

Statutory Licensing Sub-Committee

1st October 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:

Tanfield

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 Happy Shopper, New Front Street, Tanfield Lea, Stanley, Co Durham, DH9 9LY.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 For members information a committee hearing was scheduled for 3rd September 2019, however Mrs Kaur's solicitor (Mr Matt Foster) could not attend the hearing and requested an adjournment so that all parties could be present. This adjournment was agreed by Durham County Council's legal team and a meeting was re-scheduled for 1st October 2019.
- 4 On 11th July 2019, the Licensing Authority received the application from Durham County Council Local Weights and Measures Authority for a review of the premises licence number DWTSPR0087 for Happy Shopper, New Front Street, Tanfield Lea, Stanley, Co Durham, DH9 9LY.
- 5 During the consultation period the Licensing Authority received three representations in support of the review application, namely Durham Constabulary, Durham County Council Public Health and Durham Safeguarding Children Partnership.

- 6 Durham County Council Environmental Department responded to the consultation with no comments.

Recommendation(s)

- 7 The Sub-Committee is asked to determine the review application with a view to promoting the licensing objectives.
- 8 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 7;
 - (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 8.

Background

- 9 Background information

Applicant	Durham County Council Local Weights & Measures	
Type of Application: Review of a Premises Licence	Date received: 11th July 2019	Consultation ended: 8th August 2019
Premises Licence Holder & Designated Premises Supervisor	Mrs Jaswinder Kaur	

- 10 The premises licence in respect of Happy Shopper, New Front Street, Tanfield Lea, Stanley, Co Durham, DH9 9LY. The premises currently permits the Sale of Alcohol, as detailed in the table below:

Licensable Activities	Days & Hours
Sale of Alcohol (off sales)	Monday to Saturday: 08:00 – 23:00 hrs Sunday 10:00 – 22:30 hrs Good Friday 08:00 – 22:30 hrs Christmas Day 12:00–15:00 & 19:00–22:30 hrs

- 11 A copy of the current premises licence for Happy Shopper, New Front Street, Tanfield Lea, Stanley, Co Durham, DH9 9LY. Attached at Appendix 3.

Details of the application

- 12 The review application by Durham County Council Local Weights and Measures Authority was received by the Licensing Authority on 11th July 2019.
- 13 The review application is deemed by the Licensing Authority to be relevant and the application was advertised in accordance with the regulations.
- 14 The application for review relates to the following licensing objectives:
- The Prevention of Crime and Disorder
 - The Protection of Children from Harm
- 15 A copy of the application and supporting documents from Durham County Council Local Weights and Measures Authority attached at Appendix 4.

The Representations

- 16 During the consultation period the Licensing Authority received three representations in support of the review application, namely Durham Constabulary, Durham County Council Public Health and Durham Safeguarding Children Partnership. Attached as Appendix 5.
- 17 Durham County Durham Environmental Health responded to the consultation with no comments. Attached at Appendix 6.

The Parties

- 18 The Parties to the hearing will be:
- Durham County Council Local Weights and Measures Authority – (Applicant)
 - Mrs Jaswinder Kaur (Premises Licence holder)
 - Mr Matt Foster (Licence holder's solicitor)
 - Durham Constabulary (Responsible Authority)
 - Durham County Council Public Health (Responsible Authority)
 - Durham Safeguarding Children Partnership (Responsible Authority)

Options

- 19 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

- 20 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

- 21 The review application was subject to a 28 day consultation.

See Appendix 1

Conclusion

- 22 The Sub-Committee is asked to determine the application for the review of the premises licence for Happy Shopper, New Front Street, Tanfield Lea, Stanley, Co Durham DH9 9LY.

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: Karen Robson

Tel: 03000 265104

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.

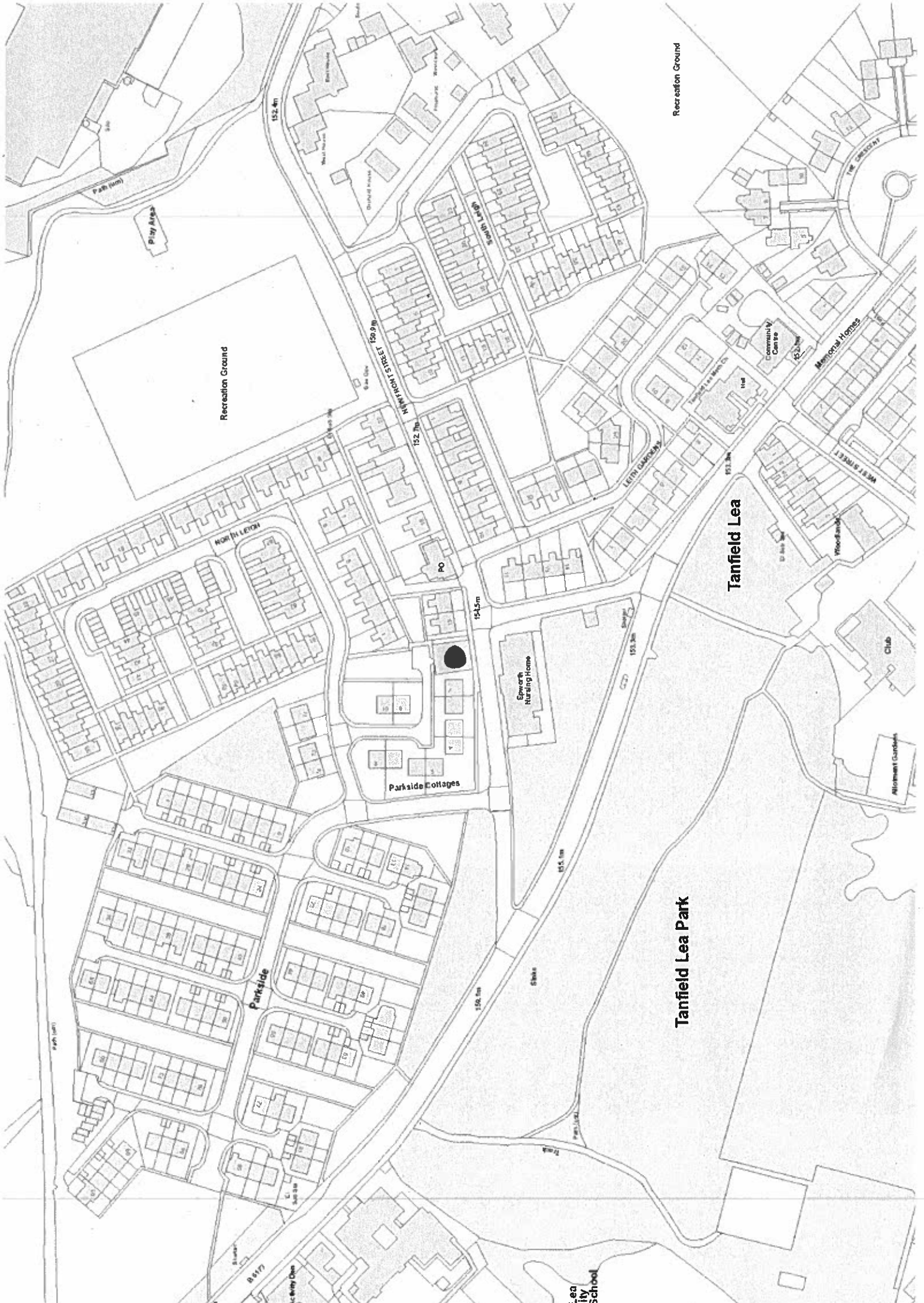
The Responsible Authorities were consulted on the application.

