

Statutory Licensing Sub-Committee

21st January 2020

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:

Framwellgate Moor and Newton Hall

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine an application by Durham County Council's Local Weights and Measures Authority to review the premises licence in respect of Premier Store, 32 Front Street, Framwellgate Moor, Durham DH1 5EE.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 On 25th November 2019, the application was received from the Local Weights and Measures Authority (Responsible Authority) asking for a review of the premises licence (ref. no. LAPREG/05/0231) for Premier Store, 32 Framwellgate Moor, Durham.
- 4 During the consultation period the Licensing Authority received two representations in support of the review application. These were from Durham County Council's Public Health Department and the Council's Durham Safeguarding Children Partnership.
- 5 The Fire Safety Authority and the Council's Planning Department both responded to the consultation with no comments.
- 6 The Licensing Authority also received some information and photographs from the premises licence holder Mr Muhammad Adnan Rabani in support of his business.

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 and Measures Authority	
Type of Application: Review of a Premises Licence	Date received: 25th November 2019	Consultation ended: 23rd December 2019
Current Premises Licence Holder	Mr Muhammad Adnan Rabani	
Current Designated Premises Supervisor	Mr Muhammad Adnan Rabani	

- 10 The premises licence in respect of Premier Store, 32 Front Street, Framwellgate Moor, Durham currently permits the sale of alcohol as detailed in the table below:

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

	Good Friday: 08:00 – 22:30 hrs
Opening Hours	Not stated

- 11 A copy of the premises licence is attached at Appendix 3.

Details of the application

- 12 The review application by the Licensing Authority was received by the Licensing Authority on 25th November 2019.
- 13 The 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 review application and supporting documents are attached at Appendix 4.

The Representations

- 16 During the consultation period, the Licensing Authority received two representations in support of the review application from the following responsible authorities; Durham County Council's Public Health Department and the Council's Durham Safeguarding Children Partnership.

Copies of the representations are attached at Appendix 5.

- 17 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the review application:
- Fire Safety Authority
 - Durham County Council's Planning Department
- 18 The Licensing Authority also received some information and photographs from the premises licence holder Mr Muhammad Adnan Rabani in support of his business.

This information is attached at Appendix 6.

The Parties

19 The Parties to the hearing will be:

- Durham County Council's Local Weights and Measures Authority (Applicant)
- Mr Muhammad Adnan Rabani (Premises Licence holder)
- Public Health Department (Responsible Authority)
- Durham Safeguarding Children Partnership (Responsible Authority)

Options

20 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 (currently there is no DPS therefore this is not an option);
- (e) Suspend the licence for a period (not exceeding three months);
- (f) Revoke the licence.

Main implications

Legal Implications

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

- 23 The Sub-Committee is asked to determine the application for the review of the premises licence for Premier Store, 32 Front Street, Framwellgate Moor, Durham. DH1 5EE

Background papers

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

Other useful documents

- None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

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

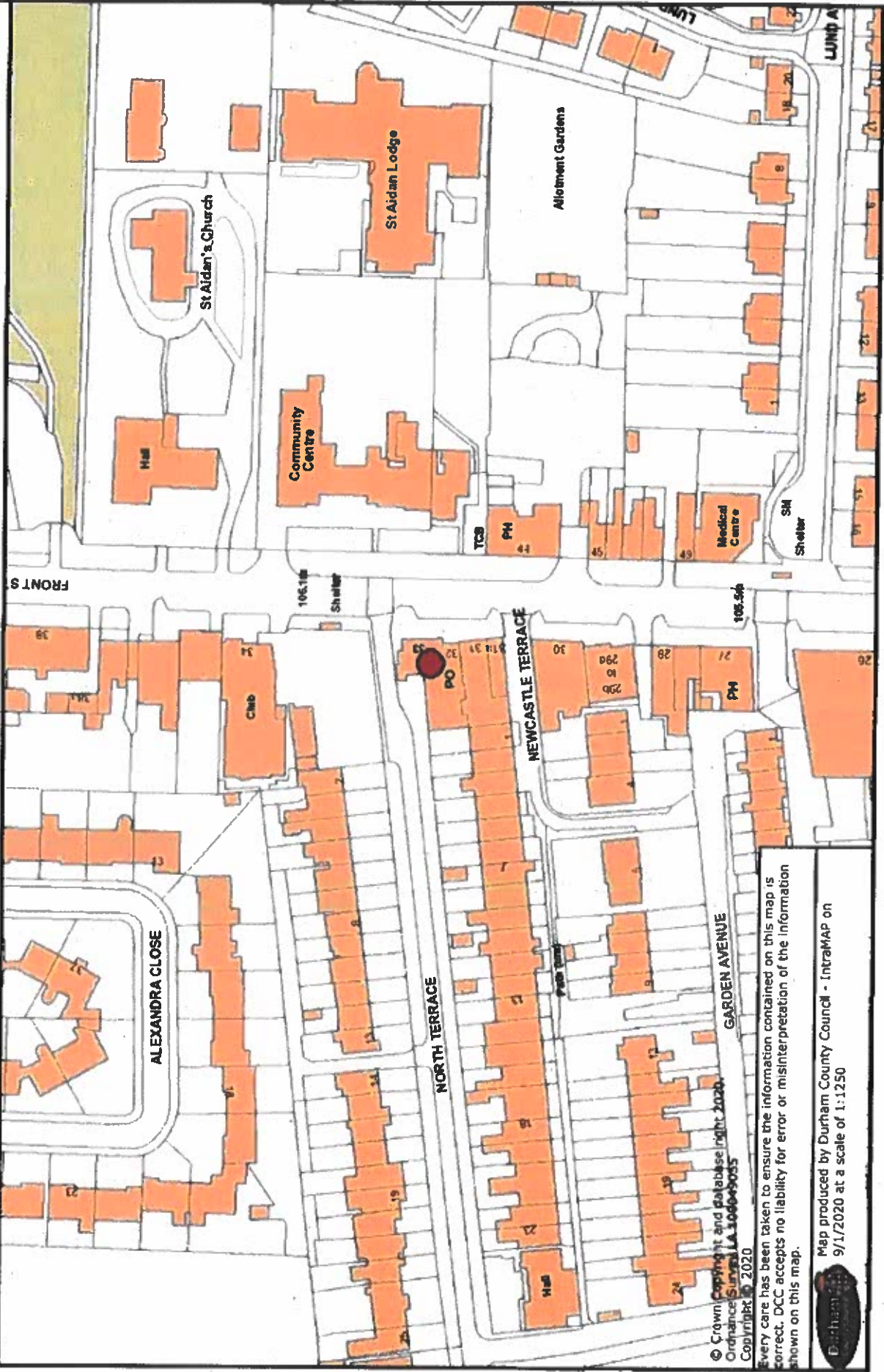
Notice of the application was displayed at the Council's Head Office at County Hall, Durham.

