buildings, Front Street, Burnopfield, County Durham accompanied by PCSO Williamson to speak with the Premises Licence Holder. He was present and identified himself as James MILLICAN. I showed him the two photographs from the footage, and he confirmed he had served the alcohol in both cases.

Signed: ...

.....

Statement Taken by:

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9**

Statement of Michelle Williamson

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Licensing PCSO

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 4th February 2019

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court: Tick if witness evidence is visually recorded (supply witness details on rear)

I am a serving Police Community Support Officer within Durham Constabulary working from the Alcohol Harm Reduction Unit, Meadowfield.

On Thursday 13th December 2018 I was on duty taking part in Operation _____ which was a Trading Standards authorised test purchase operation in _____ County Durham. The operation involved sending a child volunteer wearing a covert camera into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place in which the child volunteers were instructed that if asked their age they could lie and say they were 18. The child volunteers were also instructed to state they had no identification if asked. The child volunteer for this operation was 16 years of age.

Approx 18:57 hrs on that day the child volunteer entered Costcutter, Old Co-op Buildings, Burnopfield and purchased a bottle wine. The volunteer and not asked for ID or how old they were.

On Friday 21st December 2018. I was again taking part in Operation _____ a Trading Standards test purchase operation in the _____ the operation involved sending a child volunteer wearing a covert camera into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place in which the child volunteers were instructed that if asked their age they could lie and say they were 18. The child volunteers were also instructed to state they had no identification if asked. The child volunteer for this operation was 15 years of age.

Approx 19:09hrs on that day the child volunteer entered Costcutter, Old Co-op Buildings, Burnopfield and purchased a bottle of wine. On this occasion the volunteer was asked for ID or how old they were.

At 15:13hrs on Tuesday 15th January 2019 I attended Costcutter with Graham BLOUNT, Trading Standards Officers from Durham County Council with a picture of the male who sold the alcohol to the volunteer during the 2 test purchases and spoke to the male behind the counter. The male confirmed it was him in both pictures and gave him details as James MILLICAN, bn _____ Arrangements were made for me to attend the premises to issue a ticket for the offence of sale of alcohol anywhere to a person under 18.

Witness contact details

URN

Name of witness: Michelle Williamson

Home Address:

Postcode:

E-mail address:

Mobile:

Home Telephone Number:

Work Telephone Number:

Preferred method of contact:

Gender:

Date and place of birth:

Former name:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:**Witness care**

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) Yes No If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only:** I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'

Signature of witness:

PRINT NAME:

Signature of Parent

PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken:

At 10:34hrs on Tuesday 22nd 2019 i attended Costcutter again in company with PC 1426 ROBERTSON. I cautioned MILLICAN and issued Penalty Notice for Disorder ticket number 011803 80167152, for the offence of Sale of alcohol anywhere to a person under 18, contrary to S146(1) of Licensing Act 2003 which he signed and accepted. It was explained to MILLICAN that he had 2 options, within 21 days he should either pay the notice or request the matter be dealt with at court, both can be done by completing either PART 3 or PART 4. If he failed to do this with the 21 days the fine would increase by one and a half times and it would be registered with the court against him and he may be charged with the relevant offence.

Signature: {

Signature witnessed by:

**Appendix 5: Information from the premises licence holder's
Solicitor in support of the business**

COSTCUTTER, BURNOPFILED

Appellant

And

DURHAM COUNTY COUNCIL

Respondent

CORE BUNDLE

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2.	Training implemented at the premises	1-43
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5.	Proposed Conditions	1-2

ITEM 1

WITNESS STATEMENT OF TIM ROBSON

Witness Statement

Statement of Tim Robson

Age if under 18: Over 18

Occupation: Licensing Consultant and Trainer

This statement (consisting of: [4] pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

1. My Name is Tim Robson and I am currently self-employed as a licensing consultant and teacher of licensing legislation to the approved standard in relation to the Award in Personal Licence Holder's. I make this statement in my capacity as a Licensing Consultant for TJR Licensing and former Police Licensing Officer.
2. Briefly, my experience as a Police Officer involved in the latter 14 years of my career working as a Licensing Sergeant within Durham police area. In the last four years of my career I worked within the Durham Alcohol Harm Reduction Unit which was a specialist unit divided into prevention, enforcement, treatment and education. My role was primarily Licensing Sergeant dealing with Prevention and Enforcement, and my role extended within the unit to target organised crime groups, problem premises and deal with vulnerability and child and sexual exploitation. I have worked closely on operations with the Border Agency targeting immigration breaches in licensed premises. I therefore have a detailed knowledge of both lower level breaches in the licensing objectives but more importantly the more serious breaches that occur such as those mentioned above and serious violence.
3. I was involved in several high-profile Reviews and Summary Reviews and commented on hundreds of licensing applications. I received a Chief Constables commendation for instigating in excess of 20 reviews on licenced premises in one year, where I identified serious undermining of the objectives and ensured that the problem premises was brought to the attention of the licensing committee.
4. I was one of eight specialist officers appointed in England and Wales as a representative of the National Police Chiefs council (formally ACPO), and I worked with the alcohol sub group based in the Home Office. Since retiring in December 2015 I have, worked as a Licensing Consultant. I continue to deliver training and conduct premises risk assessments and I report on my findings. I also am a Training Coordinator with the Institute of Licensing, Northern Section and the North East representative for Pubwatch.

5. As a result of instructions received from Mr Matt Foster of Mincoffs Solicitors, I attended The Costcutter Post Office at the Units 2-3, Old Co-op Buildings, Front St, Burnopfield, Newcastle upon Tyne NE16 6LX. I am aware that this premises is subject to a review following the sale of alcohol to persons under 18yrs of age during a test purchase operation on two occasions in December 2018. My visit on this occasion was to risk assess the premises in relation to the licensing objectives and to speak to the manager and Premises licence holder Mr James Millican in relation to the social responsibilities in the sale of alcohol awareness. I attended the premises at 3pm on Wednesday 2nd April 2019 where I met Mr James Millican manager and Premises holder for the Premises'. The Designated premises licence holder is Mr Harjinder Bal, who was not present at this time. Mr Millican was serving customers and I was able to monitor his method of operation during my visit.
6. During this visit I took a number of photographs of the outside and inside of the shop. Externally to the front of the premises was a sign displaying its opening times. The single door placed central to the front of the premises was covered by an external CCTV camera. An alarm system and shutters were sited to the front of the shop.
7. Once inside the premises was very well lit with the alcohol sited some distance from the shop door to the far right of the shop. The point of sale was to the right of the shop door and had a clear view of persons entering. Alcoholic drinks were primarily located in six cooler units at the side of the cash pay point. As per the licence condition's the spirits were stocked behind the counter. In comparison to many other of licensed premises that I have visited this premises has only a small quantity of alcohol for sale. The condition of the premises I would describe as well presented and the floor was of good quality and non-slip. Aisles were clear and obstruction free.
8. All fire exits were clearly marked and properly signed. Fire extinguishers were within their date of testing and complied with regulations.
9. The till was fitted with an electronic point of sale age verification system and all of the statutory signs were displayed. Cigarettes' were hidden from view with the statutory signs displayed and the summary of the premises licence part B was displayed. The premises was displaying a Challenge 25 age verification policy.
10. I saw that the premises had a good quality 8 channel CCTV system which was recording for 28 days and covered all entrances and exits.
11. Upon speaking to Mr Millican it was apparent that he was very busy, engaged with both post office and shop duties. He informed me that he was primarily the main operator in the premises with one other member of staff to assist. He knew a number of the customers very well and

presented a good quality of service to all patrons who he dealt with. During the time I was in the shop I did not see any persons enter whom I would challenge as being under 25yrs of age. I examined a refusal register which was completed and in date.

12. On Wednesday 8th May 2019 I attended the premises again and on this occasion I conducted a detailed training delivery complying with the Highfield accredited qualification for the Award for Personal Licence Holders and in particular the responsibility on the staff in ensuring compliance and their role in conducting a continued risk assessment of the objectives. The training was accompanied by a presentation on the expectations of the act and specifically what to look for with regards to identification for sales of age related products and the procedure to be followed when inspecting documents prior to employing new staff. I also defined the legal definition of drunkenness and demonstrated fake identification. I included in my training the need to monitor the outside of the shop and ensure that groups gathering outside are politely moved on. This training took five hours and was delivered to James William Millican, Oliver and Laidler. I was able to put questions during the training to all three candidates on their understanding of the training. Following the training I conducted an approved examination on the knowledge required relating to the Award for Personal Licence Holders. Immediately after this the three candidates completed a second examination in relation to licensing law and general knowledge. All three candidates passed both of the examinations.
13. After the training each of the three signed a declaration of training and compliance regarding complying with the age verification process.
14. The three candidates then signed a declaration of compliance in regards the need to refuse the sale of alcohol to persons whom are drunk.
15. I recommended that refresher training was conducted every 6 months, and full training records are maintained for future inspection by the authorities.
16. I introduced a new challenge compliance sheet that indicates the number of age verification challenges conducted on a daily basis.
17. My initial recommendations were as follows;-
 - Utilise the challenge sheet.
 - Maintain at least 2 staff to provide assistance and support to Mr Millican.
 - Identify a new Designated Premises Supervisor, as Mr Millican is on a daily basis engaged in Post Office duties which take him away from the general operation of the

shop sales, of which I would recommend Laidler from her previous skill set and experience.

- Maintain an up to date CCTV log demonstrating regular checking and compliance.
- Although the customer matrix may be elderly in comparison to the challenge 25 scheme maintain a comprehensive refusal register and identify when there have not been any customers in the premises under the age of 25.
- Improve displayed signage in respect of Challenge 25 and tobacco sales.
- All future staff are to be trained to a high standard with regards to licensing legislation and the social responsibilities surrounding the sale of alcohol as well as how to challenge 25 and age verification. Full training records to be maintained.
- During training the candidates were given a number of examples of fake and real identification to assist him in identifying true and correct identification methods for future reference. The premises would benefit from the use of an ultraviolet light to identify fake identification.

Summary and Recommendations

18. I am satisfied that the training of all three members of staff is of the required standard to ensure future compliance.
19. I am satisfied that the training has been received well and that the sales team has the skills to ensure continued compliance with the legislation.
20. I am satisfied that this premises, if the Licensing Committee is minded to allow the licence to continue, will operate in a safe, socially responsible and overall legal manner.
21. I respectfully submit this document for the information and attention of the licensing committee.

Signed.....

Dated **27th May 2019**

ITEM 2

TRAINING IMPLEMENTED AT THE PREMISES



TJR Licensing, Consultancy and Training.

Record of Training Given to a Member of Staff Regarding Social Responsibilities Surrounding the Sale of Alcohol and all in House Policies and Procedures. Trainers Declaration.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



I hereby confirm that I have delivered training to all staff members listed on the attendance sheet in relation to Costcutter convenience store. The training given was at a level of the Award in Personal Licence Holders Level 2. The subject matter covered the new Licensing Act. I included a strong police definition of identifying drunk customers and conflict resolution. I confirm that I have delivered training to all of the listed staff on the "Police determination of a drunk"

I covered the necessity to check identification and I produced examples of fake ID. I fully defined the manner in which alcohol should be sold in a socially responsible manner. In recognising current traits, I included training in vulnerability, Novel Psychoactive substances and Nitrous oxide usage.

At the end of the training the learners were all tested with an examination on company policy and procedure and all passed. Certificates have been provided to demonstrate the achievements of the learners.

In relation to age restricted products I feel confident that those trained fully understand the legislation, liabilities, policies and procedures to be complied with namely.

- Acts of Terrorism and Major Incidents
- Crime Prevention Policy
- Drinks and Drunkenness and conflict management.
- Disorder Policy
- Disorder and Drunkenness policy declaration
- Fire Fighting Policy.
- Preservation of a Crime Scene
- Recognising the needs of Disabled or impaired persons.
- Responsible Service of Alcohol Policy and Age Restricted products
- Request for evidential images from CCTV.
- Immigration Policy
- Incident Report Form
- Social Media Policy
- Vulnerability Policy
- Weapons and how to deal with weapons policy.
- Novel Psychoactive Substances and Laughing Gas

Name of Premises; Costcutter, Old CoOp buildings Burnopfield
Trainer Name Tim Robson Cert.Ed. MIOL, BII

Signature

Date

8/5/19

It is recommended that refresher training is given every six months.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



ACTS OF TERRORISM OR ANY OTHER MAJOR INCIDENTS

This convenience store hopes to attract a wide range of individuals and groups of people that may come to this shop in order to purchase items and hopefully in the knowledge that we will do our best to provide a safe and crime free space for them to enjoy their shopping experience without worrying about what might happen. Unfortunately, it is exactly this kind of atmosphere that can attract people that wish to commit crimes of terrorism against ourselves and the general public.

This training guide has been put together in an effort to reduce the amount of injury, stress and possible loss of life that could possibly happen in the venue, in the event of an act of terrorism or other major incident. You as a staff member of the shop are responsible for what happens in the store when you are on duty. Whether you are selling products or stocking shelves it is your duty to be aware of everything that is happening around you. In the event of an act of terrorism or other major incident the evacuation or possible non evacuation may differ completely to that of a fire evacuation depending on the exact nature of the incident.