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



Recreation Ground

Recreation Ground

Tanfield Lea

Tanfield Lea Park

Parkside Cottages

Swarth Healing Home

Community Centre

Memorial Homes

Club

Alignment Gardens

North Lea

Parkside

PO

Lea Valley School

Lea Valley Den

B 9177

152.4m

150.9m

152.7m

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Appendix 3: Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DWTSPR0087
24 November 2005
24 November 2005

Part 1 – Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description	Issuing Authority
HAPPY SHOPPER NEW FRONT STREET TANFIELD LEA STANLEY DH9 9LY	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 by Retail of Alcohol
--

The opening hours of the premises (all times in 24hr format)		
Monday	Not Stated	Non standard/seasonal timings: N/A
Tuesday	Not Stated	
Wednesday	Not Stated	
Thursday	Not Stated	
Friday	Not Stated	
Saturday	Not Stated	
Sunday	Not Stated	

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 Off Sales Only			
Monday	08:00 - 23:00	Further details	
Tuesday	08:00 - 23:00		
Wednesday	08:00 - 23:00	Non standard/seasonal timings:	
Thursday	08:00 - 23:00		
Friday	08:00 - 23:00		
Saturday	08:00 - 23:00		
Sunday	10:00 - 22:30		
			Good Friday 08:00 - 22:30
			Christmas Day 12:00 - 15:00 Christmas Day 19:00 - 22:30

Part 2

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

MRS JASWINDER KAUR

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

Company no: NOT APPLICABLE

Charity no: NOT APPLICABLE

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

MRS JASWINDER KAUR

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

To ensure that the laws regarding the sale of alcohol are strictly adhered to, ie that alcohol is sold in sealed containers. The sale of alcohol and tobacco products is restricted to over 18's.

The Prevention of Crime and Disorder

Staff are constantly on the alert to criminal activity.

ID is requested of anyone suspected of being under age regarding the sale of alcohol/tobacco products. Notices are posted to this effect.

Public Safety

All aisles are clean and clear of encumbrance. Health and safety and fire regulations are adhered to.

Fire and first aid equipment are in place.

We are aware of the dangers of overcrowding and do not allow it.

The Prevention of Public Nuisance

We do not allow groups of people to congregate outside the premises.

We refuse the sale of alcohol to obviously inebriated people.

Customers are asked not to consume alcohol purchased outside the premises.

The Protection of Children from Harm

We ensure that young children are accompanied whilst on the premises.

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



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

DWTSPR0087
24 November 2005
24 November 2005

Part 1 – Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description	Issuing Authority
HAPPY SHOPPER NEW FRONT STREET TANFIELD LEA STANLEY DH9 9LY	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 by Retail of Alcohol
--

The opening hours of the premises (all times in 24hr format)		
Monday	Not Stated	Non standard/seasonal timings: N/A
Tuesday	Not Stated	
Wednesday	Not Stated	
Thursday	Not Stated	
Friday	Not Stated	
Saturday	Not Stated	
Sunday	Not Stated	

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 Off Sales Only		
Monday	08:00 - 23:00	Further details
Tuesday	08:00 - 23:00	
Wednesday	08:00 - 23:00	Non standard/seasonal timings: Good Friday 08:00 - 22:30 Christmas Day 12:00 - 15:00 Christmas Day 19:00 - 22:30
Thursday	08:00 - 23:00	
Friday	08:00 - 23:00	
Saturday	08:00 - 23:00	
Sunday	10:00 - 22:30	

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

MRS JASWINDER KAUR

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

Company no: NOT APPLICABLE

Charity no: NOT APPLICABLE

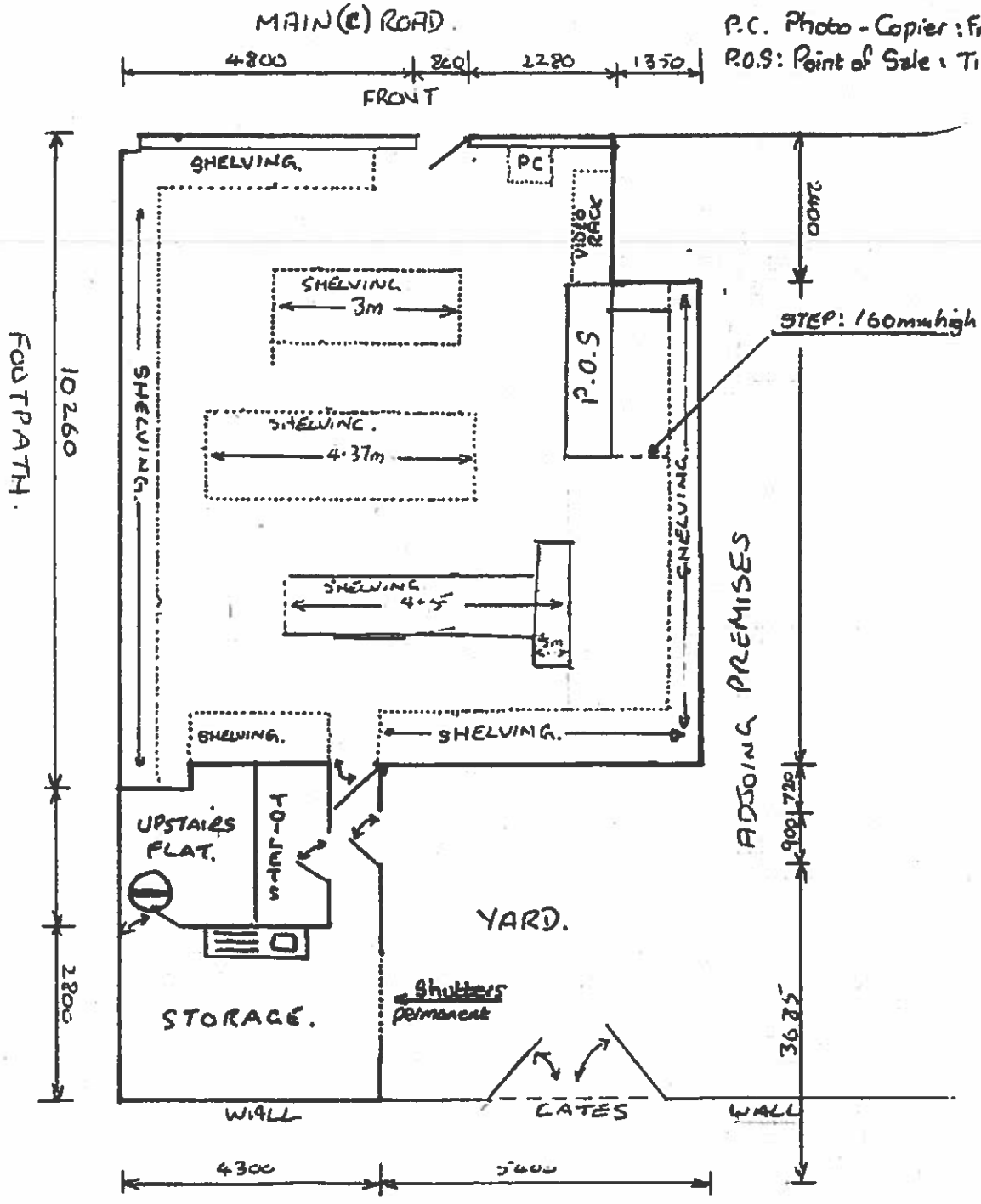
Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

MRS JASWINDER KAUR

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

WE ENSURE THAT YOUNG CHILDREN ARE ACCOMPANIED WHILST ON THE PREMISES

6
Signature of Authorised Officer
Head of Environment, Health and Consumer Protection



P.C. Photo - Copier : Free Standing
 P.O.S: Point of Sale : Till . etc.

2x Fire Extinguishers
 i.e:- 1x 3litre water
 1x 2litre powder.

SCALE DRAWING 1:100
 INSIDE MEASUREMENT.
 HAPPY SHOPPER :: TANFIELD LEA.

DRAWN BY:-

MEDIA ASSOCIATES
MEDIA ASSOCIATES

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

**DURHAM COUNTY COUNCIL, Licensing
Services, PO Box 617, Durham. DH1 9HZ**

**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 / apply for the review of a club
premises certificate under section 87 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

HAPPY SHOPPER
New Front Street
Tanfield Lea

Post town STANLEY

Post code (if known) DH9 9LY

Name of premises licence holder or club holding club premises certificate (if known)

Mrs Jaswinder Kaur

Number of premises licence or club premises certificate (if known)

DWTSPR0087

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

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 ✓ yes

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 Annand House PO Box 617 Durham DH1 9HZ Contact: Craig Hudson	
Telephone number (if any)	

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 2)
See attached Grounds for Review document.**

For the purposes of clarity;

It was established in the formal interview with the premise licence holder in relation to this matter that whilst the Licensing documentation uses the name 'Jaswinder Kaur', her full legal name is Jaswinder Kaur Mehat. The ground for review document therefore refers to Mrs Kaur Mehat.