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

Appendix 2: Location Plan

Plan for identification purposes only; not to be used for scaling or formal documentation

Durham County Council - IntraMAP



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Ordnance Survey LA 1000-9055
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on
9/1/2020 at a scale of 1:1250



Appendix 3: Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

LAPREG/05/0231
24 November 2005
07 October 2019

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
PREMIER STORE 32 FRONT STREET FRAMWELLGATE MOOR DURHAM DH1 5EE	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Sale by retail of alcohol
--

Opening Hours of the Premises	
Not stated	Non-standard/seasonal timings

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

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

Sale by retail of alcohol	Further details														
<table style="width: 100%; border: none;"> <tr><td style="padding: 2px 10px 2px 0;">Mon</td><td style="padding: 2px 10px 2px 0;">08:00-23:00</td></tr> <tr><td style="padding: 2px 10px 2px 0;">Tue</td><td style="padding: 2px 10px 2px 0;">08:00-23:00</td></tr> <tr><td style="padding: 2px 10px 2px 0;">Wed</td><td style="padding: 2px 10px 2px 0;">08:00-23:00</td></tr> <tr><td style="padding: 2px 10px 2px 0;">Thu</td><td style="padding: 2px 10px 2px 0;">08:00-23:00</td></tr> <tr><td style="padding: 2px 10px 2px 0;">Fri</td><td style="padding: 2px 10px 2px 0;">08:00-23:00</td></tr> <tr><td style="padding: 2px 10px 2px 0;">Sat</td><td style="padding: 2px 10px 2px 0;">08:00-23:00</td></tr> <tr><td style="padding: 2px 10px 2px 0;">Sun</td><td style="padding: 2px 10px 2px 0;">10:00-22:30</td></tr> </table>	Mon	08:00-23:00	Tue	08:00-23:00	Wed	08:00-23:00	Thu	08:00-23:00	Fri	08:00-23:00	Sat	08:00-23:00	Sun	10:00-22:30	Non-standard/seasonal timings Christmas Day 12:00 - 15:00 & 19:00 - 22:30 Good Friday 08:00 - 22:30
Mon	08:00-23:00														
Tue	08:00-23:00														
Wed	08:00-23:00														
Thu	08:00-23:00														
Fri	08:00-23:00														
Sat	08:00-23:00														
Sun	10:00-22:30														

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
MR MUHAMMAD ADNAN RABANI 32 FRONT STREET FRAMWELLGATE MOOR DURHAM DH1 5EE	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

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

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.

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' Off Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

Prevention of Crime & Disorder

None

Public Safety

None

Prevention of Public Nuisance

None

Protection of Children from Harm

None

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

None

Annex 4 – Plans attached

Attached

**Signature of Authorised Officer
Head of Community Protection**

**Appendix 4: Review application and supporting documents from
the Local Weights and Measures Authority**

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 & 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

PREMIER STORE
32 Front Street
Framwellgate Moor

Post town DURHAM

Post code (if known) DH1 5EE

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

Mr MUHAMMAD ADNAN RABANI

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

Lapreg/05/0231

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)

X

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 Community Protection Annand House PO Box 617 Durham DH1 9HZ Contact: Craig Hudson
Telephone number (if any)
E-mail address (optional)

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

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

Please state the ground(s) for review (please read guidance note 2)

See Attached grounds for review

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

See Attached grounds for review

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

..... ✓ 22/11/19

Capacity **Consumer Protection Manager**

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

Durham County Council
Community Protection
PO Box 617

Post town

Durham

Post Code

DH1 9HZ

Telephone number (if any) †

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

Notes for Guidance

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

GROUNDS FOR REVIEW

1. The applicant is seeking a review of the Premises Licence of Premier Store, 32 Front Street, Framwellgate Moor, Durham. DH1 5EE, 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, and the DPS (Designated Premises Supervisor) is Mr Muhammad Adnan Rabani. Mr Rabani holds a personal licence issued by Stockton-on-Tees Borough Council.
3. Evidence obtained by the applicant shows the premises sold alcohol three times to an underage person contrary to section 146(91) of the Licencing Act, 2003.
4. The premises was tested as part of Durham Trading Standards test purchase programme, operation Aqueduct. A 16-year-old volunteer was sold a bottle of wine by [REDACTED]. [REDACTED] was issued a fixed penalty notice by Durham Constabulary and the premises was given advice to prevent further sales.
5. A follow up test purchase was carried out to ensure compliance. On 30th August, 2019, Durham Trading Standards, assisted by Officers of Durham Constabulary, carried out a follow up test purchase exercise to investigate if the premises was still selling alcohol to underage youths. Using a 15-year-old volunteer (Operation Arcade). The 15-year-old volunteer was instructed to enter the premises and attempt to buy alcohol, along with some sundry items. The volunteer selected a bottle of wine and approached the counter. A person later identified as [REDACTED] sold the child the alcohol. [REDACTED] made no attempt to ascertain the age of the volunteer or to ask for identification. At the time of the sale there was no one else present in the shop.
6. On Friday 6th September a further test purchase attempt was made by Durham Trading Standards, again assisted by officers of Durham Constabulary, to ascertain if the previous sale was an isolated incident or rogue member of staff. The 15-year-old volunteer was again instructed to enter the shop to attempt to buy alcohol and a greetings card. The volunteer entered and selected a bottle of wine and a greetings card. She then approached the counter and was served the alcohol by [REDACTED].
7. Following the sale, Graham Blount, a Senior Trading Standards Officer from Durham County Council, accompanied by PCSO Michelle Williamson of Durham Constabulary entered the premises and spoke with [REDACTED]. She confirmed it was she who had sold the alcohol stating that " she thought she was old enough". Arrangements were made to revisit and interview [REDACTED].

8. On Friday 13th September, 2019 at 1410 hours [REDACTED] was interviewed under caution by PCSO Williamson and [REDACTED] was issued with a fixed penalty notice for the sale of alcohol to someone under the age of 18. AT the time PCSO Williamson spoke to [REDACTED] who stated he was the manager and asked him to identify the seller on 30th August 2019. He said he would check the rotas and contact her.
9. On Tuesday 17th September [REDACTED] contacted PCSO Williamson and admitted it was he who had made the sale.
10. At 1255 hours on 19th September 2019, Mr. Blount and PCSO Williamson visited the premises and spoke with RABANI, when shown a photograph taken from the covert camera footage, he stated that "It's a friend he doesn't work here" After requesting the details of the seller [REDACTED] admitted that it was his brother, [REDACTED]
11. When asked how long he had been manager he stated since June 2018. When asked what relationship he had with [REDACTED] who at the time was listed as the premises licence holder and designated premises supervisor. He replied that Mr. [REDACTED] son had run the shop before he took over in June 2018. Mr. Blount asked if [REDACTED] ever visited the premises, initially Rabani said no, then changed his mind to every couple of weeks.
12. When asked how many staff worked the shop [REDACTED] said there were four including himself. When asked what training had been carried out regarding underage sales he stated that, he just told the staff not to sell to underage children. There were no written training records.
13. Initial attempts to contact [REDACTED] failed as all the contact numbers on the licence were for the shop, and the mobile phone number provided by Rabani was no longer in use. However follow up enquiries discovered a mobile number for Mr. [REDACTED] son A. [REDACTED] and contact was made and arrangements made to interview [REDACTED] on 23rd September 2019.
14. On 23rd September 2019 [REDACTED] was interviewed under caution in the presence of his son [REDACTED]. The interview was carried out in accordance with the requirements of the Police and Criminal Evidence Act, 1984. In the interview R. [REDACTED] A identified himself as the current PLH and DPS but 'by accident' he was under the belief that the licence had been transferred by his solicitors during the sale of the business to [REDACTED]. He admitted that he did not have anything to do with the running of the business after July 2018
15. The licence was transferred into the name of [REDACTED] on 7th October 2019.
16. The management of this premises is clearly failing to meet the requirements of the Licencing Act, 2003 in that firstly there in effect not been a premises licence holder or designated premises supervisor in place since July 2018. There may have been Mr. [REDACTED] name on the licence, but he has had no dealings with the business since July 2018. It seems the current PLH and

DPS when in place as manager, made no effort to check if the licence had been transferred, or made any effort to correct the situation. There is nothing in place to verify the age of the purchasers of alcohol.