Your senior on duty manager will decide the best course of action to take in these instances and you will have to follow their instructions carefully until the all clear is given. In an effort to reduce panic amongst the general public the code word CINDERELLA has been given in case of any major incident or act of terrorism.

If you are the first to become aware of any situation that may require emergency procedures other than a fire this is the code word you must give, when made aware of the situation via the code word it is important that you remain calm and pay attention to any instructions given by your manager or supervisors, remain at your workstation or return to it if you are away for any reason. **DO NOT LEAVE THE PREMISES UNLESS INSTRUCTED TO DO SO.** The threat may be outside the building and it may be safer to remain inside. There are a number of different situations that could possibly occur and the procedures to follow in each instance could be very different.

In case of a pre-warned bomb threat

- It is possible that bomb threats may be telephoned in to the club – If you are the person that answers the phone in this instance it is important that you do the following.
- Switch on the voicemail recorder on the phone
- Tell the caller which town/district you are answering from
- Record the exact wording of the threat - write it down.

Ask the following questions

- Where is the bomb right now?
- When is it going to explode?
- What does it look like?
- What kind of bomb is it?
- What will cause it to explode?
- Did you place the bomb?
- Why?
- What is your name?
- What is your address?
- What is your telephone number?
- Record the time and date the call ends, length of the call
- If the number was not given - try and retrieve it via 1471

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- Inform the senior duty manager of the details of the call
- Contact the police on 999 and record the time of that call
- Write down any details of the caller you could guess from their voice, such as
 - Sex of the caller
 - Nationality
 - Age
- Were they well spoken, threatening, offensive, was the threat read out?
- Were they calm, crying, angry or emotional in any other way?
- Was the voice disguised in any way?
- Did they have a lisp or other defined way of talking?
- Was the voice familiar? If so who did it sound like?
- Were there any background noises such as music or traffic?

Search and evacuation of premises due to Pre warned bomb threat

- If the situation is a pre-warned bomb threat and the manager has been informed that the device is inside the building and where it is they will most likely decide to evacuate the building through escape routes furthest away from the position of the bomb in this instance the code word CINDERELLA will be followed with the area of the device CINDERELLA – IN THE REAR YARD for instance. In this case the senior staff and managers will take care of the evacuation in a similar way to a fire procedure ushering everyone from the shop areas first. It is important that you obey the same set of rules as the fire procedure e.g. not returning for personal belongings, remaining calm and assisting disabled people with evacuation etc. Managers and supervisors must remain on site and search for the device until it is found and Emergency services can locate it easily from directions given by them.
- If the situation is a pre-warned bomb threat and the manager has been informed that the device is outside the building (such as a car bomb) they will most likely decide that the safest option is to remain inside the building until given the all clear by emergency services. In this instance the code word CINDERELLA – OUTSIDE will be given and you must await instruction from your senior manager and supervisors. All members of the public and staff must remain inside the building in an area the manager deems to be safest from the threat. It is important that you remain calm and follow the instructions given to you by your manager and senior staff, you may be asked to comfort members of the public, hand out water or help your manager in some way.

A suspect package is found in the shop without warning

- If a suspect package is found in the shop at any time by a member of staff or by a member of the public it is essential that – the manager on duty is informed immediately, the code word CINDERELLA is used to reduce panic.
- Do not attempt to touch or move the package from where it is
- Your senior manager will most likely evacuate the building through escape routes furthest away from the suspect package.
- Remain calm and obey regular fire evacuation rules, listen carefully to instructions given by managers and senior staff, leave through escape routes designated by management.

Biological/chemical/radiological threats inside the building

- It is possible the building may come under threat from biological or chemical threats through letters or parcels being delivered. It is unlikely that this would happen during times when the building is occupied by members of the public (all deliveries are completed during times when customers are not present)
- In this instance it is important that – All air conditioning devices are switched off including computers with fans and refrigeration equipment. NOBODY leaves the building until medical advice has been given. All doors and windows must be locked shut and surrounding businesses must be informed of the situation. Emergency services must be informed immediately.

Biological/chemical/radiological threats outside the building

- It is possible an incident may occur outside the building, in this situation you will be informed by the use of the code word CINDERELLA – OUTSIDE
- In this instance your manager will most likely decide it is safest to remain inside the building away from all ventilated areas, turn off all systems that draw air into the venue (air conditioning etc.), lock all windows and doors and remain inside until given the all clear by emergency services.
- It is essential that you remain calm and listen to all instructions given by your manager and senior staff

Why do we have to deal with it?

- There are many ways we could come under threat in this industry partly because the places we work are busy crowded environments with limited protective security measures and therefore the potential for mass fatalities and casualties. It is therefore our duty to be aware of how to deal with these situations in the best manner possible in the unfortunate event we may have to.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



CRIME PREVENTION POLICY

Theft and Shop Lifting

Lost property is another issue, if you find an item of lost property: a mobile phone perhaps or an item of jewellery you must hand it in to the manager and it must be logged correctly and taken to the police if it does not get collected by the owner.

You **CANNOT KEEP** Lost property it is not yours. If you are found in possession of an item of lost property by way of a security search at the end of shift it will be treated as gross misconduct and you will be dismissed immediately. Lost and found property will be recorded in the appropriate registers and details of the item recorded. The item will be retained in a safe place for a period of 28 days.

Robbery

As a cash handling business which operates a convenience store and a post office, the threat of robbery is real. You should be vigilant, and report anything to a manager which you think is suspicious. A written record can also be made of persons behaving suspiciously, and CCTV can be retained just in case.

Criminal damage and acts of Violence

It is unfortunate that some members of the public may get aggressive, particularly if they have already been drinking alcohol. This may lead to them damaging property or turning their anger against other members of the public or staff. It is important that you are aware of this. If you witness any situation that looks like it may become violent you must report this to a member of management immediately. If nobody is available then call the Police.

If someone is aggressive or violent to you, you must also report it to a member of management. Do not get involved in any arguments or violent conflicts. If you see someone damaging property report it immediately.

Theft from the company

It is also important to consider that members of the public and indeed employees of the company may try to steal company property and/or your own property. It is your duty to do your best to combat this.

You can do this in many ways:

- Making sure all doors to staff only areas are locked behind you;
- Being observant and watching the behaviour of the public;
- Keeping stock/cash etc. out of reach of customers;
- Reporting any suspicious behaviour or evidence of theft by either customers or staff members to your manager immediately, your manager will keep this anonymous if you wish; and
- Being vigilant and aware at all times

Lost Property

Lost property is another issue, if you find an item of lost property: a mobile phone perhaps or an item of jewellery you must hand it in to the manager and it must be logged correctly and taken to the police if it does not get collected by the owner.

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You **CANNOT KEEP** Lost property. It is not yours. Lost and found property will be recorded in the appropriate registers and details of the item recorded. The item will be retained in a safe place for a period of 28 days.

CCTV

A 24 camera Close-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.

The CCTV system will contain the correct time and date stamp information.

The CCTV system will have sufficient storage retention capacity for a minimum of 31 days continuous footage which will be good quality.

A designated member/members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



DISORDER POLICY

Costcutter hopes to continue to be a very popular shop, attracting a wide range of individuals from near and far that may come to the store, hopefully in the knowledge that we do our best to provide a safe space for them to purchase goods without worrying about what might happen.

You as a staff member of the venue are responsible for what happens in the shop when you are on duty. The management wishes to promote the opportunities of all in this area and will seek to actively employ local staff. You have an enormous duty of care and social responsibility in any role that you work. Whether you are serving customers, stocking shelves or working around the building it is your duty to be aware of everything that is happening around you. If you are working in the venue and you see an instance of disorder happening or just about to happen it is essential that you:

- Take a mental description of the people involved – clothes, hair colour, height/size etc., who is the aggressor in the incident? All incidents of disorder must be recorded afterwards with as much information as possible in the incident book.
- Get a manager immediately explain the incident calmly and return to the scene. DO NOT intervene.
- If the incident is over and the people you saw have fled give your description to the security staff and go about your business – DO NOT seek out the people involved on your own and try to intervene
- If you see the people involved again, inform management of where they are and go about your business. DO NOT intervene
- If what you witness is a serious incident of disorder and someone is injured you may need to make a statement to the police. It is important that all incidents are recorded write a statement stating what happened, where and at what time and date. It is important to mention that you as a member of staff may be the victim of disorderly conduct by a member of the public. If at any point you feel as though you are being threatened in any way and disorder could follow – DO NOT try and deal with it yourself. Go and get a member of security or management and the person involved will be removed from the premises immediately

Duty of care to those involved in incidents of disorder

It is important that those involved in incidents of disorder are taken care of if necessary. Any injuries must be taken care of by the duty manager trained in first aid, Ambulances or Police must be called if necessary and if you were involved in the incident or simply witnessed it a statement must be made.

Do your best to assist your manager if they need it, If the manager has not arrived to administer first aid do your best to keep the injured party comfortable and calm, offer water etc. If the crime scene needs to be preserved keep it clear with tape or ropes and poles and a member of management.

Close the room if possible It is very important that all customers attending the venue are safe while in the premises, leave the store safely, and make their way home safely after we close, it is not acceptable to simply get rid of people that may be vulnerable or incapacitated due to instances of disorder they may or may not have been involved in whilst in the premises. It is simply our duty to make sure they are safe while under our care.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



DRUNKENNESS POLICY

You as a staff member of this shop are responsible for what happens in the premises when you are on duty. Whether you are selling age restricted products or re stocking shelves it is your duty to be aware of everything that is happening around you. You will have already filled out your responsible service of alcohol form and are already aware of the consequences of serving somebody alcohol that is under the age of 18 or even serving someone over the age of 18 that intends to supply the alcohol to someone under 18. If you have not filled out this form speak to your manager immediately. Being vigilant to proxy sales is essential.

Alcoholic Drinks are not allowed to be consumed in the premises or immediately outside as it will associate the shop with poor management and anti-social behaviour.

You must also realise that it is an offence to allow the service of alcohol to a drunk on the premises. It is your duty to recognize the symptoms of someone that is drunk and refuse service if necessary.

• The Collins dictionary definition of a drunk is:

"intoxicated with alcohol to the extent of losing control over normal physical and mental functions"

• The Oxford English Dictionary states that drunkenness is *"having drunk intoxicating liquor to an extent which affects steady self-control"*

Effects of Drunkenness

You may recognize someone that is drunk by keeping the above statements in mind or from your own experiences here are a few more points that may help you

- Glazed, possibly reddened eyes
- Slurred speech
- Poor co-ordination (staggering, being unsteady on their feet, being unable to count out cash or use a mobile phone)
- Inability to respond appropriately to clearly stated questions or requests
- Strong smell of alcohol on breath
- Rambling conversation
- Unkempt appearance
- Being careless with money
- Spilling drinks
- Bumping into display stands.
- Inappropriate sexual behaviour
- Drowsiness

If you notice any of the above signs in anyone that wishes to be served alcohol at the bar or are even unsure, check with your supervisor or nearest manager. If this is not possible then the easiest way to deal with the situation is simply to say **"I'm sorry but its company policy that I must not serve alcohol to someone whom I believe to be drunk"** If the customer attempts to argue the point do not get into any kind of confrontational argument with them and simply apologise. Inform the manager immediately and make sure the customer does not get served any more alcohol. If the customer becomes aggressive use any of the following: -

- Contact a supervisor
- Phone the Police

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It is your duty to be responsible in the way you serve alcohol. If you fail to observe the rules in serving persons under 18 and/or persons deemed to be intoxicated, you are committing an offence and may be fined by the Police and/or disciplined for misconduct.

Proxy Sales

'Proxy sales' is a term used to describe the purchase of alcohol on behalf of children. A person commits an offence if they buy or attempt to buy alcohol on behalf someone under the age of 18. Especially when serving through the hatch, you must be very vigilant as to who you are selling the alcohol to. Observe the potential customer, are they perhaps acting on behalf of younger persons around the corner. Make use of the CCTV and identify regular customers being confronted by young persons. It is your duty to prevent alcohol from falling into the hands of under 18 year olds. You must be satisfied that you are actually selling the alcohol to the genuine individual and not to a proxy sale elsewhere.

Duty of care to those involved in incidents of Drunkenness

It is important that those involved in incidents of drunkenness are taken care of if correctly. As this shop seeks to offer the sale of alcohol for 24 hrs then as a retailer it is your responsibility to be fully satisfied that the purchaser is not drunk at the time of purchase. You may have potential customers attend the shop after having been drinking in an on licenced premises. **You must assess them and if drunk refuse the sale.** Any injuries must be taken care of by the duty manager trained in first aid, Ambulances or Police must be called if necessary and if you were involved in the incident or simply witnessed it a statement must be made. Do your best to assist your manager if they need it, If the manager has not arrived to administer first aid do your best to keep the effected party comfortable and calm, offer water etc. It is very important that all customers attending the shop are safe, that they enter go about their business and leave safely, and make their way home. It is simply our duty to make sure they are safe while under our care.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



Disorder and Drunkenness Policy Declaration

Costcutter will not tolerate disorderly behaviour towards staff or fellow patrons. To counteract any such behaviour, we will seek to do the following:

- Refuse to serve alcohol to people who have consumed too much alcohol and those who attempt to purchase alcohol for people who are in the same condition.
- Refuse entry to people who have already consumed too much alcohol.
- We will not allow people who have consumed too much alcohol to remain on licensed premises.
- Be aware of troublesome signs e.g. people becoming more vocal, aggressive, unsteady on their feet, uncoordinated movements, inflamed eyes, increasing self-confidence and loss of self-restraint.
- We will not tolerate anti-social behaviour.
- Ensure that all staff are aware of the standard of behaviour that is acceptable from customers and the set procedures in place to deal with such behaviour.
- We will attend shopwatch where possible and report any incidents both to the Police and/or Pubwatch should the situation require.