Please provide as much information as possible to support the application (please read guidance note 3)

See Grounds for Review document attached.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

--

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....!

Date

..... 11/7/19

Capacity **Team Leader (Trading Standards and Business)**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Craig Hudson
Trading Standards Manager
Durham County Council
Environment, Health & Consumer Protection
Annand House
PO Box 617

Post town

Durham

Post Code

DH1 9HZ

Telephone number (if any) 0

8

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) c .gov.uk

GROUNDS FOR REVIEW

1. The applicant is seeking a review of the Premises Licence for HAPPY SHOPPER, New Front Street, Tanfield Lea, STANLEY, DH9 9LY as it is an appropriate course of action to address concerns relating to the prevention of crime and disorder and protection of children from harm objectives of the Licencing Act, 2003.
2. The holder of the Premises Licence Holder, and the DPS (Designated Premises Supervisor) is Mrs Jaswinder KAUR MEHAT. Mrs KAUR MEHAT holds a personal licence issued to her by Durham County Council.
3. Evidence obtained by the Applicant shows that this premise sold alcohol to an underage person contrary to section 146(1) of the Licencing Act, 2003, on two occasions.
4. On 1st April 2018, Durham Trading Standards received intelligence from Durham Constabulary that this premise was possibly selling alcohol to young people under the age of eighteen.
5. On 13th December 2018, Durham Trading Standards, assisted by Durham Constabulary, carried out a test purchase exercise into the sale of alcohol to under age youths using a 16-year-old volunteer (Operation). The 16-year-old child volunteer was given instructions to enter the premises and attempt to buy alcohol, along with some sundries. The volunteer selected a bottle of wine and approached the counter. A person who was later identified as Jaswinder KAUR MEHAT sold the child the alcohol without requesting any form of identification or making any attempt to ascertain the child's age. A visual recording was made of the sale. At the time of the sale, there was no one else present in the shop.
6. As a routine follow up, as second test purchase was carried out, again by Durham Trading Standards supported by Durham Constabulary (Operation). On 21st December 2018 a different 15-year-old volunteer was tasked again to enter the premises and was instructed to attempt to purchase alcohol and some sundries. The volunteer entered the premises and selected a bottle of wine and approached the counter. She was served by the same sales person as before. Again, no form of identity was requested or and no attempt was made to ascertain the child's age. The sale was again covertly recorded using a covert camera.
7. On 15th January 2019, Senior Trading Standards Officer Graham Blount, accompanied by PCSO Michelle Williamson for Durham Constabulary visited the premises, where they spoke to Jaswinder KAUR MEHAT, who confirmed it was her who served on both nights.
8. On 21st January 2019, Mr. Blount wrote to Mrs Kaur Mehat, at the address listed on the premises licence inviting her to be interviewed. When he did not receive a response to the letter, Mr. Blount visited the store on 25th February, 2019 and 8th April, 2019 and eventually spoke to Mrs Kaur Mehat who stated

that she had not lived at the address shown on her Licence for some years. Enquiries with Durham County Councils Licencing section revealed that they had not been notified of Mrs Kaur Mehat's change of address.

9. On 30th April 2019 The Premises Licence Holder, was interviewed under caution.
10. The Licencee has shown scant regard to the requirements of the Licencing Act, 2003. In both cases the sales were unchallenged by the Premises Licence Holder, a person who should be setting an example to the rest of the staff. The lack of concern shown by Mrs Kaur Mehat when advised of the sales suggests she was not overly concerned about the sales. The fact that she has not notified the Licencing Authority of a change to her residential address suggests that the Premises Licence Holder does not view her duties under the Licencing Act as important.
11. Whilst it is for the Licensing Authority to determine the appropriate course of action, the Applicant would ask the Authority to consider 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

DWTSPR0087
24 November 2005
24 November 2005

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
HAPPY SHOPPER NEW FRONT STREET TANFIELD LEA STANLEY DH9 9LY	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 by Retail of Alcohol
--

The opening hours of the premises (all times in 24hr format)		
Monday	Not Stated	Non standard/seasonal timings: N/A
Tuesday	Not Stated	
Wednesday	Not Stated	
Thursday	Not Stated	
Friday	Not Stated	
Saturday	Not Stated	
Sunday	Not Stated	

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 Off Sales Only		
Monday	08.00 - 23.00	Further details
Tuesday	08.00 - 23.00	
Wednesday	08.00 - 23.00	Non standard/seasonal timings.
Thursday	08.00 - 23.00	
Friday	08.00 - 23.00	Good Friday 08.00 - 22.30
Saturday	08.00 - 23.00	Christmas Day 12.00 - 15.00
Sunday	10.00 - 22.30	Christmas Day 19.00 - 22.30

Part 2

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

Registered number of holder, for example company number, charity number (where applicable)	
Company no:	NOT APPLICABLE
Charity no:	NOT APPLICABLE

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

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

To ensure that the laws regarding the sale of alcohol are strictly adhered to, ie that alcohol is sold in sealed containers. The sale of alcohol and tobacco products is restricted to over 18's

The Prevention of Crime and Disorder

Staff are constantly on the alert to criminal activity.

ID is requested of anyone suspected of being under age regarding the sale of alcohol/tobacco products.

Notices are posted to this effect.

Public Safety

All aisles are clean and clear of encumbrance. Health and safety and fire regulations are adhered to.

Fire and first aid equipment are in place.

We are aware of the dangers of overcrowding and do not allow it.

The Prevention of Public Nuisance

We do not allow groups of people to congregate outside the premises

We refuse the sale of alcohol to obviously inebriated people.

Customers are asked not to consume alcohol purchased outside the premises.

The Protection of Children from Harm

We ensure that young children are accompanied whilst on the premises.

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



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

DWTSPR0087
24 November 2005
24 November 2005

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
HAPPY SHOPPER NEW FRONT STREET TANFIELD LEA STANLEY DH9 9LY	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 by Retail of Alcohol

The opening hours of the premises (all times in 24hr format)		
Monday	Not Stated	Non standard/seasonal timings: N/A
Tuesday	Not Stated	
Wednesday	Not Stated	
Thursday	Not Stated	
Friday	Not Stated	
Saturday	Not Stated	
Sunday	Not Stated	

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 Off Sales Only		
Monday	08:00 - 23:00	Further details
Tuesday	08:00 - 23:00	
Wednesday	08:00 - 23:00	Non standard/seasonal timings
Thursday	08:00 - 23:00	
Friday	08:00 - 23:00	Good Friday 08:00 - 22:30
Saturday	08:00 - 23:00	Christmas Day 12:00 - 15:00
Sunday	10:00 - 22:30	Christmas Day 19:00 - 22:30

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

MRS JASWINDER KAUR

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

Company no: NOT APPLICABLE

Charity no: NOT APPLICABLE

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

MRS JASWINDER KAUR

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

WE ENSURE THAT YOUNG CHILDREN ARE ACCOMPANIED WHILST ON THE PREMISES

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 3 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 the1..... day of ...*May*..... 2019

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 an 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 16 year old volunteer which I now produce as Exhibit GJB/A.

At 18.40 hours on that Day, I tasked the underage volunteer to enter Happy Shopper, New Front Street, Tanfield Lea, Stanley.

Signed:

Statement Taken by:

STATEMENT OF: Graham John Blount

Continuation Sheet 1

Durham and attempt to purchase alcohol. At 18.44 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 15 year old volunteer. I now produce a copy of this photo as GJB/B

At 18.54 hours I tasked the volunteer to enter Happy Shopper, New Front Street, Tanfield Lea, Stanley, County Durham and to attempt to again test purchase alcohol. At 19.01 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 Happy Shopper, New Front Street, Tanfield Lea, County Durham accompanied by PCSO Williamson to speak with the Premises Licence Holder, and Designated Premises Supervisor. She was present and identified herself as Jaswinder KAUR MEAHT. I showed her the two photographs from the covert footage of the person making the sales. She confirmed the person in the photographs taken from the covert footage was her and that she had served the alcohol in both cases. I now produce those photographs as Exhibit GJB/C and GJB/D.