17. The lack of age verification training or practice seems to be common throughout the staff with three separate members of staff failing test purchase attempts. There is no visible training, or a record of refusals, which suggests there is no appetite for checking the age of purchasers.
18. Whilst it is up to the Committee to decide it is clear from this that the management of the shop is in question and I would recommend that revocation of the premises licence is the appropriate course of action.

LICENSING ACT 2003

Suggested Conditions to be added to the Licence

The Prevention of Crime and Disorder

- CCTV footage must be available and downloaded upon request by a Responsible Authority.
- All incidents occurring at the premises will be recorded in an Incident Book maintained by the Premises Licence holder or a nominated member of staff. The details which will be recorded in the Incident Book are: the time and date of the incident; the name or full description of any person(s) involved (including staff members), whether the incident was recorded on CCTV, and the signature of the person making the entry. This book will be available at all times for inspection by the Police and other Responsible Authorities upon request.
- Persons known to be, or suspected to be, buying alcohol or tobacco on behalf of children will be refused and reported to the Police.

The Protection of Children from Harm

- Adherence to the law surrounding the ban on the sale of alcohol and tobacco to those under 18.
- The operation of a documented Age Certification Policy (Challenge 25) where all patrons believed to be under the age of 25 who seek to purchase age restricted goods will be asked to provide proof of age in the form of a UK Driving Licence, Passport, Military ID card or photo identification which is endorsed with the government PASS holographic logo.
- A refusals register must be in place at the premises and used to keep a record of all attempted test purchases of alcohol and tobacco where a person believed to be under 25 is challenged and no identification is provided and the sale is therefore refused.
- The refusals register should record: the date and time of the refusal, a description of the young person refused, the goods asked for, any significant comments made or behaviours exhibited by the person and the signature of the person making the entry.
- The register should be checked for completion and signed off on a regular basis by the DPS or Premise Licence Holder. The refusal register must be kept available at all times for inspection by the Police and other Responsible Authorities upon request.

- **Persons known to be or suspected of buying on behalf of children will be refused and reported to the Police.**
- **Notices to be displayed concerning the law surrounding the ban on the sale of alcohol to children and explaining the Challenge 25 scheme.**
- **All staff to receive full training on the law surrounding the sale of age restricted products and the operation of the Challenge 25 scheme. Regular reminders to staff as to their obligations with respect to the above.**
- **All staff training records and reminders to be put in writing and kept as a record of training which must be kept on the premises and be available at all times for inspection by the Police and other Responsible Authorities on request.**



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

LAPREG/05/0231
24 November 2005
07 October 2019

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
PREMIER STORE 32 FRONT STREET FRAMWELLGATE MOOR DURHAM DH1 5EE	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates
 N/A

Licensable activities authorised by this licence
 Sale by retail of alcohol

Opening Hours of the Premises	
Not stated	Non-standard/seasonal timings

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

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

Sale by retail of alcohol	Further details
Mon 08:00-23:00 Tue 08:00-23:00 Wed 08:00-23:00 Thu 08:00-23:00 Fri 08:00-23:00 Sat 08:00-23:00 Sun 10:00-22:30	Non-standard/seasonal timings Christmas Day 12:00 - 15:00 & 19:00 - 22:30 Good Friday 08:00 - 22:30

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
MR MUHAMMAD ADNAN RABANI 32 FRONT STREET FRAMWELLGATE MOOR DURHAM DH1 5EE	
Registered number of holder, for example company number, charity number (where applicable)	
Company no.	N/A
Charity no.	N/A

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

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.

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' Off Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

Prevention of Crime & Disorder

None

Public Safety

None

Prevention of Public Nuisance

None

Protection of Children from Harm

None

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

None

Annex 4 – Plans attached

Attached



**Signature of Authorised Officer
Head of Community Protection**



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

LAPREG/05/0231
24 November 2005
07 October 2019

Part 1 – Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description	Issuing Authority
PREMIER STORE 32 FRONT STREET FRAMWELLGATE MOOR DURHAM DH1 5EE	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Sale by retail of alcohol
--

The opening hours of the premises (all times in 24hr format) <div style="text-align: center;">Non-standard/seasonal timings</div> 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	Further details														
<table style="width: 100%; border-collapse: collapse;"> <tr><td>Mon</td><td>08:00-23:00</td></tr> <tr><td>Tue</td><td>08:00-23:00</td></tr> <tr><td>Wed</td><td>08:00-23:00</td></tr> <tr><td>Thu</td><td>08:00-23:00</td></tr> <tr><td>Fri</td><td>08:00-23:00</td></tr> <tr><td>Sat</td><td>08:00-23:00</td></tr> <tr><td>Sun</td><td>10:00-22:30</td></tr> </table>	Mon	08:00-23:00	Tue	08:00-23:00	Wed	08:00-23:00	Thu	08:00-23:00	Fri	08:00-23:00	Sat	08:00-23:00	Sun	10:00-22:30	Non-standard/seasonal timings Christmas Day 12:00 - 15:00 & 19:00 - 22:30 Good Friday 08:00 - 22:30
Mon	08:00-23:00														
Tue	08:00-23:00														
Wed	08:00-23:00														
Thu	08:00-23:00														
Fri	08:00-23:00														
Sat	08:00-23:00														
Sun	10:00-22:30														

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
MR MUHAMMAD ADNAN RABANI 32 FRONT STREET FRAMWELLGATE MOOR DURHAM DH1 5EE	

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

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol MR MUHAMMAD ADNAN RABANI

State whether access to the premises by children is restricted or prohibited NO RESTRICTIONS
--



**Signature of Authorised Officer
Head of Community 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 ofOct..... 20 19

SignedG.....

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 14th February 2019 I was employed on Operation Arcade 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 volunteer which I now produce as Exhibit GJB/A.

At 14.50 hours on that day I tasked a 15 year old volunteer to enter the shop and attempt to buy alcohol. At 1453 the volunteer left the shop carrying a bottle of Echo Falls Rose Wine with an alcohol content of 11%. I took the bottle from the volunteer. I now produce the bottle as Exhibit GJB/14/2/19/1.

Signed:G.....

Statement Taken by:

STATEMENT OF: Graham John Blount

Continuation Sheet 1

At 14.57 I returned to the premises accompanied by PCSO Williamson and spoke to the seller of the alcohol was issued a fixed penalty notice by PCSO Williamson.

On 30th August 2019 I was employed on Operation Arcade 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 volunteer which I now produce as **Exhibit GJB/B**.

At 15.20 hours on that day, I tasked the Fifteen-year-old volunteer to enter Nisa Todays, 32 Front Street, Framwellgate Moor, Durham, County Durham and attempt to purchase alcohol. At 15.22 hours the volunteer emerged from the premises carrying a bottle of Echo Falls Fruit Fusion wine with an alcohol content of 9%. I took the wine from the volunteer and placed it in an evidence bag and labelled it as **Exhibit GJB/30/8/19/3**. The transaction was recorded and I now produce the footage of the transaction as **Exhibit GJB/C**

On 6th September 2019, again as part of Operation Arcade, I returned to carry out a follow up test purchase from the premises accompanied again accompanied by PC Robertson and by PCSO Williamson.