By signing here, I agree to adhere to the disorder and drunkenness policy for Costcutter and am happy that my role in enforcing this approach has been explained to me as part of my staff training.

NAME	POSITION	SIGNED

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



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NAME	POSITION	SIGNED
OLIVER	SALES PERSON	
LAILDLER	SALES ASSISTANT	
JAMES WILLIAM MUKWAN	OWNER	

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



THE EFFECT OF DRUGS HOW TO DISPOSE OF DRUGS AND OUR DRUGS POLICY

This training guide has been put together in an effort to reduce the undermining of the licensing objectives caused by drugs that could possibly happen in the venue.

COTCUTTER CONVENIENCE store has a ZERO TOLERANCE drugs policy. This means that drugs are not permitted in any way on the premises. If drugs are found on anybody's person, they will be reported to the police. This applies to staff members too. If any staff member is caught using or in the possession of drugs they will be dismissed immediately and handed to the Police. If drugs are found in or around the premises, they are to be taken to the manager immediately who will then place them in a self-sealing bag, police will immediately be notified and will be handed to police on arrival. Drugs must not be disposed of in any other way and especially not taken off the premises. If you find something at work and you are unsure whether it is drugs or not take it to your duty manager to deal with. **DO NOT touch needles**

You as a staff member of the venue you are responsible for what happens in the shop when you are on duty. Whether you are selling items or working in the building it is your duty to be aware of everything that is happening around you. It is also part of our job to make sure that members of the public attending premises are kept as safe as possible while under our responsibility. It is your responsibility while working at the premises to be aware of the condition of our customers and whether or not they are in a suitable condition to remain in the venue or need some form of attention or first aid. You may find a number of different instances where people may need to be looked after where drugs are concerned. The following is a list of things to look out for to see if members of the public could be under the influence of drugs and ways to help them if necessary (safer clubbing guide & BBPA used as reference):

- Very dilated pupils
- Excessive sniffing, dripping nose, watering or red eyes
- Sudden severe cold symptoms following visit to toilet/smoking area
- White marks/traces of powder around nostrils
- Excessive giggling, laughing at nothing, non-stop talking
- Unnaturally dopey, vacant staring, sleepy euphoria
- Non-stop movement, jiggling about, dancing
- Gagging or retching actions
- Excessive consumption of soft drinks or water
- Sudden, inexplicable tearfulness or fright
- Any marked alteration in behaviour following visit to toilets/smoking area
- Payment in tightly rolled bank notes
- Violent, over confident behaviour
- Lack of co-ordination/confusion
- Lack of inhibitions
- Overheating/removal of clothing due to excessive movement/dancing

It is possible that the people experiencing these effects are in fact enjoying the experience and wish to be left alone. Offering water to those looking worse for wear would be a good step to making sure they are comfortable and keeping hydrated which is very important where drugs are concerned. Do not agitate anyone in these conditions it may just confuse them and they may become violent towards you.

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Legal Highs or 'Novel Psychoactive Substances', 'NPS'

The law

While many of these drugs were once legal, with the advent of the Psychoactive Substances Act it is now illegal to produce, supply, or import them for human consumption – including for personal use. Possession for personal use is not an offence, unless in prison.

The Psychoactive Substances Act received Royal Assent on 28 January 2016 and came into force on 26 May 2016. The act:

- makes it an offence to produce, supply, offer to supply, possess with intent to supply, possess on custodial premises, import or export psychoactive substances; that is, any substance intended for human consumption that is capable of producing a psychoactive effect. The maximum sentence will be 7 years' imprisonment
- excludes legitimate substances, such as food, alcohol, tobacco, nicotine, caffeine and medical products from the scope of the offence, as well as 'poppers' and controlled drugs, which continue to be regulated by the Misuse of Drugs Act 1971
- exempts healthcare activities and approved scientific research from the offences under the act on the basis that persons engaged in such activities have a legitimate need to use psychoactive substances in their work
- includes provision for civil sanctions – prohibition notices, premises notices, prohibition orders and premises orders (breach of the 2 orders will be a criminal offence) – to enable the police and local authorities to adopt a graded response to the supply of psychoactive substances in appropriate cases
- provides powers to stop and search persons, vehicles and vessels, enter and search premises in accordance with a warrant, and to seize and destroy psychoactive substances

Some synthetic cannabinoids like Spice are controlled as Class B substances under the Misuse of Drugs Act. Offences for Class B drugs are:

- Possession – Maximum sentence – 5 years/fine/both
- Possession With Intent To Supply – Maximum sentence – 14 years/fine/both
- Supply (including being concerned in supply, conspiracy to supply, aggravated supply and offer to supply) – Maximum sentence – 14 years/fine/both
- Production – Maximum sentence – 14 years/fine/both

'Legal highs' as they are called contain one or more chemical substances which produce similar effects to illegal drugs (like cocaine, cannabis and ecstasy). These new substances are illegal under the Psychoactive Substances Act 2016

Meaning of "psychoactive substance" etc

In this Act "psychoactive substance" means any substance which—

- is capable of producing a psychoactive effect in a person who consumes it, and
- is not an exempted substance.

For the purposes of this Act a substance produces a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state; and references to a substance's psychoactive effects are to be read accordingly.

For the purposes of this Act a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person's body in any way.

'Legal highs' cannot be sold for human consumption so previously they were often sold as incense, salts or plant food to get round the law. The packaging may describe a list of ingredients but you cannot be sure that this is what the product will contain.

Just the fact that a substance is sold as 'legal' doesn't mean that it's safe or legal. You can't really be sure of what's in a 'legal high' that you've bought, or been given, or what effect it's likely to have on you or your friends. We know that many 'legal highs' are sold under brand names like 'Clockwork Orange', 'Bliss', 'Mary Jane' and have been directly linked to poisoning, emergency hospital admissions including in mental health services and, in some cases, deaths.

The main effects of almost all 'psychoactive' drugs, including 'legal highs', can be described using three main categories:

- stimulants
- 'downers' or sedatives
- psychedelics or hallucinogens.

'Legal highs' are usually sold as powders, pills, smoking mixtures, liquids, capsules, or on perforated tabs.



The powders can range from white to brown to yellow in colour and from flour-like to little crystals in consistency. The pills and capsules can range widely in size, shape and colour.

The smoking mixtures tend to come in colourful packaging, often with labels describing the contents as incense or herbal smoking mixture, and the contents look like dried herbs, vegetable matter or plant cuttings. It's common for synthetic cannabinoids to be added to the dried herbs, vegetable matter or plant cuttings to make a smoking mixture.' Being legal does not mean it is safe and as an employee of this premises you have a duty under the Licensing Act to ensure that patrons frequenting the store do so safely.

Legal Highs will not be tolerated in this shop and will be dealt with as if they were a controlled drug.

Laughing Gas or Nitrous Oxide.

As an employee of this venue you must also be vigilant for customers who are in possession of or seen to use Laughing Gas or Nitrous Oxide. Users of this gas may be in possession of small silver gas cylinders and may be seen inhaling gas from balloons. You must remain vigilant for this as **This store has a zero tolerance for use of this gas or possession of it on the company's premises.** Be vigilant for discarded canisters.



What are the effects?

It gives a short sense of euphoria, hence the name, and can cause dizziness and a difficulty to think straight. What is the legal position regarding the drug?

Technically the substance falls into a legal grey area, coming under the 'legal high' bracket as it is used by some dentists as an anaesthetic. Although it is not illegal to possess and inhale the substance, it is illegal to supply it to anyone under the age of 18 - should you think they are likely to be inhaling the gas.

However, it is also illegal to use canisters meant for the dental industry for recreational purposes. Doing so can result in an unlimited fine, or a maximum two-year prison sentence. Be vigilant for customers using such substances.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



FIRE SAFETY POLICY IN ADDITION TO THE EXTENSIVE FIRE RISK ASSESSMENT AND ON SITE POLICY RELATING TO A FUEL PROVIDER.



This training guide has been put together in an effort to illustrate the extra responsibilities given to you. In the event of a fire you as an employee you will be expected to act as FIRE MARSHALS. In this role you may be expected to use the firefighting equipment placed around the venue. You will be shown where the various extinguishers are placed around the venue and for what types of fires they should or should not be used for.

Causes of fire and what to be aware of

- This diagram shows "the fire triangle". It simply shows that in order for a fire to start there must be all three elements present. Removing any one of them will extinguish the fire.
- Electrical fires can be caused by faulty equipment, overloading sockets, frayed wiring, overheating. If you notice a piece of equipment becoming very hot to the touch, a socket that looks overloaded or something that looks in poor condition notify your manager or a member of technical staff immediately.
- Hard fuel fires can be caused by fuels such as wood, paper, cardboard etc. being exposed to heat such as that coming from a discarded cigarette end. Ensure all cigarette ends are completely removed.
- Petrol, diesel and oil fires can be caused by sparks and other sources of direct ignition or heat. Be aware and report any spillages found in the surrounding areas.
- Chemical fires can be caused by various reactions depending on the chemicals involved. Be aware and report any chemical spillages found in surrounding area.

If you find a fire or a fire is reported to you

- Assess the fire decide whether you can tackle it yourself - **DO NOT TAKE RISKS**
- What kind of fire is it? Where is the nearest extinguisher for this particular fire?
- Tackle the fire - **IF YOU CAN** or begin the evacuation procedure by informing your manager
- You will notice that different types of extinguishers are placed around the building according to the equipment or environment surrounding them. This should help you choose the correct extinguisher in the event of any breakout of fire.

The mustering point in the event of a fire is in the roadway to the front of the shop at a safe distance.

**Costcutter, Units 2-3 Old Co-Op Buildings,
Burnopfield, NE166LU**



IMMIGRATION AWARENESS POLICY

IMMIGRATION AWARENESS POLICY

At Costcutter we recognise the important duty we have as employers to prevent illegal working. We expect each of our potential employees to be able to provide sufficient documents to prove they have a right to work in the UK. The Home Office's recommendations for completing a 'right to work' check have been fully implemented in our recruitment process.

RIGHT TO WORK CHECKS

- 1) Obtain the person's original documents
- 2) Check the validity of the documents, in the presence of the holder
- 3) Make and retain a clear copy, make a record of the date of the check

Where a potential candidate is able to provide **original** personal documents, we will conduct a thorough check to ensure that the form of document is valid for the type of work Costcutter is recruiting for. This will take place in the presence of the holder.

If the validity check is performed by a member of our staff or a third party, such as a requirement agency, as the employer I understand that I will remain liable for the civil penalty if it is found that the employee is an illegal worker. Therefore, I will ensure that each validity check is conducted carefully by myself.

For any staff who have right to work in the UK on a time limited period, we will ensure that a follow up 'right to work' check takes place.

Section 21 of the 2006 Act as amended by section 35 of the Immigration Act 2016, states an employer has committed a criminal offence if they **know** or **have reasonable cause to believe** that they are employing an illegal worker.

We are aware that if an employer is found to be employing an illegal worker and has not carried out the prescribed checks to ensure they have a right to work in the UK, action will be taken.

If an employer is found to be employing someone illegally and they have not carried out the prescribed checks, possible sanctions are:

- civil penalty of up to £20,000 per illegal worker;
- criminal conviction carrying a prison sentence of up to 5 years and an unlimited fine;
- closure of the business and an application for a court compliance order;
- disqualification as a director;
- seizure of earnings made as a result of illegal working

Summary

Having regard to the Home Offices recommendations, this convenience store wants to ensure that their practices on employing foreign nationals are impeccable. A traceable pack of 'right to work' documents shall be kept for each of our employees, dated and stored for the duration of the employees time with Costcuttert and an additional 2 years after they leave.

If there is any doubt, wer will do further investigation using the Home Office checking service to determine the working status of the potential employee.

I have fully read and understand the contents of this policy and I am aware that it is my duty as an employer to comply.

Signed:

Date: 16/18/2017

Print Name: James Milkeen

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



PRESERVATION OF CRIME SCENE

The crime scene is a highly important source of physical evidence that must be kept secured for the authorities. To ensure no possible cross-contamination with any other objects a crime scene must be preserved. Making sure the crime scene is preserved, as evidence is crucial it is also important that fundamental practices are adhered to.

Upon arrival at the scene of the crime, the first staff member must record the time, date and weather conditions and take action to preserve and secure the area to the maximum extent possible.

The administering of medical assistance to victims on the crime scene takes priority. Any unauthorized access must be disallowed as any individual present poses the risk of contaminating or destroying physical evidence. Once the scene has been secured. Immediate action must be taken to protect items of evidence, which may be destroyed by weather conditions or fire etc.

Any persons present at the scene of the crime who may be witnesses should be removed and their details taken. It is also necessary to record all movements at the scene and any items moved or touched by individuals. The use of ropes and barriers to prevent unauthorized persons contaminating the evidence is essential.