On 21st January 2019 I wrote to Mrs Jaswinder KAUR MEHAT at the home address shown on the Premises Licence of

a copy of which I now produce as Exhibit GJB/5

Signed:

Statement Taken by:

Having not received a response to the letter I visited the premises on 8th April 2019 where I spoke with Jaswinder KAUR MEHAT. She stated that she hadn't received the letter, when I told her the address it had been sent to, she stated that she hadn't lived at that address for some years. I then made arrangements to interview Mrs Kaur Mehat on 30th April 2019.

On 30th April 2019 I interviewed Jaswinder KAUR MEHAT under caution. The interview was conducted in accordance with the requirements of the Police and Criminal Evidence Codes of practice. I now produce the transcript of the interview as Exhibit GJB/6. During the interview Mrs KAUR MEHAT produced an underage refusals register. I now produce a photocopy of the register as exhibit GJB/7.

Signed:

Statement Taken by

RECORD OF INTERVIEW JASWINDER KAUR MEHAT

AJB/6

Person Interviewed:	Jaswinder Kaur Mehat (JM)		
Place of Interview:	Annand House, Meadowfield, County Durham	Number of Pages:	8
Signature of Interviewing Officer:	.		
Date of Interview:	30/04/2019		
Time Commenced:	11:43	Time Concluded:	11:58
Duration of Interview:	15 minutes		
Interviewing Officer(s):	Graham Blount (GB), Senior Trading Standards Officer Michelle Williamson (MW), PCSO		
Other Persons Present:			

Person Speaking	Text
GB	[Beeping] Okay, the date is the thirtieth of April twenty nineteen and the time is eleven forty three. The interview is being recorded at Annand House, Meadowfield, County Durham and may be given in evidence should this case go to court. I am Graham Blount, a Senior Trading Standards Officer, also present is...
MW	PCSO Michelle Williamson of Durham Constabulary's Alcohol Harm Reduction Unit.
GB	What is your full name please?
JM	Jaswinder Kaur Mehat.
GB	Okay. And your date of birth?
JM	
GB	Thank you. Erm, there's no other persons present. Okay, erm, the interview is being recorded on audio equipment, you've seen me break the seals on a set of new discs and place them in the recorder. At the conclusion of the interview, I'll ask you to indicate one of the discs which you wish...wish to be sealed as a master copy, the master copy can then only be opened on the authority of a court or the Crown Prosecution Service. At the end of the interview, I'll give you a notice which explains what happens to the discs and how you or your solicitor can get access to it. Okay, so the purpose of the interview is, erm, we're investigating offences under The Licensing Act twenty, erm, two thousand and three, erm, which occurred in December last year, okay. Before I start asking you questions, I have to caution you, which is required by the law, and the caution is, you do not have to say anything, but it may harm your defence, if you do not mention, when questioned, something that you later rely on in court, anything you do say may be given in evidence and the caution was delivered at eleven forty five. To ensure that you understand the caution, I'm just going to break it down and explain it simply. Okay, the first part says, you don't have to say anything, so it's simple, it means if you don't want to answer the questions, you don't have to, you don't even have to talk to me during the interview, or anything, however, there is a condition and that's the second part. It says, it may harm your defence if you do not questioned...when questioned something you later rely on in court. What that's basically saying is, if you don't...you decline not to comment and the case ends up in court, the court can then make some inferences if you then say, well, it was because of this, this and this, the first thing the court is going to say, well, why didn't you say that at the time? So, it's...it's, you know, obviously you don't have to say anything, however, in your defence, you probably would want to comment. The final part is anything you say may be given in evidence and, again, as the interview is being recorded, the recording could be produced as evidence should it go to court.

GB	And I'm saying, should, because that's not necessarily the way it's going, okay. Do you understand that?
JM	Yeah.
GB	Yeah, thank you. Okay, are you happy not having a solicitor present during the interview?
JM	Well, I was really know that I should bring the solicitor, but I think I should be okay.
GB	Okay, well what I will say...what I will say is that, two things, one, you're not under arrest and you can finish the interview and leave at any time you want. The second thing is, if you feel you need a legal representative, stop and we can reschedule the interview when you've arranged for one, okay. Do you understand that?
JM	Well, they says I have to go to, like, court about the matter, I have to go to court.
GB	It won't necessarily have to go to court, the whole point of the interview is that what we do is we're trying to get facts about events, policies and procedures you have in place and why it happened, okay.
JM	Yeah.
GB	Erm, as I say, worst...and this is very worst case scenario, it could go to court. It's more likely it's going to be something else, however, if you think you need a...a solicitor, that's your prerogative, okay.
JM	I'll just, err, carry on.
GB	So if you want, we'll continue and, at any stage, you think...
JM	Yeah.
GB	...you need to get a solicitor involved...
JM	Yeah.
GB	Just say that, okay. Can you just confirm your name...name and date of birth again please?
JM	Jaswinder Kaur Mehat
GB	Okay. And how would you like to be, erm, addressed during the interview, as Mrs Kaur Mehat okay?
JM	Yeah, it is, yeah, yeah.
GB	Yes, okay. Erm, okay, during the interview, I probably will produce some exhibits, okay, which I will ask you to comment on at some stage, okay. Right, we can actually start now, so we're actually investigating, erm, or following up on two test purchases that were carried out in December, okay, but before, erm, I ask you about those particular events, I just want to get some details of the actual business itself. So, who actually owns the business?
JM	Myself.
GB	It is yourself, is it purely yourself or a partnership with your husband or...?
JM	Partnership.
GB	It's a partnership with your husband.
JM	Yeah.
GB	Okay. And who is the premise license holder?
JM	Me.
GB	And who is the designated premise supervisor?
JM	Me.
GB	Okay. How long have you been at the business?
JM	Since the nineteenth December ninety nine, that's twenty year ago, nearly twenty year.
GB	Nineteen...nineteen ninety eight.

JM	Ninety nine.
GB	Ninety nine, okay thank you. And before you were there, were you...err, did you have any other businesses before you had that one or...?
JM	No, no.
GB	So, you've only ever had this one, okay. Erm, and you're a personal license holder as well, aren't you?
JM	Yeah.
GB	Was that issued by Durham or do you know?
JM	County Durham, yeah.
GB	It was Durham, okay.
JM	I think so.
GB	Yeah. How many staff actually work at the premises?
JM	Well me and my husband and part time.
GB	And a part time member of staff.
JM	Yeah.
GB	Just the one part time member of staff.
JM	Yeah.
GB	Okay. Erm, okay, erm, so obviously we're looking at two incidents, one on the thirteenth of December, erm, about six forty in the evening and one on the twenty first of December at about five to seven in the evening, where two test purchasers came in and in both cases they were sold wine. At the time, erm, the, erm, the test purchase was actually recorded, I have actually shown you these photographs before, but what I'd like you to do is just confirm is this you in both of the photographs, which are labelled GJB, err, D and GJBC, is that you in both those photographs? It is, okay. Erm, right, so is there...when did you get your personal license? Was it about the time you started the business?
JM	Yeah.
GB	Right, about that time. Have you had any other training since then?
JM	No.
GB	No. What training do the rest of the staff have? Obviously, your husband works in the shop, the part time member of staff, I mean, what sort of training have they had particularly with regard to under age sales?
JM	Well we all do the, like, check outs, like, I...I've been, err, err, again, that, err, under twenty one challenge thing [voices overlap 6:38].
GB	Right, yeah.
JM	Until the police [there was a run in 6:40].
GB	Yes.
JM	And, err, we all do that and then [voices overlap 6:44].
GB	Is that the DU pass one that...
JM	Yeah.
GB	Yes, okay, so that will be, what, two thousand and...?
MW	It was a while ago.
GB	Yeah, it was quite a long time ago.
MW	It was [Stanley CAP 6:53] was taking place.
GB	It was, yeah. Erm...