At 18.40 hours I tasked the fifteen-year-old volunteer to enter Nisa Todays, 32 Front Street, Framwellgate Moor, Durham, County Durham and to attempt to again test purchase alcohol. At 18.48 hours the volunteer emerged from the premises carrying a bottle of Echo Falls Rose Wine with an alcohol content of 9%. I took the bottle from the volunteer and placed them in an evidence bag and labelled it as **Exhibit GJB/6/9/19/2**.

Signed:

Statement Taken by:

STATEMENT OF: Graham John Blount

Continuation Sheet 2

At 18.45 I entered the premises accompanied by PCSO Williamson and spoke to the seller who identified herself as !. .. When I explained that a bottle of wine had been sold to a fifteen-year-old volunteer, she admitted that he had made the sale. Arrangements were made to visit to issue a fixed penalty notice at 1400 hours on Friday 13th September 2019. There was a single underage sales poster in the shop at the time on the cigarette gantry just below the ceiling.

On 19th September 2019 at 1255 hours again accompanied by PCSO Williamson I returned to Nisa Todays, 32 Front Street, Framwellgate Moor to speak with the manager he had identified himself to PCSO Williamson as the seller on 30th August 2019.

Upon arrival I showed Mr. a still photograph taken from the footage recorded by the covert camera on 30th August 2019. He admitted it wasn't himself, and identified it as a friend who didn't work in the shop. I now produce the photograph as Exhibit GJB/D. When pressed by PCSO Williamson for the details of the seller identified the seller as his brother D
He again stated that his brother didn't work in the shop and was just covering while he went to the toilet.

I asked f how long he had been the manager, he said since he took over the shop from the previous owner, ' ' I in July 2018. I asked if Mr. A visited the shop I replied not since he took over.

On 23rd September 2019 I visited the Premises Licence Holder at and interviewed him under caution. The interview was handwritten and carried out in accordance with the requirements of the Police and Criminal Evidence Act, 1984. I now produce the handwritten transcript as Exhibit GJB/E.

Signed:

Statement Taken by:

003798



30.08.2019

15:20:53

FAKM-0060

43/D

**DURHAM COUNTY COUNCIL – TRADING STANDARDS SERVICE
POLICE AND CRIMINAL EVIDENCE ACT CODES OF PRACTICE**

INTERVIEW RECORD

Place of interview:		
Date: 23.9.18	Time Commenced: 1:45	Concluded: 1:51
Name: (Surname):		(Forename):
Date of Birth:	Occupation: SHOPKEEPER	Nationality: I
Tel:No.:		Tel No:
Sole Trader / *Partnership / Limited Company (Delete where appropriate)		
Able to speak on behalf of above :		

***Partner Details :**

GB	I am an authorised officer under the Licencing Act 2003, and I am investigating the underage sales of alcohol at Nisa 32 Front Street, Framwellgate Moor, Durham, on 14 th February, 2019, 30 th August, 2019 and 6 th September, 2019. CAUTION – You do not have to say anything but it may harm your defence if you fail to mention when questioned something which you later rely on in court. Anything you do say may be given in evidence. You are not under arrest, you need not remain with me and you may seek legal advice if you so wish. [Time of Caution 1.46]
GB	Do you understand the caution?
RA	YES
GB	Are you happy to proceed without a solicitor?
RA	YES
	Do you understand that you could be prosecuted for this offence?
GB	What is your full name, home address and date of birth?
1A	
GB	Are you the Premises Licence Holder for Nisa Today, 32 Front Street, Framwellgate Moor?
RA	YES
Identity of Note Taker : G BLOUNT	
PERSONS PRESENT	
Name and Occupation	Name and Occupation
1. G BLOUNT STSO	2.
3.	4. F

IMPORTANT - AN ACCURATE RECORD WILL BE KEPT OF ALL MOVEMENTS, BREAKS, FACILITIES OFFERED. CHANGES IN PERSONS PRESENT AND CAUTIONS GIVEN ONLY ONE SIDE OF THE FORM TO BE USED.

Signature of Interviewer :	Signature of Witness(s) :
Signature of Interviewee :	

DURHAM COUNTY COUNCIL – TRADING STANDARDS SERVICE

POLICE AND CRIMINAL EVIDENCE - CODES OF PRACTICE

INTERVIEW RECORD	
Continuation Page No: 1 Full Name of interviewee:	
Q	When did you hand over the business?
A	JULY 2018
Q	Who to?
A	Mr. ! ii
Q	At the time did you discuss the change of licence?
A	We thought it would all be done by the solicitor
Q	Have you had any dealings with the premises since July 2018
A	I own the premises but I have no involvement with the business at all.
Q	Have you had any contact with P ?
A	He told me about the sales and that has prompted the transfer of the

Signature of Interviewer nt.....

Signature of Witness(s)

Signature of Interviewee ,

DURHAM COUNTY COUNCIL – TRADING STANDARDS SERVICE

POLICE AND CRIMINAL EVIDENCE - CODES OF PRACTICE

INTERVIEW RECORD	
Continuation Page No: 2 Full Name of Interviewee:	
	Licence
Q	Is there anything else you wish to add?
A	No
Q	Just to confirm you are?
A	

Signature of Interviewer (

.....

Signature of Witness(s)

.....

Signature of Interviewee

ii.....

ASB/E

DURHAM COUNTY COUNCIL – TRADING STANDARDS SERVICE
POLICE AND CRIMINAL EVIDENCE CODES OF PRACTICE

INTERVIEW RECORD

Place of Interview: _____
Date : 22.9.19/14 Time commenced : 1.45 Concluded : 1.51

Name: (Surname) : _____ (Forename) : _____
Date of Birth : _____ Occupation : STATIONER Nationality : _____
Home Address : _____
Tel No : _____ Tel No : _____

Sole Trader / *Partnership / Limited Company (Delete where appropriate)
Able to speak on behalf of above : _____

*Partner Details : _____

AB I am an authorised officer under the Licencing Act, 2003, and I am the underage sales of alcohol at Nisa 32 Front Street, Framwellgate Moor, Durham, on 14th February, 2009, 30th August, 2019, and 6th September, 2019.
CAUTION - You do not have to say anything but it may harm your defence if you do not mention when questioned something you later rely on in court. Anything you do say may be given in evidence. You are not under arrest, you need not remain with me and you may seek legal advice if you so wish
[Time of Caution 1-46]

AB Do you understand the caution?
RA YES

AB Are you happy to proceed without a solicitor?
RA YES

~~Do you understand that you could be prosecuted for this offence?~~

AB What is your full name, home address, and date of birth?
RA _____

AB Are you the premises' Licence Holder for Nisa Today, 32 Front Street, Framwellgate Moor?
RA YES

Identity of Note Taker : G BLOUNT

PERSONS PRESENT

Name and Occupation	Name and Occupation
1. G BLOUNT STSO	

IMPORTANT - AN ACCURATE RECORD WILL BE KEPT OF ALL MOVEMENTS, BREAKS, FACILITIES OFFERED. CHANGES IN PERSONS PRESENT AND CAUTIONS GIVEN ONLY ONE SIDE OF THE FORM TO BE USED.

Signature of Interviewer : _____
Signature of Interviewee : _____
Signature of Witness(s) : _____

DURHAM COUNTY COUNCIL - TRADING STANDARDS SERVICE

POLICE AND CRIMINAL EVIDENCE - CODES OF PRACTICE

INTERVIEW RECORD

Continuation Page No: 1 Full Name of Interviewee: P.A.