When a crime occurs at a scene, the information gathered and the preservation of the scene will be vital in helping the Police with their inquiries. It is important that all staff are aware of their responsibilities should a crime occur.

Staff Procedure

If you are made aware of a crime on the premises, do not touch anything as preserving the scene from the moment of the crime, or making a note what might have changed since the crime is vital in helping the authorities with their investigation. Instead immediately inform a senior member of premises' staff (DPS, Duty supervisor or Door Supervisor). They will be able to handle the situation and take the required course of action. If the Duty supervisor for the shift gives you any instructions regarding the incident carry them out immediately and effectively. If you inform a member of door staff also inform the Duty Supervisor for the shift as well.

Duty supervisor Procedure

If you are made aware of a crime on the premises call the police immediately.

Remember that preserving the scene from the moment of the crime, or making a note what might have changed since the crime is vital in helping the authorities with their investigation. Do not approach the situation alone, if a member of qualified door supervision team is on hand ask them to deal with the situation with you, if not then enlist the help of the Designated Premises Supervisor (DPS). Follow the points below to best help preserve the crime scene.

1. Identify the area of the crime scene
2. Identify any secondary scenes (i.e. areas where first aid was performed)
3. Do not move anything unless it is a risk to human life
4. Do not touch anything, if you have to avoid direct contact and make a note of what has been disturbed to inform to police.
5. If the scene has been disturbed (due to emergency services) note what has been moved as well.
6. Protect the scene, create a physical barrier (cones, ropes), use staff to enforce this
7. Secure all fire exits if possible.

Remember, if you or anyone has moved anything; make sure you make a note to pass onto the police.

These situations can be difficult to judge and handle, do not take any action you are not comfortable with or action that may put your colleagues or other customers in danger.

IF IN ANY DOUBT CONTACT THE DESIGNATED PREMISES SUPERVISOR OR OTHER SENIOR MEMBER OF STAFF. Police – 999 or Durham Police – 101

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RECOGNISING THE NEEDS OF DISABLED OR IMPAIRED PERSONS

This training guide has been put together in an effort to illustrate the needs of disabled or impaired persons. It is important to understand that a person with disabilities may not be a wheelchair user and/or may not be visibly identified as being disabled/impaired in any way. This training guide has been written in an effort to help you recognize a number of disabilities and help any patrons affected in the safest possible manner during a significant event such as an evacuation. With this information, you will be able to recognize people with disabilities before the point of evacuation and be aware of their possible needs in the event of a fire or other serious incident.

Wheelchair users or people with limited mobility That may be able to walk slightly and therefore assist with their own evacuation in this situation it is important that you assess how capable the individual is of getting out safely on their own or assisted by another staff member, you must ask,

- Can you walk aided/unaided down the stairs?
- How far can you walk unaided?
- Would this be increased if assistance was made available?
- How many people would you need to assist you?
- How many times might they need to stop and rest?
- Would hand rails be of use in assisting your escape?
- How might your disability be worsened e.g. by smoke etc.?

People who use electrically powered wheelchairs may have less mobility than those who use manual chairs. However, there may be exceptions to this rule, so it is important to consult the disabled person wherever possible. This group of people is likely to require much more assistance when leaving the building. It is wise for the person responsible to find the nearest refuge point for anyone in a powered wheelchair and follow the fire evacuation plan as usual.

Hearing impaired and deaf people

Hearing impaired and deaf people may need to know that there is an escape in progress – The alarm is audible only apart from the emergency lights. Hearing impaired or deaf people might not recognize these signs. You may be aware of any hearing impaired or deaf people in the venue due to previous contact on that evening, if this is the case it may be prudent to write a sign in plain English stating the emergency in progress and action to be taken. Note: Shouting louder is unlikely to be the answer in this situation.

Visually impaired and Blind People

Visually impaired or blind people may not be able to easily locate exit signage. In the unlikely event where a blind or visually impaired person is left alone or unattended it will be necessary to use a buddy system and delegate a member of staff to help the person out of the premises safely by guiding them to the nearest exit and to the assembly point.

People with cognitive disabilities

People with cognitive disabilities often have problems comprehending what is happening in escape conditions or may not have the same perceptions of risk as non-disabled people.

There may be reluctance by some to take an unknown route from the building. Some people with cognitive disabilities may fall into the group of unknown disabilities, such as dyslexia, dyspraxia and autism. These people may not be aware of the problem. In the unlikely event that these people are left alone or unattended it will be necessary to use the buddy system mentioned above keeping the individual as calm as possible, possibly using a slower or less crowded escape route if available.

Unknown Requirements

It should not be assumed that because a person has a disability they will need or even ask for assistance. Some will be confident that they can get out of the building unaided.

Conversely, there should also be an opportunity for other people who may not be considered as having a disability to request an escape plan and have the opportunity to have a confidential discussion about their escape requirements and be clear that if they need help it will be provided.

One group of people in this category is people with epilepsy – these people may make themselves known to you at the bar or your manager may make you aware of them via previous conversations. You must also be aware of people that may have asthma, heart conditions or just may not be able to cope with the stress of an evacuation.

Identification of escape routes by reception or security

- Customers visiting the shop may ask staff to show them the escape routes and procedures on arrival. This task should be allocated to the most suitable person in the building or area that the customer will be spending the bulk of their time in order to build up a familiarity with them so they know who to go to in case of emergency.

- You may be made aware of people's disabilities or Impairments via interaction with them or their interaction with your co-workers. It is important that you recognize them and view them as people that may need help in an emergency system mentioned above keeping the individual as calm as possible, possibly using a slower or less crowded escape route if available. Unknown requirements It should not be assumed that because a person has a disability they will need or even ask for assistance. Some will be confident that they can get out of the building unaided. Conversely, there should also be an opportunity for other people who may not be considered as having a disability to request an escape plan and have the opportunity to have a confidential discussion about their escape requirements and be clear that if they need help it will be provided. One group of people in this category is people with epilepsy – these people may make themselves known to you at the counter or your manager may make you aware of them via previous conversations. For example, it is possible a person with epilepsy could have a seizure due to the fire alarm operating and may collapse in an area where they are on their own. This is very unlikely and the general practice of fire marshals yourselves) carefully and fully checking during the evacuation process should cover this rare eventuality. You must also be aware of people that may have asthma, heart conditions or just may not be able to cope with the stress of an evacuation

Identification of escape routes by staff

- You may be made aware of people's disabilities or Impairments via interaction with them or their interaction with your co-workers. It is important that you recognize them and view them as people that may need help in an emergency.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



RESPONSIBLE SERVICE OF ALCOHOL AND AGE RELATED PRODUCTS POLICY

This short document will outline the groups of people you are unable to serve and our policy on underage persons on premises. If you are unsure of any of the information you are presented on this subject matter it is imperative that you ask for advice as after signing this document, it will be considered **GROSS MISCONDUCT** to in anyway act against our policy on responsible service.

People excluded from service of alcohol

1. Persons under the age of 18 years of age:

The next section fully outlines the procedure of checking for proof of age and what is considered sufficient proof of age.

2. Persons deemed intoxicated:

Although subjective it is important that you practice caution during service and that if you are in doubt of a person's level of intoxication that you ask for a manager/supervisor to 'cut' that person off from service.

The standard legal penalty for Serving either of the above is an £90 spot fine to YOURSELF and the possibility of further fines/Licensing consequences to the license holder.

Persons under the age of 18

This premises operates a Challenge 25 policy. If the person buying an age related product appears under 25 then identification should be requested.

- The only forms of identification accepted in the above cases will be a valid passport, drivers licence or card bearing the PASS logo.
- If the identification is deemed not genuine by the employee asking for it will be confiscated and handed to the police.
- Signs explaining the necessary requirement of identification and the types of identification accepted shall be displayed prominently in the premises.

Age restricted Goods

ITEM	MINIMUM AGE	MAX FINE
 <p>Knives, Blades, Razors and Box Cutters</p>		£5,000
 <p>Alcohol</p>		£5,000
 <p>Cigarettes, Tobacco, Pipes & Papers</p>		£2,500
 <p>Solvents and lighters, including refills (containing butane)</p>		£5,000
 <p>Fireworks</p>		£5,000
 <p>Spray Paints</p>		£2,500
 <p>Lottery Tickets & Scratch Cards</p>		£5,000
 <p>DVD's and Computer Games</p>		£2,500

Practical Tips

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VULNERABILITY POLICY

This training guide has been put together in an effort to raise awareness of vulnerable incidents that could possibly happen in the vicinity of the store, you as a staff member of the staff are responsible for what happens in the store when you are on duty. Whether you are serving at the cash point or stocking shelves it is your duty to be aware of everything that is happening around you.

As employees you will have been trained in drunkenness awareness and as such you should remain diligent towards customers who are under the influence of drink or drugs and if you believe that they are then they should not be served. Be aware that there are vulnerable persons who may be outside of the shop and adults may be purchasing alcohol for them.

Drug use and Drug dealing

It is our duty as a licenced premises operator to make sure we are as vigilant and direct as possible where the use of drugs is concerned in the shop. This shop has a **zero tolerance** policy towards drugs. If anyone is caught using drugs, dealing drugs or found with drugs paraphernalia they will be escorted from the premises and reported to the Police. It is your duty therefore to report any suspicious behaviour and/or any use of drugs to a member of management immediately. Any drugs or drugs paraphernalia found on the floor must be taken to the manager on duty immediately. If you suspect anybody of taking drugs or dealing drugs you must report it immediately.

Date Rape Drugs - ROHYPNOL AND GHB

Rohypnol GHB GHB Ketamine

Rohypnol (flunitrazepam) most commonly known as a date-rape drug, continues to be abused among teenagers and young adults, usually at raves and nightclubs.

STREET NAMES Roofies Rophies Roche Roche Forget-me Pill Forget-me Pill Circles Circles Mexican Valium, Mexican Valium. Rib Roach-2 Roach-2 Roopies Roopies Rope Ropies Ruffies Roaches. Rohypnol Amnesia is the most common side-effect of Rohypnol.

Other Side effects Relaxation or sedation of the body Risk of sexual assault Rapid mood swings and violent outbursts of temper Breathing and heart rate slow down to dangerous levels Comas and seizures (especially when combined with amphetamines) Vomiting and headache Difficulty breathing and nausea. Harsh withdrawal symptoms like insomnia, anxiety, tremors and sweating. Memory loss Death.

Overdose is a very real possibility when Rohypnol is combined with alcohol or any other sedating drug. Rohypnol also severely impairs a user's ability to drive or operate machinery.

Rohypnol Colourless and odourless It has been linked to numerous incidents of sexual assault because it is a fast-acting sleeping pill that can be slipped into a drink and leave the victim with little or no memory of the incident. It has been linked to numerous incidents of sexual assault because it is a fast-acting sleeping pill that can be slipped into a drink and leave the victim with little or no memory of the incident.

Rohypnol the drug has been changed to leave tell-tale blue floating particles when mixed with liquids. If you see these in your drink, do not drink it.

GHB is a colourless and odourless liquid with a slightly salty taste. It is classified as a sedative. The following images give you an idea of what to look for.

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There are a number of simple steps that can be taken to prevent young people illegally purchasing age-restricted goods. Listed below are some practical tips that could help prevent you and your staff from breaking the law.

- We operate a "Challenge 25" policy Always ask for proof of age from anyone who looks younger than 25 years old.
- We operate a "No ID, No Sale" policy. Without proof of age identification, no sale can take place. To further enforce this we display a poster at sale points in the store so customers will expect to be asked to prove their age. If possible, set up a prompt or reminder on your till to remind staff to ask for proof of age when selling age-restricted products.
- Refusals book If you or your staff refuse a sale record this in the refusals book, which is enclosed with this pack.
- Train staff. Ensure all staff are fully trained and their training is monitored. Record training details in the training record enclosed with this pack. Ensure you do not sell to a child even if they say the product is for a parent or other adult. Adults over 18 may purchase alcohol or age restricted goods for another underage person. Monitor the actions of Adults and their communications either inside or outside of the service station to alert you that an adult may be making a proxy sale for a child. Do not be afraid to ask.
- Display statutory notices. Ensure statutory notices, for fireworks and tobacco, are prominently displayed in your business.

Proof of age – always ask to see identification

At times it can be difficult to judge a person's age, so it is vital that you take steps to ensure that you maintain your training to prevent the sale of restricted items to young people.

Be realistic – to get what they want many young people will attempt to make themselves look older and may lie when asked their age.

To be on the safe side we operate a "Challenge 25" policy and always ask to see photo proof of age identification for anyone appearing to be under 25 years of age.

Photo ID schemes

As a business trader you are required by law to ensure the photo ID card provided to you belongs to the person using it. We recommend that you only accept cards with a photograph and a date of birth.

Passports and driving licences are acceptable but remember that a person can have a driving licence from the age of 17.

ID cards that include the PASS holographic logo will also show a photograph and date of birth. The hologram is forge-proof and recognisable.

The Home Office, the Association of Chief Police Officers and Trading Standards support this scheme.

Nationally recognised PASS cards are:

- CitizenCard
- VALIDATE UK

You must follow these instructions

Refusals book

When you refuse a sale keep a record of the incident in the refusal book enclosed with this pack. This record provides evidence that you have avoided making an illegal sale to young people. It may also help identify problem groups, individuals and other issues that may be useful for Trading Standards or the Cleveland Police.