JM	Well, and, I mean, like, like, we keep doing check offs, and everything...
GB	Mmhmm.
JM	Like, I...I've got pass report as well.
GB	Right, yeah okay.
JM	But just, err...
GB	I'll have a look...I'll have a look at that in a minute, erm, so have you done any verbal training of the staff or is there anything in follow up you've done since the...doing the pass stuff?
JM	In the past year?
GB	Have you done anything since then though? Is it...you know, do you...do you do anything with your staff, or anything like that?
JM	Yeah, the, err...
GB	Just to remind them to...
JM	Yeah.
GB	To use the underage sales register. Can I have a quick look at your under age sales register? I'm just going to have a look, erm, Mrs Kaur Mehat has just passed me two, erm, under age sales, erm, refusals logs. One is from, err, the fourteenth of December twelve, to the fourth of August eighteen and the second one is from the sixth of June seventeen, right through to twenty ninth of the fourth of twenty nineteen. Okay, erm, and what I'll do is I'm going to take some photocopies of these, at the end, and then you can have these back if that's okay.
JM	Yes, certainly.
GB	Erm, what, err, age do you...or what's your age limit for checking for ID? Is it challenge eighteen, challenge twenty five, challenge twenty one, what...what scheme do you actually use?
JM	Well we done the twenty five before now.
GB	Yeah.
JM	Like check eighteen, [it's just, like, 8:28] eighteen.
GB	Yeah.
JM	Thing is, like, some of them, err, look older than they are.
GB	Mmhmm.
JM	And some of them don't.
GB	Right.
JM	I mean...
GB	So...so normally would you check for ID...
JM	Eighteen.
GB	Up to...over eight...for anybody over eighteen
JM	Eighteen.
GB	So, it's just eighteen.
JM	Yeah.
GB	Right, okay. Right, erm, in that case, what I'm going to do is I'm just going to show you a couple of photographs, these are some, erm, members of staff we've got, can you just have a look at that young lady there and just tell me how old you think she is? I'm just showing Mrs Mehat Kaur, erm, exhibit GJBB.
JM	Sixteen to seventeen.

GB	You think she would be sixteen or seventeen, okay. I'll just show you this young man here, what...what...hold old would you say she...he was? Mrs Mehat Kaur...
JM	Around about the same.
GB	About the same.
JM	About the same, aha.
GB	About fifteen, sixteen. So, if they came into the shop, would you challenge them?
JM	I would, like, I'm strict now, like...
GB	Yes, okay.
JM	In the past few weeks, like, I had my, err, dad's critical illness, like, on my mind.
GB	Mmhmm.
JM	And my mind was [chocker with it 9:50].
GB	Mmhmm.
JM	But, err, since I did...like, I'm...I'm shock myself how I did it.
GB	Yes, yes.
JM	And, err, I'm too strict, so then we, like, we're just nearly asking everybody now, like...
GB	Right.
JM	Whoever that I'm not sure.
GB	Okay.
JM	I mean, I'm not just, like, sell it to just all, like, just to make money...
GB	Mmhmm.
JM	...and sell it.
GB	Mmhmm.
JM	I mean, you can pass...check my passes record...
GB	Mmhmm.
JM	I never, like, attempt to, like, just do it.
GB	Right, mmhmm.
JM	You know, end of the day it's my business.
GB	So...so what explanation would you give then for the two sales, was it...you know, why did you sell it at the time?
JM	The, like, end of, err, November, like, middle of November and December, like, err, I had, like, my dad had a really, you know, bad and then my...it was all over my mind...
GB	Mmhmm.
JM	About his health issue and everything, I had to go India last week, like, I just come back, I had...last week to see him.
GB	Mmhmm, right.
JM	And, err, it was, like, just took my...my mind.
GB	Okay.
JM	It just, like, on my mind...
GB	So, you weren't really concentrating...
JM	...like, all the time.
GB	Yeah, okay, alright. So, what are you doing now to prevent the sales happening again?

JM	Well I'll tell you truth, like, I'm just asking nearly everybody now.
GB	Mmhmm.
JM	And I'm checking ID off everybody, I get them to show, like, some of the twenty seven, twenty six, they're laughing on me.
GB	Mmhmm.
JM	But I'm says, I'm sorry, I'm make sure I do my job...job right.
GB	Right.
JM	Because I don't want to take any chance, do you know, like...
GB	No, no, fine, that's lovely. Okay, erm, I'm just going to have a quick look through that again, Michelle, is there anything you want to ask while...?
MW	I do, yes. Right, erm...
GB	Yeah, there's a couple of things I wanted to ask, but...
MW	Just a couple of things.
GB	Yeah.
JM	Yeah.
MW	First, do you realise it is an offence to serve to somebody under the age of eighteen?
JM	Yeah, it is, yeah.
MW	Yeah.
JM	It shocked myself how...how I did it, you know.
MW	Right.
JM	I'm not, like, that kind, you know, me, like, I always, like, communicate with the [inaudible 11:39] police and they come in, every time they come, I'm...I'm there to whatever I can do for them, like, I'm...I'm not making money, like, the wrong way.
MW	Right.
JM	In every way, like, I just...this is my business and my business held...if I do it wrong, [inaudible 11:55], like, right away.
MW	Right.
JM	Like, I have my business, I know if I lost my business I...how much I'm going to lose, like.
MW	Okay.
JM	I just rely on my business.
MW	So, you do realise that you have committed an offence by selling the alcohol?
JM	Yes, but it's not, like, by purposely, like, I don't...I don't...you're doing your job and I...I made the mistake.
MW	Right.
JM	But...
MW	So, what...what we're saying is you do acknowledge and you do admit you're guilty of the sale of alcohol to a person under the age of eighteen on both the Thursday the sixteenth of December and Friday the twenty first of December.
JM	Yeah.
MW	Was that a, yes, was it?
JM	That's...that's a mistake, yeah.
MW	Yes, right, that's all I need to ask, Graham, thank you.
GB	Okay. Just...just a...err...

JM	I did it, I can't sit back and deny it.
GB	Mmhmm.
JM	I don't did it.
MW	Okay, that's fine.
JM	Like, you know.
GB	Mmhmm. Okay, yeah, just go...
JM	But...but I haven't done on purpose, like, alright, I just was serving everybody, like...
GB	Mmhmm.
JM	You had a pass check on me and everything.
GB	Yeah.
JM	We never, like, err, just to, like, prepared, like, okay, just to serve it.
GB	Mmhmm.
JM	Or whatever.
GB	Okay, no problem.
JM	Try our best and, err...
GB	Mmhmm. Just one last thing I wanted to cover, erm, what's your current home address?
JM	
GB	
JM	
GB	Okay. And how long have you been there?
JM	Err, since two thousand six.
GB	Two thousand and six, okay, because I...I...
JM	Yeah, you had my old address.
GB	Obviously when I came in, I'd got...got the old address.
JM	Yeah.
GB	Erm, did you notify Durham County Council that you'd actually moved, the licensed holders?
JM	I remember was when Michelle, you was coming for the license, err...
GB	Mmhmm.
JM	To check license, [inaudible 13:27] license, I was looking on the back...
GB	Mmhmm.
MW	Mmhmm.
JM	If you remember once.
MW	Yeah.
JM	And then...then I was mention, oh, I move from here.
GB	Mmhmm.
MW	Yeah, but...at that...
JM	But I'm not sure, like, err...