Q	When did you hand over the business
A	July 2018
Q	Who to?
A
Q	At the time did you discuss the change of the lease?
A	We thought it would all be done by the Director
Q	Have you had any dealing with premises since July 2018?
A	I own the premises but I have no involvement of with the business at all.
Q	Have you had any contact with Mr ..?
A	He told me about the sales & that has prompted the transfer of the

Signature of Interviewer

Signature of Witness(s)

Signature of Interviewee
PACE-Interview Rec.....

DURHAM COUNTY COUNCIL - TRADING STANDARDS SERVICE

POLICE AND CRIMINAL EVIDENCE - CODES OF PRACTICE

INTERVIEW RECORD

Continuation Page No: 2 Full Name of Interviewee: _____

~~Richard. I~~

Q. Is there anything else you wish to add?

~~A No~~

Q Just to confirm you use +

~~A~~

Signature of Interviewer

Signature of Witness(s)

Signature of Interviewee
PACE-Interview Recd. ...

Appendix 5: Representations

Contact: Sean Barry
Direct Tel:
Fax:
email:
Our ref: SB/2019/142



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

25th November 2019

Dear Sir / Madam

Re – Premier Store, 32 Front Street, Framwellgate Moor, Durham. DH1 5EE

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.

Yvonne Raine

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 02 December 2019 10:02
To: Karen Robson; Yvonne Raine
Subject: FW: Review of licence - Premier Store, 32 Front Street, Framwellgate Moor, Durham. DH1 5EE

FYI

Helen Johnson
Licensing Team Leader
Community Protection Service
Regeneration and Local Services

Direct:
Mobile:
Email:

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

From: Stephen Winship <
Sent: 02 December 2019 09:50
To: Helen Johnson - Licensing Team Leader (N'hoods)
Subject: Review of licence - Premier Store, 32 Front Street, Framwellgate Moor, Durham. DH1 5EE

In my capacity as Responsible Authority for the Durham Safeguarding Children Partnership (DSCP), I support the review and its conclusions, in light of the clear breaches to the licensing conditions concerning the protection of children from harm, namely :-

1. Under-age sales
2. No effective PLH or DPS in place
3. Lack of appropriate staff training
4. No age verification process
5. No systems in place for the recording of refusals

Regards

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership
Tel :

Transformation & Partnerships

County Hall, Durham
DH1 5UJ



Durham Safeguarding Children Partnership (DSCP)

Keeping Children Safe

dscpsecure@durham.gov.uk
www.durham-scp.org.uk



Appendix 6: Information from licence holder

Yvonne Raine

From: premier durham <
Sent: 13 December 2019 15:06
To: Yvonne Raine
Subject: Premier store framwellgate moor
Attachments: response licencing.docx

Hi there,

Following the telephonic conversation I am sending You my response. I would also send photographic evidences shortly.

Kind Regards

Muhammad A Rabani

Sent from Yahoo Mail for iPhone

Dear Sirs,

Firstly I would like to introduce myself as you know my Name is Muhammad Adnan Rabani. I have been working in retail since 2013 in UK, including off licenses and other retail shops. I and my Mrs. M started our first business at 21 Jan 2016. We are successfully running that retail store for last 4 years. We took over this premier store in June 2018. I proudly say that this country gave me more than I deserved, I am proud taxpayer and helping my other six members of staff to make their livings for themselves and their family. I also have done my level 3 qualification in business and management. I am young entrepreneur and studying law and business degree. I am well aware of the laws and I am abiding by them as you could see my criminal history I have never ever been involved in either minor or serious crime.

Now I would come to points have been made by the respected officers,

I would say the statements they provided do not state all the facts and they have used it how it was suitable for them.

It happened three times in the space of 18 months and at the time of first incident we have taken all the steps. We have sacked the person who served and revise the training to the other 2 members of staff.

Second time it happened was from my brother who lives in C and full time students in business and management. He came to see me and brought some food for me I told him to wait while I go to toilet. This has all have been explained to the officers too, but they haven't mentioned anything like that in the report they only mentioned thing what they were suitable for them. That was mine first and last biggest mistake which I regret it, and I do feel punishment for that.

The third time was from the person who is 40 year plus old mature and been self employed in e liquid shop for four years. She had been given two weeks training before she started. She accepted in front PCSO Michelle Williamson that she has been stupid and thought the person was old enough and coming back from the work.

PCSO Williamson came and interviewed me on 13th September 2019 and I have explained that to her that this shop had bad reputation before we took over and I have clampt down since june 2018 and duo to our strict policy with underage serving they damaged has been done to our property from local youngsters and I have shown that to respected officer. I also explained to her that never once happed with me as I have been in this field for last six years and I also explained to her that I don't drink or smoke so I don't have any soft corner for smokers and drinkers, and the final warning to the staff has been given to the staff in the presences of respected officer. She asked me for training record and refusal book, the refusal book has been provided and I explained to the officer that duo to some work getting done in the back office I told her we have got files mixed up and the last night staff put somewhere safe place it was rush hour and she needed to go. I rang her next working day to tell her that I was in the shift that time when the second incident happened.

I was constantly in touch with PCSO Williamson and we arranged to meet 19th September 2019. First time I was meeting Mr. B and his behavior was quite aggressive and rude type and he was not even asking me for the documents he was questioning me like I am a criminal. I wasn't sure that it was my brother who did this serving so I told them by looking at the rotas that it must have been me because I was the one who was on the shift and I couldn't have remembered that my brother visited me as we were talking about 30th of August which was more than three weeks ago. So they show me image and I was in shock to see that so I in shocking sense my friend came out of my mouth but I confirmed that he was my brother just after I came out of shock. He was questioning me like an investigator and asked me how long I have been manager for I told him since I took over in June. He was staring at the liquors bottle as if we dodgy stuff. He asked me what relation do we have with license holder and how often does he come, I told him that we bought this shop from his son the father doesn't come but his son does twice a month or something, they might have misunderstood or he is trying to blame me as liar that I misstated that.

Paragraph 12 Mr. B not stating the facts again he just asked me that did you give oral training and I asked this question 3 times as I wasn't understanding the way he was asking oral. He didn't ask me for any training records. He just asked for refusal log which have been provided. He stating the lie again I have provided them the number I had for MR F A's Son and told them he could be at work right now. I also provided my brother's details and his contact number but they did not contact with him. I told Mr. A A about all this and he can confirm that I told him that you would get call from licensing. Mr. F A's father was the license holder but I didn't have any contact with him I was asking Mr. A A to get the consent from his father so I can get it changed. He has been delaying due to his work. Mr. A did give me the permission to use the premises license. I could show you the evidence of me asking him for the consent. It was a delay from their side. I also contacted Mr. E number of times and left the voicemails to his mobile and office number, but he did not bother to call me back I wanted to explain the steps which have been taken by me. Then I contacted the PCSO Williamson and then she made sure he calls back which he did and I asked him to provide the updates as they did not contacted my brother he confirmed that they need to give one 90 ponds fine to him and he will come and see me week commencing 25th of November. I asked him that is that nothing to worry as I wanted to go to Pakistan for a week, he replied yeah and he will come back after I came back from Pakistan. He never mentioned in the letter and didn't bother coming round. I believe he thinks his job is to ruin people lives and their businesses and he does not seem interested helping businesses to prevent the underage serving.