- You should regularly monitor the refusals book to ensure that all staff are using it correctly. If there are no entries, or very few by certain staff, this will be highlighted by the management and could indicate your reluctance to challenge people about their age and can help identify if extra training or support is needed.

Training and support for staff

All staff responsible for selling age-restricted products must receive regular training. You must remain aware of the age restrictions for the various products you sell.

A reference guide is enclosed in this pack above. Display this next to your till for a quick reference guide for your staff. It is also your responsibility to ensure you are aware of what constitutes acceptable photo ID.

You must always operate a "Challenge 25" policy at all times. It is very important to keep records of training and instructions given to staff.

Following your training session, you will be asked to sign a form confirming you have understood the training. Managers will regularly carry out shadowing and dip tests to check how you are dealing with age restricted products.

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It is very important that that our staff are vigilant to glasses and bottles being left unattended as sexual predators take such opportunities to put substances into the drinks.

We sell alcohol and in itself it creates a feeling of lack of awareness of things happening. The individual when drunk will feel less receptive to events.

Young females in particular who may be heavily intoxicated could be preyed upon by sexual predators. Being intoxicated will render certain individuals to sexual assault or rape.

As staff at this venue you will be very aware of vulnerable customers and take appropriate action.

WHAT TO LOOK FOR

- Lone female heavily intoxicated staggering into the premises
- A male approaching a drunken female and taking her from the shop.

WHAT TO DO

- Tell security or your manager.
- Deal with the incident immediately
- Offer to contact a taxi and ensure that the person is escorted safely to the taxi and the driver informed of where she / he will be going
- Take the person to a chill out area and offer water and monitor.
- Unsure that the person accompanying the heavily intoxicated individual actually knows them.

It's our responsibility to deal with vulnerable customers. Let us not read in the news what we could have prevented.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



SOCIAL MEDIA POLICY

This policy provides guidance for employee use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

PROCEDURES

The following principles apply to professional use of social media on behalf of this venue as well as personal use of social media when referencing this venue.

- Employees need to know and adhere to the code of conduct when using social media in reference to this venue.
- Employees should be aware of the effect their actions may have on their images, as well as this venues image. The information that employees post or publish may be public information for a long time and may demonstrate an untrue portrayal of the conduct of the venue.
- Employees should be aware that this venue may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is neither inappropriate nor harmful to the premises, its employees, or customers.
- Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libellous, or that can create a hostile work environment.
- Employees are not to publish, post or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with their manager.
- Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorised company spokespersons.
- If employees find encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor.
- Employees should get appropriate permission before you refer to or post images of current or former employees, members, vendors or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
- Social media use shouldn't interfere with employee's responsibilities at this venues computer systems are to be used for business purposes only. When using this venues computer systems, use of social media for business purposes is allowed (ex: Facebook, Twitter,)
- This shops blogs and LinkedIn), but personal use of social media networks or personal blogging of online content is discouraged and could result in disciplinary action.
- Subject to applicable law, after-hours online activity that violates the venues Code of Conduct or any other company policy may subject an employee to disciplinary action or termination.
- If employees publish content after-hours that involves work or subjects associated with this venue, a disclaimer should be used, such as this: "The postings on this site are my own and may not represent the venues positions, strategies or opinions."
- It is highly recommended that employees keep the venues related social media accounts separate from personal accounts, if practical.

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Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



SPILLAGES POLICY

It is your responsibility to make sure the floor is as clean, tidy and most importantly safe for the public to use. Public areas of the premises should remain SAFE, CLEAN and TIDY at all times with no exception. Injuries such as falls due to spillages or cleaning fluids can be prevented if signs are placed over the hazard immediately.

Staff

It is your duty to do the following:

- Make sure any breakages or spillages are taken care of immediately (the use of wet floor signs is extremely important in the instance of a spillage)
- Your area must be clean and tidy at all times – free of rubbish, discarded boxes etc. spillages
- The pavement and car park in front of the premises is also to be considered and it is your duty to ensure that all rubbish or fluids are removed from concrete areas and not allowed to build up. Broken glass must be removed immediately.

'Spillages'

It is your duty to maintain all areas of the shop at all times – spillages' must be cleared up immediately.

The correct procedure for clearing up spillages is as follows:

- Inform patrons of the danger
- Place a wet floor sign next to spillage
- Clear up the spillage with appropriate equipment
- (if you can get another member of staff to stand next to spillage while you go and retrieve wet floor sign and cleaning materials this is best) Your manager will be filling in a check sheet as they walk around the premises to make sure the job is getting done. If any area is not satisfactory you may be given a formal warning. It is also part of our job to make sure that members of the public attending this premises are kept as safe as possible while under our responsibility. It is very important that all customers attending the premises are safe while in the forecourt and service area. It is simply our duty to make sure they are safe while under our care.

Street Cleaning

Periodic checks should be made outside of the shop to identify litter and glass. Glass in particular must be collected and placed in a suitable bin. If a bottle of alcohol is found that is not sold within our shop then the details of what has been found should be entered into the incident book. The drinking of alcohol outside of the shop is prohibited and will be addressed immediately.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



WEAPONS AND HOW TO DISPOSE OF WEAPONS

This training guide has been put together in an effort to reduce the any form of injury or incident involving weapons that could possibly happen in the shop.

You may or may not be aware of the current national and international problem of violent crimes involving knives or other weapons. In these times we must be aware of the possibility of a member of the public carrying a weapon or using another object such as a glass or bottle as a weapon. It is possible that individuals could gain entry with weapons.

As you already know from previous training documents you know that it is extremely important to keep the floor clear of broken glass at all times to reduce the chances that someone may use them as a weapon. In the event that you find something you would consider being a weapon – This could be a knife, a screwdriver, heavy blunt objects etc.

- All objects considered to be weapons should be immediately taken to your senior duty manager.
- It will then be placed in a 'sharp box', or a self-sealing evidence bag and the Police will be informed to come and collect it.
- Written records will be made of this. If the weapon found is a firearm – it should not be touched! You must inform your manager immediately and the area must be sealed off and the police called immediately.

Costcutter Burnopfield



Certificate of Completion

James William Millican

in

Licensing Legislation and the Social
Responsibilities in the Retail Sale of Alcohol

Tim Robson ABII, MIOL, Cert.Ed

8th May 2019



TJR Licensing, Consultancy and Training.

Employees Acceptance of Responsibilities Regarding the Sale of Alcohol and other Age Restricted Products.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



Employee Name JAMES MILLICAN

I have read and understand the company policy on the sale of age restricted products and I fully understand the companies challenge 25 policy.

- I understand that if I sell an age restricted product to someone who was under the legal age for that product I will commit a criminal offence and I may be liable to a fine and/or imprisonment
- I understand that the challenge 25 policy is in place and I must ask for identification from anyone who looks under the age of 25 years.
- I understand that if someone appears under 25 or I have any doubt about the age of the person trying to buy age restricted products I must ask for proof of their age.

The only forms of identification I should accept are

- A valid passport.
- UK photo driving licence (Full or a provisional)
- Pass Logo approved proof of age card.
- I understand that if the customer fails to produce acceptable identification or I believe a person is under age I will refuse to sell any age restricted products and when the customer has left the premises I will complete the refusals register.

I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products at this convenience store.

Employee Signature _____

Date 8/5/19

I hereby confirm that I have explained our age verification policy and provided training for them in relation to the sale of alcohol and other age restricted products and feel confident that they are fully understand our policies and procedures to be complied with.

Tim Robson
TJR Licensing



Date 8/5/19

Making legal sales - true or false?



Are the following statements true or false?
Give an explanation for your answer.

1. All customers attempting to buy age-restricted products must be asked to provide proof of age.

FALSE

2. If customers have no proof-of-age ID with them, it is good customer service to give them the benefit of the doubt and let the sale take place.

FALSE

3. Acceptable proof-of-age documents must, as a minimum, include a photograph of the person and a date of birth.

True

4. It is always best to ask young-looking persons to tell you their ages and dates of birth before selling an age-restricted product.

FALSE



TEST OF KNOWLEDGE PREVENTING UNDERAGE SALES

Costcutter, Old (Co-Op) Buildings, Burnopfield

8th May 2019

NAME OF EMPLOYEE

JAMES WILLIAM MILLAN

Test Your Knowledge

7 if you suspect persons attempting to buy an age-restricted product are underage, you must ask them for:

- appropriate proof of age ✓
- proof of name and address
- their age and date of birth
- a written note from parents

8 What is the most important reason for accurately completing a refusals log?

- it will help identify trends in attempts to buy age-restricted products ✓
- It is a legal requirement to keep a log
- It will help managers identify which members of staff are refusing sales

9 It will be regularly inspected by Trading Standards during test purchases

Remember to always put what you have learned into practice.

9 How is it best to manage the situation when customers who have been refused the sale of an age-restricted product become verbally abusive?

- Ignore them and continue serving other customers ✓
- Call a manager or security person for assistance
- Ask other customers for help in removing them
- Call the police immediately to escort them from the premises

10 An age 25 verification policy requires those selling age-restricted products to:

- only serve those who are aged 25 or over ✓
- request proof of age from those who look under 25
- request proof of age from those who look over 25
- be aged 25 and over

Staff Training Record

Training Record for (name)

This declaration should be signed by both trainee and trainer/manager and kept on file.

DECLARATION

TRAINEE

I (name) JAMES WILLIAM MILLION confirm that I have completed the *Preventing Underage Sales Handbook* and enclosed activities.

Signed [Signature]

Date 8/5/19

TRAINER/MANAGER

I (name) TIM ROSSON

confirm that the above-named trainee correctly completed the *Preventing Underage Sales Handbook* and enclosed activities.

Signed [Signature]

Date 8/5/19

Preventing Underage Sales Handbook Initial training.

Costcutter Burnopfield

tlr
LICENSING

Certificate of Completion

to

Laidler

in

Licensing Legislation and the Social
Responsibilities in the Retail Sale of Alcohol

Tim Robson ABII, MIOL, Cert.Ed

8th May 2019



TJR Licensing, Consultancy and Training.

Employees Acceptance of Responsibilities Regarding the Sale of Alcohol and other Age Restricted Products.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



Employee Name

LAILLER

I have read and understand the company policy on the sale of age restricted products and I fully understand the companies challenge 25 policy.

- I understand that if I sell an age restricted product to someone who was under the legal age for that product I will commit a criminal offence and I may be liable to a fine and/or imprisonment
- I understand that the challenge 25 policy is in place and I must ask for identification from anyone who looks under the age of 25 years.
- I understand that if someone appears under 25 or I have any doubt about the age of the person trying to buy age restricted products I must ask for proof of their age.

The only forms of identification I should accept are

- A valid passport.
- UK photo driving licence (Full or a provisional)
- Pass Logo approved proof of age card.
- I understand that if the customer fails to produce acceptable identification or I believe a person is under age I will refuse to sell any age restricted products and when the customer has left the premises I will complete the refusals register.

I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products at this convenience store.

Employee Signature



Date

8/5/2019

I hereby confirm that I have explained our age verification policy and provided training for them in relation to the sale of alcohol and other age restricted products and feel confident that they are fully understand our policies and procedures to be complied with.

Tim Robson
TJR Licensing



Date

8/5/19



Making legal sales - true or false?



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FALSE

3. Acceptable proof-of-age documents must, as a minimum, include a photograph of the person and a date of birth.

TRUE

4. It is always best to ask young-looking persons to tell you their ages and dates of birth before selling an age-restricted product.

FALSE

TEST OF KNOWLEDGE PREVENTING UNDERAGE SALES

Costcutter, Old Co-Op Buildings, Burroppfield

8th May 2019

NAME OF EMPLOYEE



.....

Test Your Knowledge

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- Ask other customers for help in removing them
- Call the police immediately to escort them from the premises

10 An age 25 verification policy requires those selling age-restricted products to:

- only serve those who are aged 25 or over ✓
- request proof of age from those who look under 28
- request proof of age from those who look over 28
- be aged 25 and over

Remember to always put what you have learned into practice.

Staff Training Record

Training Record for (name)

This declaration should be signed by both trainee and trainer/manager and kept on file.

DECLARATION

TRAINEE

I (name) **LAILER**

confirm that I have completed the *Preventing Underage Sales Handbook* and enclosed activities.

Signed

Date **8-5-19**

TRAINER/MANAGER

I (name)

confirm that the above named trainee has correctly completed the *Preventing Underage Sales Handbook* and enclosed activities.

Signed

Date **8/5/19**

Costcutter Burnopfield



Certificate of Completion

in

Oliver

in

Licensing Legislation and the Social
Responsibilities in the Retail Sale of Alcohol

Tim Robson ABII, MIOL, Cert.Ed

8th May 2019

Employees Acceptance of Responsibilities Regarding the Sale of Alcohol and other Age Restricted Products.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



Employee Name

OLUOK.

I have read and understand the company policy on the sale of age restricted products and I fully understand the companies challenge 25 policy.

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- I understand that the challenge 25 policy is in place and I must ask for identification from anyone who looks under the age of 25 years.
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The only forms of identification I should accept are

- A valid passport.
- UK photo driving licence (Full or a provisional)
- Pass Logo approved proof of age card.
- I understand that if the customer fails to produce acceptable identification or I believe a person is under age I will refuse to sell any age restricted products and when the customer has left the premises I will complete the refusals register.