GB	Mm.
MW	At that point...
JM	...I had to...
MW	...were you told to contact Durham County Council?
JM	Err, no, I told you that I'd...
MW	Because if I'd seen that, then I would have told you you had to contact Durham County Council.
JM	Oh, so I'm sorry about that, but I didn't realise you didn't notice that.
GB	Yeah, okay.
JM	I mentioned then...then as well.
GB	What you'll need to do then is you'll need to...
JM	I have to write them or...?
GB	You...you...err, well, you can...I think you can do it online now actually.
MW	I don't know.
GB	I'll...once we finish the interview, I'll nip in and ask the girls next door...
JM	Okay.
GB	And ask them what form it is you need to fill in to...
JM	Oh right, okay no problem.
GB	...notify us that you have actually changed an address.
JM	Yes.
GB	Okay.
JM	Yeah.
GB	Erm, so really, I think that's everything I've got to ask, is there anything you...else you want to add that you haven't already added? You know, is there anything else you think we haven't covered?
JM	That's all, no, you did your job and, err...
GB	Yeah, okay. Right, alright then, if you've got nothing else that you want to add, I'm now going to hand you the notice that explains what happens to the tapes and how should you require them, erm, you can have access, which I've now just handed to you. Erm, the interview is concluded, erm, the time is now eleven fifty eight and I'm turning off the recorder.
	[Recording ends here]

Refusals Log

Please complete this document for each refusal of sale

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
14/12/12	5-11" Young Girl with Cream Caramel	TABS	Not BUS PASS for ID, Refused for No correct ID	S
19/12/13	5-9" Young LAD	TABS	Wrong ID (Buscard)	:
1/1/13	5-11" LAD	TABS	Wrong ID	:
27/1/13	5-6" GIRL with Blue & white top	Cigarettes <u>GIN</u>	Looks young No ID	
7/1/13	Two girls with hair	Cigarettes	No ID	(
5/8/13	LAD 5-5"	TABS	NO ID	
25/9/13	GIRL 5-2"	Real coat + white top	Claimed she is 19, but looks 16. No ID	
10/10/13	Boy Red Jacket Blended hair 5-5"	—	Prox NO ID (16?)	
2/11/13	Girl Brown Jacket	TABS	No ID Looks young	

206/17



Trading standards

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do you PASS?
helping you prevent underage sales



Refusals Log

Please complete this document for each refusal of sale

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
2/2/14	LAD 5-11"	CIGARETTES	NO ID	
16/2/14	Girl 5-7"	TABAC	NO ID	
23-3-14	Boy 5-3"	TABAC	NO ID Don't look at camera	
3-4-14	Boy 5-4"	CIGARETTES	NO ID	
22-7-14	Boy 5-5" Silver / Swift Girl 4-11"	TABAC	NO ID Friend also in shop	
5-8-14	Boy 5-5" Pink T-shirt	TABAC	NO ID	
16-12-14	checked bag 6532 + 6555 AM24	MU		
16-12-14	Boy 5-6"	Asking for Tobacco	NO ID, looks very young	
28-12-14	Boy 5-8"	TABAC Ask ID Robert	Get some	
1-15	Lad 5-8"	What's in bag	Asked TAB (Print Age)	

Refusals Log

Please complete this document for each refusal of sale

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
14.8.15	Girl 5-6"	ASK TASS, LOOKS YOUNG ASKED FOR TASS ASKED FOR TASS	ASK ID, PROVE IT - BEEN SERVED SEEN SERVED WITH ID	
9.9.15	Girl 5-4"	ASK TASS, LOOKS YOUNG ASKED FOR TASS	PROVE ID, BEEN SERVED	
30.9.15	YARD 5-9V	ASKED FOR TASS	REFUSED, MUM COME INSIDE	
19.10.15	Boy 5-6"	ASKED FOR TASS	ASKING TASS, PROVE ID NO ID	
9.11.15	Boy 5-5	ASKED FOR TASS	NO ID, REFUSE SELL	
22.11.15	Girl 5-4	ASKED FOR TASS	NO ID, REFUSE SELL	
3.12.15	Girl 5-5	ASKED FOR TASS	NO ID, REFUSE SELL	
9.12.15	Girl with red hooded	ASK TASS, SHE HAD HOOD SO GET SERVED	NO ID, REFUSE SELL	

Refusals Log

Please complete this document for each refusal of sale

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
17/1/15	Boy 5-7" brown jacket	ASKED FOR TABS	NO LOOKS FOR ID EVIDENCE SHOW ID WE SELL TO YOU AT.	2
12-2-15	Boy 5-6" blue jacket	ASKED FOR WINE, NO ID NON-TOXIC	BEVERAGES YOUNG REFUSE SALE	2
27-2-15	Girl with red Hoodie	TRAVIS'S ALCOHOL	REFUSE SOLD	
26-3-15	Girl	FRUIT & VEG	REFUSE SALE UNDER 18	
10/4/15	Checked & all in order			1
21-4-15	Boy 5-6" red jacket	ASK FOR TABS, CHANGEK FOR SHOW ID.		17
1-1-15	Girl 5-5" Gray Jacket	ASK FOR TABS, CHANGEK FOR SHOW ID.	NO SERVICE BEHIND SERVICE	
1-1-15	Boy 5-6"	ASK FOR TABS, CHANGEK FOR SHOW ID.	NO IS OLD CANNOT BE SERVED.	
	Boy 5-8"	BLACK CASH TABS ASK ID WE SELL	REFUSE * BEHIND SERVICE	

Refusals Log

Please complete this document for each refusal of sale

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
1/4/16 9:10am	MALE 5ft 5"	CIGARETTES	LOOKED YOUNG I.D. GIVEN - AGE 19.	10
8/4/16	Male 5ft 10"	ALCOHOL	LOOKED YOUNG I.D. GIVEN (19)	
9/4/16	Female 5ft 4"	ALCOHOL	LOOKED YOUNG I.D. GIVEN (19)	
14/4/16	Male 5ft 4"	ALCOHOL	LOOKED YOUNG I.D. GIVEN (19)	
15/4/16	Male 5ft 4"	ALCOHOL	LOOKED YOUNG I.D. GIVEN (19)	
21/4/16	Girl 5-3"	TABS LOOKED YOUNG NO ID	SHE SAID 19 BUT REFUSED ID	
22/4/16	FEMALE 5-4"	VODKA LOOKED YOUNG	ID (PASSPORT) GIVEN (19)	
23/4/16	MALE 5'4"	VODKA - LOOKED UNDER AGE	ID - DRIVING (18) LICENSE	
21/5/16	MALE 5-8"	ALCOHOL - LOOKED YOUNG	ID D/LICENSE (AGE 29 ..)	
25/5/16	Girl 5-3"	TABS LOOKED YOUNG NO ID	Refused.	

Refusals Log

Please complete this document for each refusal of sale

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
20.12.15	LAD 5-10"	TIGARS, (CIGARETTES) VINTAGE CUT 21.	ISSUED ID ON DEMAND.	
20.12.15	GIRL 5-3"	MUDGY CIGARETTES	ASK ID (23) SUT LOOKS YOUNG	
11.2.16	GIRL 5-5"	BLACK JACKET CIGARETTES FOR TIGARS	LOOKS YOUNG AND TO YOUNG AGE. REFUSE SELL.	
20.2.16	GIRL 5-2"	CIGARETTES LOOKED YOUNG	HAD PASSPORT FOR ID. (22)	
11.3.16	MALE 5-6"	CIGARETTES - LOOKED YOUNG,	HAD DRIVING LICENSE FOR ID (23)	
12.3.16	MALE 5-8"	ALCOHOL - LOOKED UNDER AGE - 15 18	CHECKED DRIVING LICENSE. (18)	
13.3.16	MALE 5-10"	WINE - LOOKED YOUNG NO ID	REFUSE SELL	
20.3.16	MALE 5-5"	CIGARETTES - LOOKED YOUNG HAD DRIVING LICENSE (15)	ISSUED	
20.3.16	FEMALE 5-2"	CIGARETTES LOOKED YOUNG	ISSUED ID ON DEMAND	

noe sales
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 this document for each refusal of sale

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 helping you prevent underage sales

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
20/11/16	Boy - 6"	TABS - 2 PK Young ID shown	ID shown made sale	
20/11/16	FEMALE SFT 2"	ALCOHOL - LOOKED YOUNG NO ID	REFUSED SALE	
8-12-16	MALE SFT 8"	ALCOHOL - LOOKED YOUNG	ID SHOWN LICENSE MADE SALE	
16/12/16	MALE + FEMALE S-8 + S-2	ALCOHOL - LOOKED YOUNG	NO ID NO SALE	
7/1/17	2 YOUNG BOYS APPROX 8 YRS	SILLY STRING - SOLVENT	NO SALE	
14/1/17	FEMALE SFT 2"	ALCOHOL - LOOKED YOUNG	NO ID. NO SALE	
23/3/17	Female S-3"	WINE - LOOKED YOUNG NO ID	SHOWED ID. BUT SELL	
30/3/17	Female S-4"	ALCOHOL - LOOKED YOUNG	SHOWED I.D SALE APPROVED	
1/4/17	MALE SFT	CIGARETTES - LOOKED YOUNG	NO ID NO SALE	
7/4/17	MALE SFT 6"	ALCOHOL LOOKED YOUNG	NO ID NO SALE	