I would also like to explain the steps have been taken since these incidents,

1. Retraining of the staff
2. One member wasn't suitable for the job so I have sacked
3. Challenge 25 Posters all around the shop
4. Prompt on the tills saying check the proof ID if any alcohol or cigarette being sold
5. 55" screen being installed to keep a good look
6. Refusal entries on the books and electronically on computerized tills
7. Daily reminder to the staff

8. Me being the fulltime in the store and keeping eyeing around the shop area and making sure no adult being sending out for kids

I will attach all the photographic evidence with my application

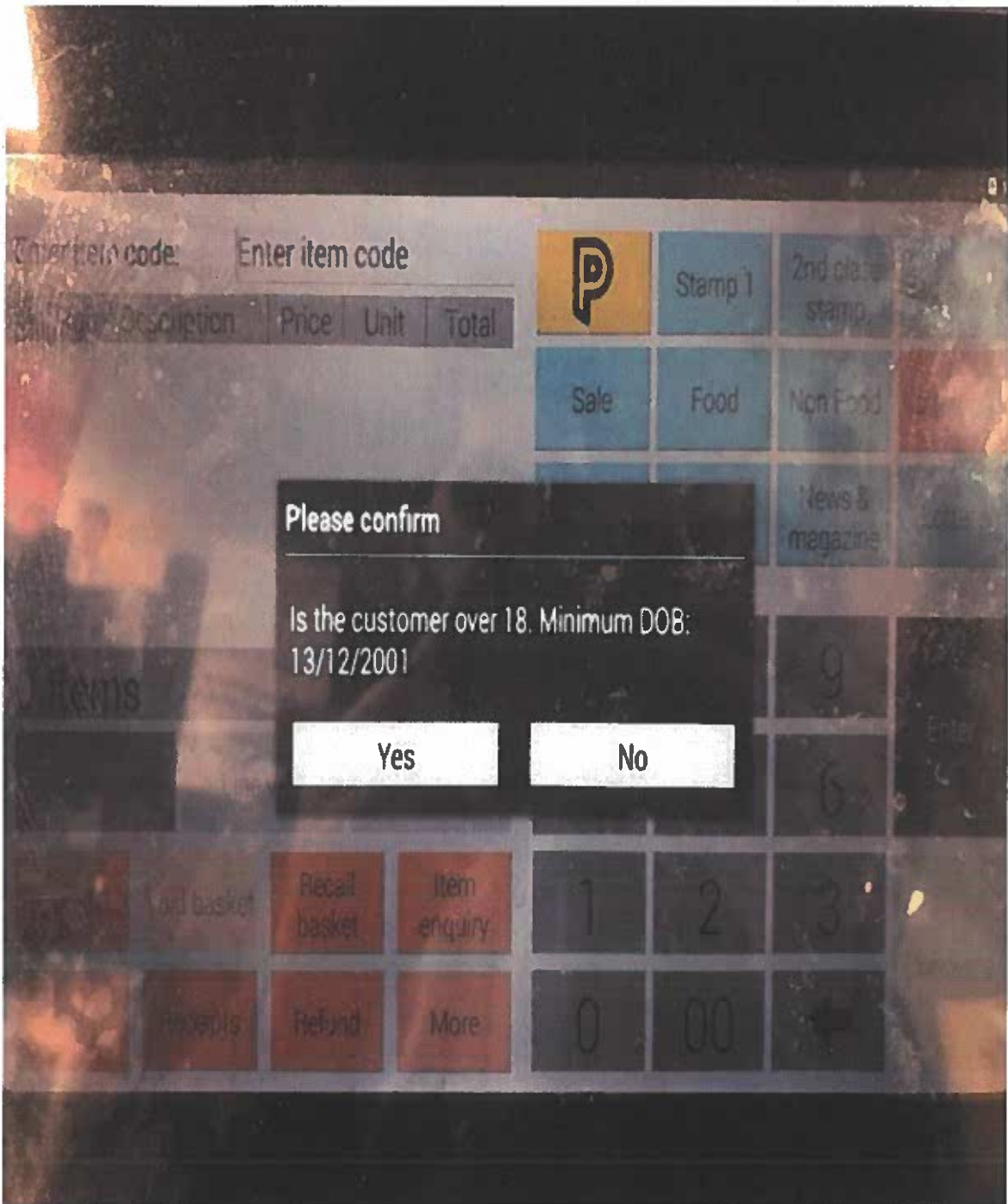
The consequences of revoking license from us would be, the alcohol sales at the time is 35% of our overall sales and this 35% attracts at least other 25% of the sales so that makes 60% of overall sales. The remaining expected sales would be around 3600 weekly and the gross profit would 612 and my weekly outgoings are about 1500. We have put all our savings and get the loan from the bank to get this business and have 14 year lease remaining. We didn't buy our house because we could only afford to buy this business. This would have very dangerous effects on our family life as I have 20 months old daughter. It has already effecting on my mental health as I can't get over this since 13th of September since I had meeting about this. This would leave us to go bankrupts and 4 members including me would lose our jobs because there would be no point keeping the business open and running on lose. I am a young person who is a student, father, husband, son and brother and business owner, who is been trying his best to achieve his visions and help others. I do understand that I made a mistake and I only take responsibility for one incident that has happened during my shift and has not done by me. The other thing which is about changing the name on the license was not done by on purpose and I did chase them up and as soon I got response I have done it straight away I can prove that with the shop owner Mr. A A Now it's all have been sorted, and my humble request is to the committee that these incidents hasn't happened due to lack of training it was staffs on mistakes they made and they agreed on both incidents. I don't deserve the punishment for it so me being a new and young entrepreneur, I deserve a warning and I will try my best that it wouldn't happen ever again. I believe in justice system and I hope your decision will be not ruin our business and lives.