I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products at this convenience store.

Employee Signature



Date 08/05/2019

I hereby confirm that I have explained our age verification policy and provided training for them in relation to the sale of alcohol and other age restricted products and feel confident that they are fully understand our policies and procedures to be complied with.

Tim Robson
TJR Licensing



Date 8/5/19

Making legal sales - true or false?

Are the following statements true or false?
Give an explanation for your answer.

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FALSE

2. If customers have no proof-of-age ID with them, it is good customer service to give them the benefit of the doubt and let the sale take place.

FALSE

3. Acceptable proof-of-age documents must, as a minimum, include a photograph of the person and a date of birth.

TRUE

4. It is always best to ask young-looking persons to tell you their ages and dates of birth before selling an age-restricted product.

FALSE



TEST OF KNOWLEDGE

PREVENTING UNDERAGE SALES

Costcutter, Old Co-Op Buildings, Burnopfield

8th May 2019

NAME OF EMPLOYEE

The OliveX logo consists of the word 'OLIVEX' in a bold, sans-serif font. Below the text is a horizontal line of small, evenly spaced dots. To the right of the dots, the text 'A member of the J&M Group' is written in a smaller font.

Test Your Knowledge

- 7 If you suspect persons attempting to buy an age-restricted product are underage, you must ask them for:
- appropriate proof of age ✓
 - proof of name and address
 - their age and date of birth
 - a written note from parents

8 What is the most important reason for accurately completing a refusals log? ✓

- It will help identify trends in attempts to buy age-restricted products
- It is a legal requirement to keep a log
- It will help managers identify which members of staff are refusing sales
- It will be regularly inspected by Trading Standards during test purchases

Remember to always put what you have learned into practice!

- 9 How is it best to manage the situation when customers who have been refused the sale of an age-restricted product become verbally abusive? ✓

- Ignore them and continue serving other customers
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- request proof of age from those who look under 25
- request proof of age from those who look over 25
- be aged 25 and over

Staff Training Record

Training Record for (name)

This declaration should be signed by both: trainee and trainer/manager and kept on file.

DECLARATION

TRAINEE

I (name)

confirm that I have completed the Preventing Underage Sales Handbook and enclosed activities.

Signed

S

Date

08/05/2019

TRAINER/MANAGER

I (name)

confirm that the above named trainee/employee correctly completed the Preventing Underage Sales Handbook and enclosed activities.

Signed

Date

8/5/19

UNDER 25?

Please be
prepared to show
proof of age when
buying alcohol



DRINKAWARE.CO.UK





TJR Licensing, Consultancy and Training.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



REQUEST FOR EVIDENTIAL IMAGES FROM CCTV

DVD/USB

Time and date of request

Reason for Request

Images downloaded by

Time and Date copiedam/pmDate

Handed toPolice Officer

Time and date handed to officer.....am/pmDate

Exhibit/Incident number if known

To be completed when any lawful request is made for CCTV images by the police, trading standards or other Responsible authority.

Costcutter, Units 2-3 Old Co-Op Buildings, Burnopfield, NE166LU



INCIDENT REPORT FORM

Date of incident / /

Time of incident

Name of person recording details.

Description of incident (Theft, Disorderly incident, Assault)
.....
.....
.....
.....

Include names and contact details of witnesses, (Staff or Public)
.....
.....

Value of property Stolen (if applicable):

Reported to the police (if not reason why it was not reported). YES / NO Date / /
.....

Did Police attend: (record collar number of officer you dealt with) YES / NO Date / /
.....

Request for CCTV footage. Police must provide a USB drive YES / NO Date / /
.....

Incident Reference Number (Request from police)

Signed:

Date:

Print Name:

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WITNESS STATEMENT OF

ITEM 3
LAILER

Witness Statement

(Criminal Justice Act 1967, Sect 9; Magistrates' Court Act 1980, ss 5A (3) (a) and 5B; M.C. Rules, 1981, r.70)

Statement of

LAIDER

Age if under 18: Over 18

Occupation: Retail Assistant

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

1. My name is Laidler and I am a resident of Burnopfield and I am employed in Costcutter, 2-3 Old Court Buildings, Front Street, Burnopfield, NE16 6LX. I have been employed at the premises since October 2017 and since then I have been working 20 hours per week. I typically work a Sunday and a Tuesday Wednesday and Thursday evening. When I first started at the premises I was trained by James on everything to do with the shop. This included how the post office operated, tills, merchandising, how orders were made and also in relation to Challenge 21 (we now operate Challenge 25). Whilst I already felt that I was quite trained in regards to this from my experience at Asda, James did make me aware of the policies and the risks in selling alcohol.
2. I have previous retail experience, most recently I was self-employed running my own cleaning business for two years. Prior to that I was a house keeper in the new Northumbria Hotel in Jesmond for a number of years. I also worked as a merchandiser in Superdrug and as a checkout assistant in Asda. Asda provided me with the greatest deal of experience in retail and, in particular, in relation to the sale of alcohol as I received quite a lot of training and I was taught to be vigilant at all times.
3. I do love working in Costcutter with James, and I think that we make a good team. The business is really starting to work well now I have joined the team, and I am enjoying working close to home being just a five minute walk away.

Signed ...!

.. Date ..29.05.19

4. James has been operating the business for nearly two years, and I have been a customer all of that time. Since he started I have been asking James if I can have a job and in October he finally offered me a job. I could see that he was very busy, and I know what it is like to start a new business as you have got to make sure that what you have got coming is enough to pay for what you have got going out. But James has worked really hard to get this business up and running and it is a community hub. All of the customers are regulars and locals and it has a very friendly atmosphere and it genuinely is a very nice place to work.

5. I was very surprised when James told me that he had failed two test purchases and that the Licence was going to be reviewed. I, myself am very diligent and ID everybody. The premises though isn't a place typically where young people try to get served alcohol. It sometimes happens in holidays when kids are coming from other areas but it is not a regular occurrence. We have had cause to refuse customers but that is few and far between.

6. I have been thinking about why James might have failed the test purchases. I can only think that he was caught off guard and was very tired as since I started in October he was running this premises by himself and still continued to work very long hours. After Christmas, James decided to take on Oliver as a new employee and she also works 20 hours per week. I know this has made an enormous difference to James since he can now afford to take some time off.

7. James is an enormously hardworking man and I know he would do anything to make this business a success. Unfortunately with these mistakes he has made it has put the business in jeopardy. The loss of the Licence would dramatically affect this business as it would impact on its financial viability and the hours that we were able to operate both the shop and the post office. It would also likely impact upon the employees, myself and The

Signed

..... Date 29-05-19.....

residents would also suffer as a result as there are old people in the area who completely rely on this shop as a means of providing groceries, banking and sometimes just as a place to go and speak to somebody. Without this shop the community would suffer. When I moved to the village there had been two post offices in Burnopfield, and now there is just one.

8. Whist I feel that I was already well trained in regards to responsible retailing of alcohol, from my experience at Asda and other retail experiences, I found the training provided recently by Mr Robson of TJR Licensing to be both interesting and informative. For the most part it reinforced what I already knew. It has though pushed this issue more to the forefront of my mind and other members of staff, and has impacted upon the way in which we operate the shop.
9. James has asked me if I will stand as designated premises supervisor for the premises. I am happy to carry out that role as I do believe in what we are doing at the premises, and I am hoping this will be a long-term job for me. Having recently passed the Personal Licence Course, it is now my intention to apply for a Personal Licence and I am happy to accept the responsibility of being the DPS for the premises should the Licensing Committee decide that the Premises Licence can continue at the shop.

Signed Date ..29-05-19..

ITEM 4

PERSONAL LICENCE COURSE CERTIFICATES



Highfield

Qualifications

Highfield Qualifications

Certifies that

Laidler

has successfully passed an assessment in

Highfield Level 2 Award for Personal Licence Holders (RQF)

Qualification number 603/2597/5

Date of award 14 May 2019

Certificate number PLH2358489

Course Director

Mincoffs Solicitors LLP

Training Organisation



Jason Sprenger - Chief Executive
Highfield Qualifications



THE QUEEN'S AWARDS
FOR ENTERPRISE
2016



Ofqual





Highfield

Qualifications[®]

Highfield Qualifications

Certifies that

James W Millican

has successfully passed an assessment in
**Highfield Level 2 Award for Personal Licence
Holders (RQF)**

Qualification number 603/2597/5

Date of award 14 May 2019

Certificate number PLH2358487

Course Director

Mincoffs Solicitors LLP

Training Organisation



Jason Sprenger - Chief Executive
Highfield Qualifications



THE QUEEN'S AWARDS
FOR ENTERPRISE
2016



Regulated by

Ofqual



Highfield Qualifications

Certifies that

Oliver

has successfully passed an assessment in
**Highfield Level 2 Award for Personal Licence
Holders (RQF)**

Qualification number 603/2597/5

Date of award 14 May 2019

Certificate number PLH2358490



Course Director

Mincoffs Solicitors LLP

Training Organisation



Jason Sprenger - Chief Executive
Highfield Qualifications



**ITEM 5
PROPOSED CONDITIONS**

Proposed Conditions

CCTV

1. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
2. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
3. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
4. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
5. The system will record and retain CCTV footage for a minimum of 28 days.
6. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer or laptop.
7. The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
8. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of and is able to operate the equipment.
9. CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises.

INCIDENT BOOK

10. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times.
11. The incident book must be made available to Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.

REFUSALS REGISTER

12. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale. There will also be a record of challenges made, which didn't result in refusals.
13. The refusals record must be made available to the Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.
14. The Premises Licence Holder/Designated Premises Supervisor must monitor the refusals register on a monthly basis and must sign and date the register to confirm when this has been completed.

TRAINING

15. Training in relation to Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.
16. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor/ Premises Licence Holder or external training providers.
17. Documented training records must be kept at the Premises and made available to the Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.

CHALLENGE 25

18. Staff must require ID in the form of a current ten year passport, photo card driving licence or PASS Hologram identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale or supply of alcohol is made.
19. There shall be notices at the point of sale and at the entrances and exits informing customers and reminding staff that the premises is operating a proof of age scheme which includes a "Challenge 25" policy.

Appendix 6: Representations

From: Judith Wilkinson
Harm Reduction Unit

To: Karen Robson

Cc: Yvonne Raine

Subject: FW: Costcutter review support statement

Attachments: Old Co-op Building review statement.docx

To Durham County Council

Please find enclosed a Statement in support of Durham County Council's application to review Costcutter, Units 2/3 Old Coop Buildings, Front Street, Burnopfield, NE16 6LU.

Many Thanks

Judith Wilkinson
Licensing Support

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9**

URN

Statement of Michelle Williamson

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Licensing PCSO

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 20th March 2019

Tick if victim wishes to personally read their Victim Personal Statement aloud in Court:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a serving Police Community Support Officer within Durham Constabulary working from the Alcohol Harm Reduction Unit, Meadowfield. I have responsibility for licensed premises within county Durham, I hold a national certificate for licensing practitioners.

Durham Constabulary fully support the review application submitted by Durham County Council. there is evidence to support that Costcutter, Old Co-op Buildings, Burnhopefield is not promoting the licensing objectives namely protection of children from harm, prevention of crime and disorder, public safety and public nuisance.

The premises licence holder Mr James MILLICAN failed 2 test purchases, one being on 13th December 2018 and 21st December 2018.

In relation to the 2 failed test purchases Durham Constabulary deem the sale of alcohol to children to be not only reckless, but very irresponsible as NHS studies show that drinking alcohol can damage a child's health, even if they're 15 or older. It can affect the normal development of vital organs and functions, including the brain, liver, bones and hormones.

Beginning to drink before age 14 is associated with increased health risks, including alcohol-related injuries, involvement in violence, and suicidal thoughts and attempts.

Drinking at an early age is also associated with risky behaviour, such as violence, having more sexual partners, pregnancy, using drugs, employment problems and drink driving.

Durham Constabulary feel the business owner by failing to train his staff adequately and his employees are putting profit ahead of protecting children from harm.

I am a serving Police Community Support Officer within Durham Constabulary working from the Alcohol Harm Reduction Unit, Meadowfield.

On Thursday 13th December 2018 I was on duty taking part in Operator _____ which was a Trading Standards authorised test purchase operation in Consett and Stanley, County Durham. The operation involved sending a child volunteer wearing a covert camera into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place in which the child volunteers were instructed that if asked their age they could lie and say they were 18. The child volunteers were also instructed to state they had no identification if asked. The child volunteer for this operation was 16 years of age.

Approx 18:57 hrs on that day the child volunteer entered Costcutter, Old Co-op Buildings, Burnopfield and purchased a bottle of wine. The volunteer was not asked for ID or how old they were.

On Friday 21st December 2018, I was again taking part in Operation [redacted] a Trading Standards test purchase operation in the Consett and Stanley area. The operation involved sending a child volunteer wearing a covert camera into off licensed premises, the child volunteer would attempt to purchase alcohol with an ABV above 0.5%.

A briefing took place in which the child volunteers were instructed that if asked their age they could lie and say they were 18. The child volunteers were also instructed to state they had no identification if asked. The child volunteer for this operation was 15 years of age.

Approx 19:09hrs on that day the child volunteer entered Costcutter, Old Co-op Buildings, Burnopfield and purchased a bottle of wine. On this occasion the volunteer was asked for ID or how old they were.