(2017)
 New

Refusals Log

Please complete this document for each refusal of sale

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
4/6/16 17:35pm	MALE 5FT 4"	CIGARETTES	NO ID SHOWN LOOKED YOUNG	
13/7/16	FEMALE 5-3"	CIGARETTES	NO ID SHOWN LOOKED YOUNG	
28/7/16	FEMALE 5FT 3"	CIGARETTES	NO ID SHOWN LOOKED YOUNG	
11/9/16	MALE 5FT 5"	CIGARETTES	NO ID SHOWN LOOKED YOUNG	
27/10/16	MALE 5' 5"	CIGARETTES	NO ID SHOWN LOOKED YOUNG	
29/10/16	FEMALE	ALCOHOL	NO ID SHOWN LOOKED YOUNG	
7/11/16	FEMALE 5FT	CIGARETTES	NO ID SHOWN LOOKED YOUNG	
9/11/16	MALE 5FT 6"	ALCOHOL	NO ID SHOWN LOOKED YOUNG	
12/11/16	FEMALE 5-3"	ALCOHOL	NO ID SHOWN LOOKED YOUNG	
19/11/16	MALE 5FT 2"	ALCOHOL	NO ID SHOWN LOOKED YOUNG	



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helping you prevent underage sales

Booked signed by PCSC0832

Refusals Log M Williamson

Please complete this document for each refusal of sale

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
10/11/17	Female 5ft.	Alcohol.	No ID No Sale.	
17/11/17	Male 5ft 8"	Alcohol	No ID No Sale	
1/12/17	Female 5ft		shown license sale	
1/12/17	Male 6ft.	Alcohol. LOOKED YOUNG.	No ID No Sale.	
16/12/17	Female - 5ft	Alcohol LOOKED YOUNG	No ID NO SALE	
14/1/18	MALE 5ft 4"	Cigarettes LOOKED Young	ID/license shown sale	
25/4/18	male 5-6"	Cigarettes LOOKED YOUNG	No ID the girl simon's ID	
13/7/18	Male 5-8"	Cigarette Papers	Under 16 NO SALE	
22/7/18	Female 5-4"	Alcohol. LOOKED UNDER 18	No ID NO SALE	
-/8/18	Female 5-2"	Cigarettes	Under Age NO ID - NO SALE	

Refusals Log

Please complete this document for each refusal of sale

Date/time	Description of young person	Goods young person asked for	Comments	Name/signature
22/3/17	young lady 5'6"	ASK FOR TANS	NO ID SOLD	
29/4/17	MALE 6FT	ALCOHOL LOOKED YOUNG	NO ID SALE REFUSED	
30/4/17	FEMALE 5FT 4"	CIGARETTES LOOKED YOUNG	ID SHOWN MADE SALE	
20/5/17	FEMALE 5FT	SCRATCHCARD LOOKED YOUNG	NO ID NO SALE	
11/7/17	MALE 5FT 6"	UNIDENTIFIED LOOKED YOUNG	PASSPORT SHOWN NO ID 1997. SALE	
11/7/17	MALE 5FT 6"	SCRATCHCARD	NO ID NO SALE	
21/7/17	FEMALE 5FT 2"	ALCOHOL LOOKED YOUNG	NO ID NO SALE	
27/10/17	Male	OH 8" - cigarette	Sale ID shown	



REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
	Example: 01/04/12	Cigarettes	7.10pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	
1	6-6-17	L	8-35	MALE	NO ID	
2	6-6-17	TABS 12:10	12:40	young girl 5" tall white sweater	No ID, Refuse Sale	
3			1:10	LASS	TAB NO ID	
4	15/10/18	Scratch card.	4-9"	Ladi with blue jacket	check ID, old boy enough. sorry	
5	15/1/19	visit by DCI	7:20 AM	STANINS		
6	17-1-19	lottery	5.15 PM.	LAD	Ask ID No ID Refused	
7	23-1-19	TABS	12.20 PM	LAD 5-10" BROWN SWEATER	ASK FOR ID NO ID REFUSED	
8	30/1/19	Wine	10-45	Female 5-2	NO ID NO SALE.	

MANAGER'S SIGNATURE _____

DATE: _____



REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
9	17-2-19	SPIRIT	1 wpm	Black Sackett 5 6" LAD	Looks young. clock ID 194 -OLD-	
10	19-2-19	Cigarettes	16 15	Female	Looked young NO ID <u>NO SALE</u>	
11	27 2-19	CANS	5.20 PM	LAD	NO ID <u>NO SALE</u>	
12	3-3-19	SPIRIT	7 12 PM		LOOKS YOUNG got ID from server	
13	10 3-19	CANS + s. 20 with CMO	4 20 PM	GIRL	17 YEARS OLD BEEN SERVED	
14	12.3 19.	TABS	6.15 PM	LAD	LOOKS OLD BUT NO ID <u>NO SALE</u>	
15	28.3-19	TABS	12.30 PM	GIRL	<u>NO SALE</u> CANT PROOF	
16	4 4 19	CANS.	6 wpm.		Refused NO ID	
17	10/4/19	TABS	7 30.	Looks young, had ID from server	BEEN SERVED	

MANAGER'S SIGNATURE _____ DATE: _____



REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
18	12.4.19.	1 TABS	12.15 pm	Tall LAD Got ID Pulse	---	
19	16.4.19	Cans	6.20 PM	Tall LAD No ID No sell		
20	18.4.19.	TABS	5.15 PM	Brown woman 23 y old.		
21	20.4.19.	TABS	6 PM	Male off looked younger	NO ID NO SALE	
22	21.4.19	Cans	4.30 PM	Male 5ft 8"	LOOKED YOUNGER PROVIDED ID SALE MADE	
23	22.4.19.	Cans	7 PM	2 MALES	NO ID NO SALE	
24	25.4.19.	SPIRITS	5.45 PM	FEMALE 5ft 2"	ID PROVIDED SALE MADE	
25	28.4.19	WINE	6 PM	FEMALE 5ft 4"	NO ID NO SALE	
26	29.4.19	CANS	11 AM	LADS	NO ID NO SALE	

MANAGER'S SIGNATURE _____ DATE: _____



REFUSALS REGISTER

	Date	Product	Time	Name of Person or Description	Observations	Staff Member
27	27.4.19	TASS	645	small looking panda 214 old Berr - Ser		
28	29.4.19.	Wine	7.10pm	2 Young Males approx 5FT 8"	LOCKED YOUNG NO ID - NO SALE	
29	30/4/19	Checked by PCSO 6832	Williamson	AMRU		
30						
31						
32						
33						
34						
35						

MANAGER'S SIGNATURE _____ DATE: _____

Contact: Graham Blount
Direct Tel:
Fax:
e-mail:
Your ref:
Our ref: GJB/DWTSPR0087



Mrs Jaswinder KAUR

21st January 2019

Dear Madam

Licencing Act, 2003

I am writing to inform you as the Premises Licence Holder for Happy Shopper, New Front Street, Tanfield Lea, Stanley, that possible offences have been committed under the Licencing Act, 2003, where the sale of alcohol to an underage volunteer took place two times from that premises, I am required to investigate these offences and I am therefore writing to advise you that as part of my investigation I am required to formally interview you with regard to this matter.

The formal interview will be conducted under caution as required by the Police and Criminal Evidence Act, 1984. I must therefore caution you and tell you that; **You do not have to say anything, but it may harm your defence if you fail to mention when questioned something you may later rely on in Court. Anything you do say may be given in evidence.**

As this matter is the subject of a criminal investigation for which you may be prosecuted, you may wish to seek legal advice.

I am therefore writing to request that you to attend a recorded interview at this office or if this is not suitable to make alternative arrangements to formally interview you.

I would therefore be obliged if you could contact me by 15th February 2019 to arrange a mutually convenient time to attend the interview. The interview would normally take place at these offices.

With the exception of interview arrangements anything said in response to this letter could be given in evidence.