Kind Regards

Muhammad Adnan Rabani



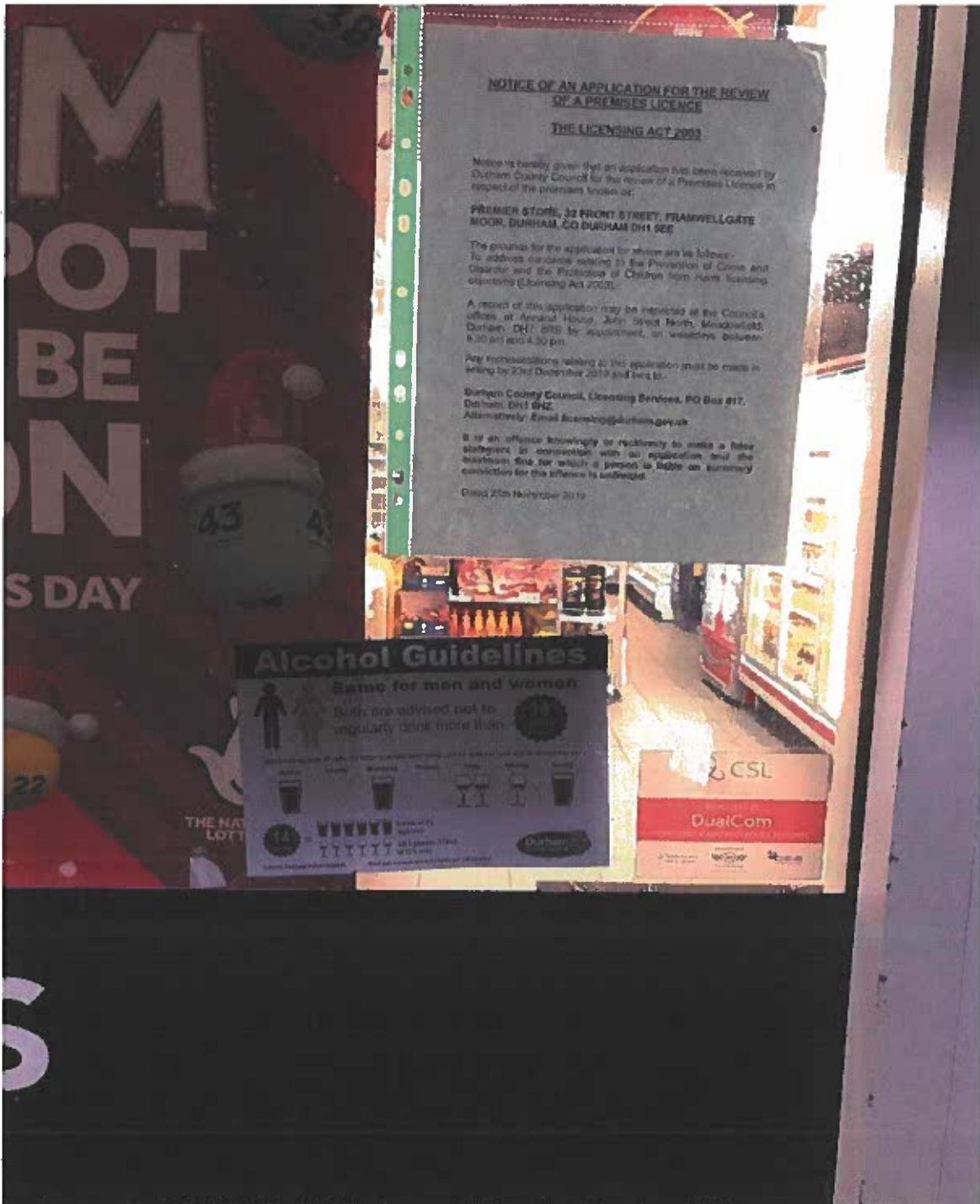
1. Alcohol Free Drinks



2. Till displaying the prompt if the person over 18



- 3.
1. Front door displaying three posters under 25 challenge and no ID no Sale



**NOTICE OF AN APPLICATION FOR THE REVIEW
OF A PREMISES LICENCE**

THE LICENSING ACT 2003

Notice is hereby given that an application has been received by Durham County Council for the review of a Premises Licence in respect of the premises known as:

**PREMIER STORE, 32 FRONT STREET, FRANKWELLGATE
MOOR, DURHAM, CO DURHAM DH1 5EE**

The grounds for the application for review are as follows:
To address concerns relating to the Provision of Goods and Disorder and the Protection of Children from Harm resulting otherwise (Licensing Act 2003).

A review of the application may be requested at the Council's offices at Arnscliff House, John Street North, Meadowfield, Durham, DH1 5RS by appointment, on weekdays between 9.30 am and 4.30 pm.

Any representations relating to this application must be made in writing by 23rd December 2019 and sent to:

Durham County Council, Licensing Services, PO Box 817,
Durham, DH1 9HZ.
Alternatively: Email licensing@durham.gov.uk

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is unlimited.

Dated 25th November 2019

Alcohol Guidelines
Same for men and women
Both are advised not to regularly drink more than

Alcohol	Units
Beer	4
Wine	3
Sparkling wine	2
Cider	2
Distilled spirits	1

14
THE NAT LOTT
DualCom

2. Front display showing Alcohol guidance

BEING A RESPONSIBLE RETAILER

THE NATIONAL LOTTERY

◆ **TOP TIPS**

16+ NO ID NO SALE

Players must be 16+ to buy or claim a prize for all National Lottery products

◆ **ACCEPTABLE FORMS OF IDENTIFICATION**

- ◆ Passport
- ◆ Photo Driving Licence
- ◆ Military ID Card

Or any ID which has the PASS logo, e.g.

- ◆ Citizen Card

◆ **EXCESSIVE PLAY**

If a customer directly asks you for help or you are concerned about one of your customers, you should:

- ◆ Discreetly provide them with the player handout that includes details for GamCare and The National Lottery Responsible Play website.

GAMCARE GamCare is the leading provider of information, advice, support and free counselling for the prevention and treatment of problem play. Freephone 0808 8020 133. www.gamcare.org.uk