At 15:13hrs on Tuesday 15th January 2019 I attended Costcutter with Graham BLOUNT, Trading Standards Officers from Durham County Council with a picture of the male who sold the alcohol to the volunteer during the 2 test purchases and spoke to the male behind the counter. The male confirmed it was him in both pictures and gave him details as James MILLICAN, bn [redacted] Arrangements were made for me to attend the premises to issue a ticket for the offence of sale of alcohol anywhere to a person under 18.

At 10:34hrs on Tuesday 22nd 2019 I attended Costcutter again in company with PC 1426 ROBERTSON. I cautioned MILLICAN and issued Penalty Notice for Disorder ticket number 011803 80167152, for the offence of Sale of alcohol anywhere to a person under 18, contrary to S146(1) of Licensing Act 2003 which he signed and accepted. It was explained to MILLICAN that he had 2 options, within 21 days he should either pay the notice or request the matter be dealt with at court, both can be done by completing either PART 3 or PART 4. If he failed to do this within the 21 days the fine would increase by one and a half times and it would be registered with the court against him and he may be charged with the relevant offence.

Durham Constabulary fully support Durham County Council in the revocation of the premises licence for Costcutter, Old Co-op Buildings, Burnopfield. {

Signature: [redacted]

Signature witnessed by:

From: Nicola Gill
To: Yvonne Raine; Karen Robson
Cc: Laura Cloney; Helen Johnson - Licensing Team Leader (N'hoods)
Subject: Premise Licence Review Application - Costcutter, Burnopfield

Good morning,

With reference to the above premises, Durham County Council's Licensing Enforcement (representing Licensing as a responsible Authority under the Licensing Act 2003) wish to make representations in relation to this application in connection with the following licensing objectives: The prevention of crime and disorder, the protection of children from harm and public safety.

We support the concerns of Durham County Council, Weights and Measures Authority regarding the sale of alcohol to persons under the age of 18.

In addition on the 15th March 2019 a Licensing inspection was carried out at Costcutter, Burnopfield. At the time of the inspection the following licence conditions attached to the Premises Licence under the categories of the Prevention of Crime and Disorder, Protection of Children from Harm and Public Safety were not being complied with:

Prevention of Crime & Disorder

- CCTV system not in working order/footage not retained
- Opening hours and licensable hours for sale of alcohol not displayed

Protection of Children from Harm

- No refusals register available for inspection
- No staff training records kept on implementation of age verification policy

Public Safety

- No incident log kept
- No dedicated first aid facility for the store

Premise Licence & Summary

- The summary of the Premises Licence (Part B) was not on display at the premises. In addition, the Designated Premises Supervisor/Manager/Staff were unable to produce the Premises Licence (Part A) upon request. It is a requirement by virtue of Section 57 (3) and (5) of the Licensing Act 2003 that the summary of the Premises Licence (Part B) be displayed at the premises and the Premises Licence (Part A) be produced upon request by an Authorised Officer.

A letter was sent to Mr Millican outlining the breaches found during the visit

Kind regards,
Nicola

Nicola Gill
Licensing Enforcement Officer
Regeneration and Local Services



Premises Copy/ Officer's Copy *
(delete as appropriate)

Environment, Health
&
Consumer
Protection
(Licensing))
PO Box 617
Durham
DH1 9HZ

NOTICE OF POWERS AND RIGHTS

THIS NOTICE IS ISSUED TO ADVISE YOU OF YOUR RIGHTS, AND OF THE OFFICER'S POWERS, ON THIS INSPECTION OF YOUR PREMISES IN ACCORDANCE WITH PARAGRAPH 7.1 OF THE CODE OF PRACTICE - POWERS OF ENTRY

Address of Premises COSTCUTTER, 213 OLD COOP BUILDINGS, FRONT
STREET, BURNOPFIELD

Person Receiving Notice.....

Under the legislation listed below, an authorised officer may, at all reasonable times and on production of his/her credentials, if requested, enter any business premises for the purposes of carrying out an inspection.

You should expect an authorised officer to produce their credentials even where no requirement to do so in legislation exists.

This inspection visit is being carried out using statutory powers contained within the legislation indicated below. The powers may vary between each Act. A summary of your rights can be found on the reverse of this notice.

Unless the officer has advised you otherwise, you are not suspected of any offence.

INSPECTION NOT UNDER WARRANT

POWER(S) UNDER WHICH THE INSPECTION IS MADE

(NB: Circle appropriate legislation)

Statutory powers contained in:

- Licensing Act 2003
- Gambling Act 2005
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Town Police Clauses Act 1847
- Road Safety Act 2006
- Clean Neighbourhoods and Environment Act 2005

§ Officer must always produce evidence of their identity and authority under this legislation

Authorised Officer: - NICOLA GILL

Other Persons Present: N/A

SUMMARY OF YOUR RIGHTS

Persons whose premises are inspected have certain rights under the Code of Practice – Powers of Entry, a copy of which is available for inspection at the offices of Durham County Council, Environment, Health and Consumer Protection Service or online at www.gov.uk/powers-of-entry

In summary:

1. The inspection should take place only at a reasonable hour (normally meaning when open for business) and only after the officer has told you the purpose of the inspection and shown his/her credentials. Reasonable advance notice (usually not less than 48 hours) should be given unless this will frustrate the purposes of exercising the power of entry.
2. The number of persons present during the inspection should be no more than is reasonable and proportionate in the circumstances to ensure powers are exercised effectively.
3. Where an officer has reasonable cause to suspect an offence has been committed, the Code of Practice on Powers of Entry will cease to have effect and the requirements of the Police and Criminal Evidence Act 1984 Code B will apply. You should be provided with an appropriate Notice issued in accordance with PACE Code B informing you of any additional powers and rights that will apply in such circumstances.
4. You may be entitled to compensation for loss or damage caused in entering/inspecting your premises in certain circumstances.

Date: 08-03-19 Time Commenced: 10:00 Time Concluded 10:15

Office Use Only



PROTECTION OF FREEDOMS ACT 2012:

APPROVAL FOR EXERCISE OF POWERS OF ENTRY:

WARRANT / ASSOCIATED POWERS / COMPLAINT / INVESTIGATION

SIG:

NAME: JAMES MILLIGAN DATE: 18.03.19

LICENSING ACT 2003 PREMISES INSPECTION – OFFICER CHECKLIST

DATE: 08.03.19	TIME:	OFFICERS: N. GILL
PREMISES: COSTCUTTER, BURNOPFIELD	LICENCE NO: DCCC/PLA0283	
NAME OF PERSON PRESENT: JAMES MILLIGAN		
POSITION: OWNER		
PERSONAL LICENCE NUMBER: N/A		
DPS NAME HARJINDER BAL	STILL AT PREMISES? YES/NO	
<input checked="" type="checkbox"/> LICENCE ON PREMISES	<input checked="" type="checkbox"/> SUMMARY ON DISPLAY	N
LICENSABLE ACTIVITIES AUTHORISED; SALE/ SUPPLY OF ALCOHOL (ON/OFF) / LIVE MUSIC / RECORDED MUSIC / PERFORMANCE OF DANCE / ANYTHING SIMILAR / EXHIBITION OF FILM / INDOOR SPORTING EVENTS / LATE NIGHT REFRESHMENT		
CONDITIONS	Y / N / n/a	ADDITIONAL COMMENTS
Door Supervisors	N/A	THU/FRI/SAT/SUN – Times & Numbers
CCTV CAMERA ON ORDER	Y - Not working	Digital/Colour/External/Internal/28/31 days footage retained / NOT RECORDING Required locations: ENTRANCE/EXITS?
Refusals Book	N	Date of last entry: NOT AVAILABLE
Drugs Box/Register	N/A	
Training Records	N	Refreshed? Date of last training:
Incident Book	N	Date of last entry:
Other signage	N	Leave Quietly, CCTV in operation, OPENING, LICENSABLE
DPS Authorisations	X Y	VERBAL
Noise limiting device?	N/A	

Drinks Promotions	N	Irresponsible?
Age verification policy	Y	CHALLENGE 2S
Free tap water available	NIA	
Drinks available in small measures	NIA	
Smoke free signage		
Drinks/glass outside of premises	NIA	
Doors / windows open	NIA	
Other conditions		
BUEGLAR ALARM	Y	
PANIC BUTTON	Y	

ADDITIONAL COMMENTS/NOTES		
<p>* FIRE EXITS / EQUIPMENT CLEARLY MARKED? Y</p> <p>* FIRST AID FACILITIES AVAILABLE? N</p> <p>* NON-SLIP TILES - WET FLOOR SIGNAGE? Y</p> <p>* DISABLED ACCESS? Y</p> <p>* GROUPS CONGREGATING? NO ISSUE</p> <p>* TILL PROMPT? Y</p> <p>* CHALLENGE 2S? Y</p> <p>*</p>		
Number of AWP Machines:	Jackpots:	Gaming Machine Permit / Notification?
NIA	NIA	NIA

Risk Rating: High / Medium / Low / Very Low

Review: Yes / No

<p>Recommended follow up actions:</p> <ul style="list-style-type: none"> * LICENCE & SUMMARY TO BE OBTAINED * CCTV OUT OF ORDER * NO REFUSALS REGISTER * NO INCIDENT BOOK * FIRST AID * SIGNAGE NOT DISPLAYED * NO TRAINING RECORDS



Premises Copy/ Officer's Copy *
(delete as appropriate)

Environment, Health
&
Consumer
Protection
(Licensing))
PO Box 617
Durham
DH1 9HZ

NOTICE OF POWERS AND RIGHTS

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Address of Premises Castcutter, Front Street, Burnopfield

Person Receiving Notice James Milligan

Under the legislation listed below, an authorised officer may, at all reasonable times and on production of his/her credentials, if requested, enter any business premises for the purposes of carrying out an inspection.

You should expect an authorised officer to produce their credentials even where no requirement to do so in legislation exists.

This inspection visit is being carried out using statutory powers contained within the legislation indicated below. The powers may vary between each Act. A summary of your rights can be found on the reverse of this notice.

Unless the officer has advised you otherwise, you are not suspected of any offence.

INSPECTION NOT UNDER WARRANT

POWER(S) UNDER WHICH THE INSPECTION IS MADE

(NB: Circle appropriate legislation)

Statutory powers contained in:

Licensing Act 2003

Gambling Act 2005

Local Government (Miscellaneous Provisions) Act 1976

Local Government (Miscellaneous Provisions) Act 1982

Town Police Clauses Act 1847

Road Safety Act 2006

Clean Neighbourhoods and Environment Act 2005

§ Officer must always produce evidence of their identity and authority under this legislation

Authorised Officer: Nicola Gill / Nicola Andersen

Other Persons Present:

SUMMARY OF YOUR RIGHTS

Persons whose premises are inspected have certain rights under the Code of Practice – Powers of Entry, a copy of which is available for inspection at the offices of Durham County Council, Environment, Health and Consumer Protection Service or online at www.gov.uk/powers-of-entry

In summary:

1. The inspection should take place only at a reasonable hour (normally meaning when open for business) and only after the officer has told you the purpose of the inspection and shown his/her credentials. Reasonable advance notice (usually not less than 48 hours) should be given unless this will frustrate the purposes of exercising the power of entry.
2. The number of persons present during the inspection should be no more than is reasonable and proportionate in the circumstances to ensure powers are exercised effectively.
3. Where an officer has reasonable cause to suspect an offence has been committed, the Code of Practice on Powers of Entry will cease to have effect and the requirements of the Police and Criminal Evidence Act 1984 Code B will apply. You should be provided with an appropriate Notice issued in accordance with PACE Code B informing you of any additional powers and rights that will apply in such circumstances.
4. You may be entitled to compensation for loss or damage caused in entering/inspecting your premises in certain circumstances.

Date: 04.04.2019 Time Commenced: 11.30 Time Concluded: 11.45

Office Use Only

PREMISE REVISIT



PROTECTION OF FREEDOMS ACT 2012:

APPROVAL FOR EXERCISE OF POWERS OF ENTRY:

WARRANT / ASSOCIATED POWERS / COMPLAINT / INVESTIGATION

SIG:

NAME:

DATE:

James Millican

2/4/14

LICENSING ACT 2003 PREMISES INSPECTION – OFFICER CHECKLIST

DATE: 04.04.2014	TIME: 11.30	OFFICERS: NG/NA
PREMISES: Castcutter, Burnopfield		LICENCE NO: DCC/PLA0283
NAME OF PERSON PRESENT:	James Millican	
POSITION:	Licence holder	
PERSONAL LICENCE NUMBER:		
DPS NAME: Harjinder Bal	STILL AT PREMISES? YES/NO	
<input checked="" type="checkbox"/> LICENCE ON PREMISES <input checked="" type="checkbox"/> SUMMARY ON DISPLAY LICENSABLE ACTIVITIES AUTHORISED; SALE/ SUPPLY OF ALCOHOL (ON/OFF) / LIVE MUSIC / RECORDED MUSIC / PERFORMANCE OF DANCE / ANYTHING SIMILAR / EXHIBITION OF FILM / INDOOR SPORTING EVENTS / LATE NIGHT REFRESHMENT		
CONDITIONS	Y / N / n/a	ADDITIONAL COMMENTS
Door Supervisors		THU/FRI/SAT/SUN – Times & Numbers
CCTV	Y	Digital/Colour/External/Internal/28/31 days footage retained / Required locations: Y - 21st March - new system installed
Refusals Book	Y	Date of last entry: 10.07.13
Drugs Box/Register		
Training Records	Y	Refreshed? Date of last training:
Incident Book	Y	Date of last entry:
Other signage	Y	Leave Quietly, CCTV in operation, licensable hours
DPS Authorisations		
Noise limiting device?		