Yours sincerely

Graham J Blount
Senior Trading Standards Officer

Neighbourhood Services
Durham County Council, Annand House, Meadowfield, Durham, DH7 8RS
Switchboard (0191) 383 3000 Minicom (0191) 383 3802 Text (07786) 026 956

Website: www.durham.gov.uk



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 _____ 2018, 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 18:42 hrs on that day the child volunteer entered Happy Shopper, New Front Street, Tanfield Lea, Stanley and purchased a bottle of rose wine with an abv of 8%. The volunteer and not asked for ID or how old they were.

On Friday 21st December 2018, I was again taking part in Operation _____ 2018, 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 18:55hrs hrs on that day the child volunteer entered Happy Shopper, New front Street, Tanfield Lea, Stanley and purchased a bottle of white wine with an abv of 8%. On this occasion the volunteer was asked for ID or how old they were.

At 14:46 hrs on Tuesday 15th January 2019 I attended Happy Shopper 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 DPS Jaswinder MEHAT. MEHAT confirmed it was her in both pictures and confirmed her details as Jaswinder MEHAT, bn

Witness contact details

URN

Name of witness: Michelle Williamson

Home Address: Annand House, Meadowfield

Postcode: DH7 8RS

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:

Appendix 5: Representations

From: Michelle Williamson < >
Sent: 24 July 2019 10:15
To: Alcohol Harm Reduction Unit; Karen Robson
Cc: Dean Haythornthwaite
Subject: FW: Review of a Premises Licence - Happy Shopper, New Front Street, Tanfield Lea, Stanley, Co Durham DH9 9LY
Attachments: Statement re Happy Shopper Tanfield Lea.pdf

Hi

Karen – Insp Stewart from Stanley Neighbourhood team has submitted a statement in support of the review for Happy Shopper, see attached, can it please be added to your bundle.

Judith – Can the attached statement from Insp Stewart please be added to the file for Happy Shopper.

Thanks
Michelle

PCSO 6832 Williamson
Harm Reduction Unit
Annand House
John Street North
Meadowfield
Durham
DH7 8RS
Office – 101
Direct line – 1



Not Disclosable

Witness contact details

Name of Witness: DAVID ANDREW STEWART

Home address: 10 STANLEY POLICE OFFICE Postcode:

E-mail address: Q Mobile:

Home Telephone Number: Work Telephone Number:

Preferred means of contact (specify details for vulnerable/intimidated victims and witnesses only):

Gender: MALE / FEMALE Date and place of birth:

Former name: Ethnicity Code (16 + 1): W1

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/guardian/appropriate adult: PRINT NAME:

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

Statement taken by: DAVID ANDREW STEWART Station: STANLEY

Time and place statement taken: 0930 24/7/19 STANLEY POLICE OFFICE



WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: DAVID ANDREW STEWART
 Age if under 18: 018 (if over 18 insert 'over 18') Occupation: POLICE INSPECTOR

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: [Signature] Date: 24/07/2019

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 the above named, employed by DURHAM CONSTABULARY as a police inspector. I am the neighbourhood Inspector for the Stanley area. I am responsible for managing the day to day policing in the Stanley area.

In respect of the review application submitted by DURHAM County Council against the HAPPY SHOPPER, TANFIELD LEA, STANLEY, I am in support of this.

DURHAM Police commit a lot of resources to address the issue of youth anti-social behaviour in the Stanley area. There are a variety of schemes aimed at youths designed to give them locations & activities to take part in activities that deter them from being seen as anti-social by other parts of the community. There is also at times the need for action to be taken to work with the youths & their families when levels of anti-social behaviour or criminality require this.

A significant part of the issue of youth

Signature:

Signature witnessed by:

Continuation of Statement of: DAVID ANDREW STEWART

anti-social behaviour can be attributed to under age drinking of alcohol. The work that goes on between the police and other agencies & stakeholders is very much undermined when licence holders do not fulfill their legal obligations as licencees.

In this case the licence holder failed not once but twice when tested and this suggests to me ~~as~~ that either they are at best ignorant of their clear obligations under their granted licence, or at worst have wilfully decided not to abide by the conditions of their licence. In either case I would suggest the proposed review is both necessary, proportionate and timely.

Signature _____ Signature witnessed by: _____

Witness contact details

URN

Name of witness: Michelle Williamson

Home Address: Annand House, Meadowfield

Postcode: DH7 8RS

E-mail address: m
uk

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:

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 22nd July 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 Happy Shopper, Tanfield Lea, Stanley is not promoting the licensing objectives namely protection of children from harm and prevention of crime and disorder.

The premises licence holder and designated premises supervisor Mrs Jaswinder Mehat 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.

On Thursday 13th December 2018 I was on duty taking part in Operation _____ 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. 18:42 hrs on that day the child volunteer entered Happy Shopper, New Front Street, Tanfield Lea, Stanley

and purchased a bottle of rose wine with an abv of 8%. The volunteer and not asked for ID or how old they were.

On Friday 21st December 2018, I was again taking part in Operator _____ a Trading Standards test purchase operaiton 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. 18:55hrs hrs on that day the child volunteer entered Happy Shopper, New front Street, Tanfield Lea, Stanley and purchased a bottle of white wine with an abv of 8%. On this occasion the volunteer was not asked for ID or how old they were.

At 14:46 hrs on Tuesday 15th January 2019 I attended Happy Shopper with Graham BLOUNT, Trading Standards Officers from Durham County Council with a picture of the female who sold the alcohol to the volunteer during the 2 test purchases and spoke to the DPS Jaswinder MEHAT. MEHAT confirmed it was her in both pictures and confirmed her details as Jaswinder MEHAT, bn _____ J.

On 30th April 2019 I was present when Jaswinder MEHAT was interview under caution by Graham BLOUNT, Durham Council Council Trading Standards Officer. During the interview I asked MEHAT if she realised it is an offence to serve to somebody under the age of eighteen to which she replied 'YEAH IT IS, YEAH'.

Durham Constabulary fully support Durham County Council in the revocation of the premises licence for Happy Shopper, New Front Street, Tanfield lea, Stanley.

Signature:

Signature witnessed by:

Contact: Sean Barry
Direct Tel: (
Fax:
email: s
Our ref: SB/2019



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

18 July 2019

Dear Sir / Madam

Re – Happy Shopper, New Front Street, Tanfield Lea, Stanley, Co Durham, DH9 9LY.

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

Evidence

¹ World Health Organization (2018). Global status report on alcohol and health 2018.

² CMO for England (2009) Guidance on the consumption of alcohol by children and young people.

³ CMO for England (2009) Guidance on the consumption of alcohol by children and young people. Newbury-Birch et al (2009) Impact of Alcohol Consumption on Young People. A Systematic Review of Published Reviews.

⁴ PHE (2018) Local Alcohol Profiles for England.

⁵ CMO for England (2009) Guidance on the consumption of alcohol by children and young people. NHS Digital (2016). Smoking, drinking and drugs use among young people.

⁶ CMO for England (2009) Guidance on the consumption of alcohol by children and young people.

Durham Safeguarding Children Partnership
Transformation and Partnerships
Durham County Council
County Hall
Durham
DH1 5UL

Ref SB/2019/076

Date: 18th July 2019

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

To whom it may concern

Re: Happy Shopper, New Front Street, Tanfield Lea, Stanley, DH9 9LY

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 Safeguarding Children Partnership, I would support the application by Durham Constabulary to review the premises licence.

Yours sincerely

**Mark Quinn
Quality & Performance Coordinator
Durham Safeguarding Children Partnership**

Appendix 6: Responsible Authority Response – No comments

From: Martin Scott
Sent: 15 July 2019 15:50
To: Karen Robson
Subject: Happy Shopper, New Front Street, Tanfield Lea

Dear Karen

Thank you for consulting the Nuisance Action Team, regarding the Review of Premises Licence for:

Happy Shopper, New Front Street, Tanfield Lea,

Dated: 11th, July, 2019.

I have no representations to make regarding the review.

Regards

Martin Scott
Senior Environmental Health Officer
Environment, Health & Consumer Protection
Regeneration and Local Services

Appendix 7: 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

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 8: 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.

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.