Drinks Promotions		Irresponsible?
Age verification policy		
Free tap water available		
Drinks available in small measures		
Smoke free signage		
Drinks/glass outside of premises		
Doors / windows open		
Other conditions		
* First Aid Facility	Y	

ADDITIONAL COMMENTS/NOTES

Number of AWP Machines:	Jackpots:	Gaming Machine Permit / Notification?

Risk Rating: High / Medium / Low / Very Low

Review: Yes / No

Recommended follow up actions:

Contact: **Sean Barry**
Direct Tel:
Fax:
email:
Our ref:



Durham County Council
Licensing Services
PO Box 617
Durham
DH1 9HZ

Dear Sir / Madam

Re – Costcutter, Unit 2-3 Old Coop Buildings, Front Street, Burnopfield NE16 6LU.

I represent County Durham Public Health department within Durham County Council which is a responsible authority under the Licensing Act 2003. Due to information contained in this review Public Health wish to record their support for a licensing review of the premises above.

Evidence presented in the application of review raises concerns about the protection of children from harm.

We know alcohol is linked to 200 different diseases and injuries including heart disease, liver disease and seven types of cancer.¹ It's harmful for adults - but the risks are even greater for under 18s whose minds and bodies are still developing, for example;

- **Young brains continue to develop and change until the mid-twenties.** *Drinking alcohol before adulthood can change or delay the development of the logical, thoughtful part of the brain.*²
- **Alcohol can affect a child's mental health and wellbeing.** *It is linked to stress, depression and self-harming behaviour.*³
- **Children are smaller, which means alcohol's effects work more quickly.** *Alcohol poisoning can result in young people being admitted to hospital or worse.*⁴

Adult & Health Services

Durham County Council, County Hall, Durham DH1 5UG
Main Telephone 03000 26 0000
www.durham.gov.uk

- **Alcohol can lead to other risky, impulsive behaviour.** *Young people who drink regularly are four times more likely to smoke and three times more likely to take other, illegal drugs. They are more likely to get hurt due to an accident or as a result of violence.*⁵
- **Children's bodies are still developing through the teenage years.** *We know that drinking alcohol can affect their liver, bones, hormones and their growth.*⁶

The use of age verification policies, refusal register and the supervision and training of staff on licensed premises can make a significant contribution in ensuring that licensed premises restrict the availability of alcohol to all children and young people.

Public Health believe the role of the premises licence holder and designated premises supervisor are positions of responsibility. Given the information in the review Public Health would have no confidence at this time that the premises in question can be considered as a responsible licence premises.

Therefore, on behalf of Public Health, I would support the application to review the premises licence.

Yours sincerely

Amanda Healy
Director of Public Health

Lee Peacock
Strategy & Development Officer
Local Safeguarding Children Board
Transformation and Partnerships
Durham County Council
County Hall
Durham
DH1 5UL

Ref LP/2019/027

Durham County Council
Licensing Services
PO Box 617
Durham
DH1 9HZ

To whom it may concern

Re: Costcutter, Front St, Burnopfield

By way of background, as a responsible authority under the Licensing Act, Durham Local Safeguarding Children Board (LSCB) examines all licensing applications to ensure that safeguards are in place to protect children and young people from harm.

Durham LSCB recognises that children and young people's access to alcohol can make them vulnerable to exploitation; become victims of crime as well as the possibility of becoming an offender themselves. This is supported by analysis, both locally and nationally.

The use of age verification policies, refusal register and the supervision and training of staff on licensed premises can make a significant contribution in ensuring that licensed premises restrict the availability of alcohol to all children and young people.

Durham LSCB has received an application from Durham Constabulary for a review of a premises licence under the Licensing Act 2003, in respect of the premises:

Evidence presented in the application of review raises concerns about the protection of children from harm. In particular my concerns centre on the following:

- Under age sales

Durham LSCB believe the role of the premises licence holder and designated premises supervisor are positions of responsibility. Based on the evidence provided in

this review it is apparent that the conditions of licence are not being adhered to and the premises licence holder and designated premises supervisor are not fulfilling their roles in respect to the premises licence.

Therefore, on behalf of the Durham LSCB, I would support the application by Durham Constabulary to review the premises licence.

Yours sincerely

Lee Peacock
Strategy & Development Officer
Local Safeguarding Children Board

Appendix 7: Responsible Authorities Responses – No comments



Chief Fire Officer: Stuart Errington

Fire and Rescue Service Headquarters,
Belmont Business Park, Durham, DH1 1TW

This matter is being dealt with by: **than Smith**

Ext:

Our Ref: 2E10300005

Your Ref: Licensing Act 2003
- Review application

Direct Dial Telephone:

E-mail:

Helen Johnson
Environment, Health and Consumer Protection
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham. DH7 8RS

Dear Helen

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Costcutter, Old Co-op Buildings, Unit 2/3 Front Street, Burnopfield, Newcastle Upon Tyne, NE16 6LX

I acknowledge your application dated 8 March 2019 for a Licence review under the Licensing Act 2003 in respect of the above named premises.

No representations will be made to the Licensing Authority subject to the responsible person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

For further guidance please refer to <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents> which provides information about the Regulatory Reform (Fire Safety) Order 2005.

Should you require any further information please do not hesitate to contact me on the telephone number or e-mail address shown above or visit our website www.ddfire.gov.uk and follow the link to Fire safety at work.

Yours faithfully

Jonathan Smith
Fire Safety Section



From: Ted Murphy
Sent: 07 March 2019 14:22
To: Helen Johnson - Licensing Team Leader (N'hoods)
Subject: RE: Licensing Act 2003 - Review application rec'd - Costcutter, Front Street, Burnopfield

Hi Helen,

I have no representations to make.

Regards

Ted Murphy
Senior Environmental Health Officer
Regeneration and Local Services

T:
E: .uk

Web: www.durham.gov.uk
Follow us on Twitter @durhamcouncil
Like us at facebook.com/durhamcouncil

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 07 March 2019 11:22
Subject: Licensing Act 2003 - Review application rec'd - Costcutter, Front Street, Burnopfield
Importance: High

Dear Sir/Madam,

The following application has been received by Durham County Council Licensing Services and a copy of the application will be delivered by the applicant to all responsible authorities and the premises licence holder.

Application Type - Application for the Review of a Premises Licence (to address concerns relating to the Prevention of Crime and Disorder, prevention of public nuisance and the protection of children from harm licensing objective)

Applicant – Durham County Council Local Weights and Measures Authority (Responsible Authority)

Premises – Costcutter, Unit 2-3 Old Coop Buildings, Front Street, Burnopfield NE16 6LU

Date of Application – 6th March 2019 Last date for representations – 3rd April 2019

A redacted copy of the review application is attached, along with a copy of the current premises licence for your information.

Please note the last date for representations.

Regards,

Appendix 8: Statement of Licensing Policy

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

7.2 As a matter of policy, the Licensing Authority will require 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 or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants 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. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "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.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25',. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority 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 is 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.

7.8 The Licensing Authority 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 particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular 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.

7.9 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.

7.10 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 and hours of trading.

7.11 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: 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 to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority 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 within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority 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.

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

9.0 Prevention of Public Nuisance

9.1 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 in the vicinity of the premises.

9.2 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 Licensing Authority 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.

9.3 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 local 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, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

9.4 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 consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, 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.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

- Assessment of likely noise levels in the premises.
- Assessment of likely 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 Licensing Authority 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.

9.6 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.

9.7 Applicants are advised to seek advice from Durham County Councils Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.

9.8 Takeaways and fast-food outlets: The Licensing Authority 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 provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

10.0 Protection of Children from Harm

10.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority 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.

10.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- The Licensing Authority 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.

10.3 The Licensing Authority may 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 on under 18s
- 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.

10.4 The Licensing Authority 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. 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.

10.5 The Licensing Authority is aware of young persons' 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 licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

10.6 The Licensing Authority, Durham Constabulary Alcohol 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 Licensing Authority and should be adhered to by licence holders and event organisers.

10.7 Recorded staff training programmes, 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 to be encouraged.

10.8 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

10.9 Access to Cinemas: In the case of premises requiring an licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

10.10 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 Licensing Authority itself.

10.11 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

10.12 Children and Public Entertainment: Many children go to see and / or take part in an 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.

10.13 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority 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.

10.14 With regard to this Licensing Objective, the Licensing Authority 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 as a result of premises, personal applications and all variations to licences are covered by this protocol.

10.15 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

22.0 Reviews

22.1 The Licensing Act provides a mechanism for reviewing premises licences and Club Premises Certificates where problems associated with premises undermine the licensing objectives following grant or variation.

22.2 At any stage during the life of a premises licence or a club premises certificate, an application for a review can be made to the Licensing Authority by any responsible authority, elected Member or any other person. However, where an application for a review is considered to be frivolous vexatious or repetitious or where an application for a review is considered not relevant to the licensing objectives the Licensing Authority will reject it.

22.3 The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community. Unless an application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the licensing objectives, the Licensing Authority will hold a hearing and take any necessary steps to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the licence/certificate for up to 3 months or the revocation of the licence/certificate.

22.4 Local residents can request that their licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

22.5 It is always worth considering other options before requesting a review of a licence, including:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues,
- Asking the licensing department at your council to talk to those who manage the premises on your behalf, or
- Talking to the relevant “responsible authority” (e.g. local authority exercising environmental health functions in relation to noise nuisance, or the police in relation to crime and disorder) about the problem.

22.6 If a request for a review of the premises licence is made by e.g. a local resident, they are required to notify the holder of the premises licence or club premises certificate and the “responsible authorities”, by sending them a copy of the request, together with any accompanying documents, on the same day as the request is given to the licensing authority. The licensing authority will advertise the review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.

22.7 A licensing authority must act on requests for review unless they consider the request to be irrelevant, repetitive, frivolous or vexatious. Frivolous representations would concern minor issues which the licensing authority could not reasonably be required to take any action to remedy. Representations may be considered vexatious

if they appear to be intended to cause aggravation or annoyance without reasonable cause.

22.8 The licensing authority will advertise the fact that a request for review of the licence has been received, and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).

22.9 After the period for making representations has expired, the licensing authority will hold a hearing to consider the request unless the request for review has been withdrawn. The request will in most cases be considered by the licensing sub-committee who will hear representations from all parties involved.

22.10 The licensing authority will invite you to attend the hearing and give the applicant for the review the opportunity to address the licensing sub-committee in support of the request for review. They must then give the authority at least 5 working days' notice (prior to the start of the hearing), advising:

- If they will attend the hearing in person,
- Whether they will be represented by someone else (e.g. councillor / MP / lawyer / residents' association representative / friend),
- If they think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
- They may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review

22.11 Once the sub-committee has listened to and considered all views and evidence, it must decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:

- No action,
- Modifying the conditions of the licence (change, add or remove conditions – Including operating hours),
- Excluding a licensable activity from the licence,
- Removing the designated premises supervisor,
- Suspend the licence for a period (not exceeding 3 months), and
- Revoke the licence.

22.12 The Licensing Authority will not expect a premises licence to be reviewed more than once within any 12 month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.

22.13 Appeals against the decisions of the Licensing Authority - There is a right of appeal for all parties concerned with the request for review (i.e. the applicant for the review, the premises licence holder or any other person who made relevant representations in relation to the application). This means that they can appeal to the magistrates' court if they are not happy with the decision of the licensing authority.

22.14 If there is an appeal against a licensing authority's decision, and you are unsuccessful, the magistrates' court can award costs against the appellant if it sees fit. This would mean that they would have to pay other parties' legal costs as well as your own. However, the Magistrates' Association and the Justices' Clerks Society has advised that awarding costs for a licensing appeal should be an **exception** and

not a rule, and any resident with reasonable grounds for appeal should not be penalised.

22.15 If the licence holder appeals against the licensing authority's decision, the appeal will be heard by the magistrates' court. The licensing authority will be the respondent to the appeal and may call the person who brought the review (and any other person or responsible authority) as a witness in support of its case. The decision of the licensing authority in relation to the review will be suspended until the appeal is determined.

22.16 An application to appeal the decision must be made within 21 days of the notice of decision.

22.17 In hearing an appeal against the Licensing Authority's decision, the court will have regard to this policy and the guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.

22.18 In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other authorisations must be made to the Magistrates' Court where the premises or event is situated.

Appendix 9: Section 182 Guidance

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 a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public nuisance

- 2.15 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.
- 2.16 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.
- 2.17 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.
- 2.18 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.

- 2.19 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.
- 2.20 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.
- 2.21 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

- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 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.
- 2.26 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.
- 2.27 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.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 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.

2.30 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.

2.31 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

2.32 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

Section	Offence	Prosecuting Authority
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

Section 182 Guidance - The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be

positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more

than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the

representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient to revoke the licence.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.