3. Explaining what ID we take for Lottery and Scratch Card and 2 55" Screens installed focusing Alcohol aisle



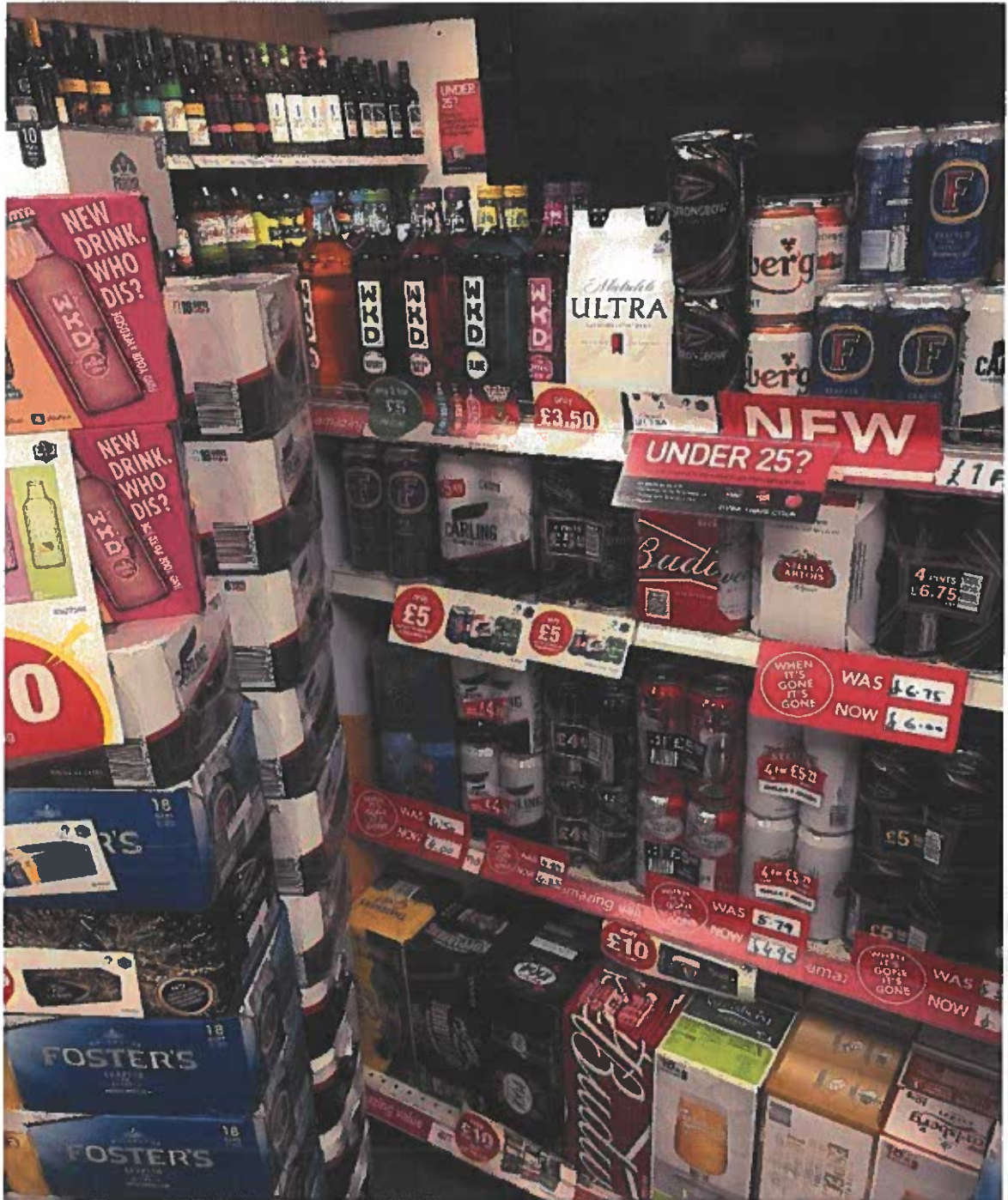
4. Back side of Alcohol aisle



5. Front side of Alcohol aisle displaying timings and Law



6. Front side of Alcohol Aisle displaying Timing and Law



7. Alcohol gondola displaying under 25 sticker



8. Alcohol Guidance inside the shop near front counter



9. Beer Fridge displaying under 25 Challenge



11. Behind the counter displaying 2 posters for ID

Statement: The Sale of Alcohol to Minors is a Restricted Product to someone who is under the age of 21. Selling alcohol to someone under the age of 21 is a criminal offense and I may be liable for damages.

Understood the We Don't Overlook Underage Rule to the CD (delete if not applicable).

Refusals Register

Date	Product	Time	Name of Person (if known) or Description	Age	Sex	Observations	Staff Member
Example: 25/01/08	Cigarettes	8:20pm	Female, 13 years? Blond, 5ft 2	13	Female	Refused to show ID and nervous	John Brown
1-7	Beer Can	13:06	Multi 13 in	13	Multi	No ID	
2-7	Wodka	15:35	Multi 14-30 had energy drink	14-30	Multi	NIL	
3-7	Beer Can	14:40	male buying for kid	14	male	N/A	
4-7	Lottory	1:35pm	I 15	15	male	No ID	
5-7	Cashier S. Card	2:10pm	I 16	16	male	No ID	
6-7	Paper Pipe	1:10pm	I 17	17	female	No ID	
7-7	Tobacco	19:00	Multi 17	17	Multi	No Photo of Age	
8-7	Tobacco S.F.S	15:07pm	I 17	17	female	No ID	

Manager's Signature: _____ Date: 14-7-16

12. Refusal book from July 2019

Refusals Register

Date	Product	Time	Name of Person (if Known) or Description	Observations	Staff Member
Example: 25/01/08	Cigarettes	8:20pm	Female, 13 Years? Blond, SR 2	Refused to show ID and name	John Brown
61 2-8	LGR	11:07	Female young girl	No ID	
68 3-8	Cigarette	17:01	Female	No ID	
69 6-8	Rizala	16:03	Male young	No ID	
70 8-8	JPS Puffs	08:08	± 16 male	No ID	
71 9-8	Alcohol	10:35pm	Female young look	No ID	
72 11-8/19	Rizala	06:35pm	± 16 Female	No ID	
73 13-8/19	Apple Wine	10:13	10 Young Boy	No ID	
74 19-8-19	Scratch card	10:35pm	young Female	No ID	

Manager's Signature:

Date:

21-8-19

13. Refusal Book From August 2019

Refusals Register

Date	Product	Time	Name of Person (if known) or Description	Observations	Staff Member
Example: 25/01/06	Cigars	8:20pm	Female, 13 Years? Born SA 2	Refused to show ID and returns	John Brown
15 24-8-19	L 88 Blue	3:20pm	± 17 Boy	No ID	
21-9-19	Secret card	17:59	10 year old girl ± 16 boy	No ID lost card 12	
1-9-19	Lambert Silver	16:00pm	± 15 Boy	No ID	
2-9-19	Cigarette	14:30	looked ~ 25	No ID	
3-9-19	L 88 Silver	10:32pm	± 17 girl	No ID	
7-9-19	Amber leaf sig	10:20pm	± 16 girl	No ID	
10-9-19	Alcohol	2:00 pm	boy 17	No ID	
12-9-19	VODKA 4ever	9:30	Under 18 looked ~ 25	No ID	

Manager's Signature:

Date: 14-9-19

14. Refusal Book from August/ September 2019

Refusals log

Date	Time	Staff member	Details of person refused <small>(name, appearance, age, etc.)</small>	Reason for refusal <small>(no proof of ID, none on)</small>	Type of product attempted to purchase	Was the person violent or abusive <small>(during the visit)</small>
5.12	11.30	[redacted]	boy	d. don't have a i/b/a	LeB dishball	visit happy
9.12	12.10	[redacted]	boy	No idea	Raw skin	NO
6.12	9.00	[redacted]	boy	No ID	C188	NO
11.12	14.05	[redacted]	boy	No idea	LTB blue	NO
13.12	17.15	[redacted]	young lad 14	No ID	RT210	NS
14.12	13.58	[redacted]	Young lady with kids	non valid Expired ID	Scratch card	visit happy

15. Latest Refusal book from December 2019



16. Spirit Section Displaying under 25?

**Form A
Statement Of Acceptance Of Responsibilities Regarding
The Sale Of Age Restricted Products**

1. I have read and understood the We Don't Overlook Underage Guide To The Sale Of Age Restricted Products and viewed the CD (delete if not applicable).
2. I understand that if I sell, supply or hire an age-restricted product to someone who is under the legal age for that product, I will commit a criminal offence and I may be liable to a fine and/or imprisonment.
3. I understand that a Challenge ²⁵ policy is in place and that I must ask for identification from anyone who looks ²⁵ or less (delete if not applicable).
4. I understand that if someone appears under ²⁵ or if I have any doubt about the age of a person trying to buy age-restricted products, I should ask for proof of their age. The only forms of identification I should accept are:
 - Passport
 - Photo driving license
 - PASS approved proof of age card e.g. Validate Card, Portman Group Card, Citizen Card.
5. I understand that if a customer fails to produce acceptable identification or I believe a person is underage I will refuse to sell an age restricted product and when the customer has left the premises I will complete the stores refusal register.
6. I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products.

Name: (Please Print Full Name)	S. [redacted] [redacted] [redacted] [redacted]
Signature:	[redacted] [redacted] [redacted] [redacted]
Date:	30 June 2019 DNE 4-11-2019
Name of Shop:	Premier Store
Address of Shop:	32 Forest Street, Farnborough, Hampshire GU14 5EG

Remember it is illegal To Sell:
VIDEOS or DVDS to anybody younger than the age on the cover
ALCOHOL to under 18's
TOBACCO to under 18's
LOTTERY TICKETS to under 18's
FIREWORKS to under 18's
BUTANE CIGARETTE LIGHTER REFILLS to under 18's

**WE DON'T
OVERLOOK
UNDERAGE**

17. Training Record for staff 1

Form B
Record Of Advice And Training Given To A Member Of Staff Relating To
Age Restricted Products

I hereby confirm that I have instructed (Insert Name) Mr S [redacted] [redacted]
 In relation to the sale of age restricted products and feel confident that he/she fully understands the
 procedures to be complied with.
 It is recommended that update training is given every three months.

Name: (Please Print Full Name)	M. Adnan Rabani
Signature:	[redacted]
Position:	Manager
Date of Training:	30.06.2019
Employment Start Date:	01.07.2019
Name of Shop:	Premier Store
Address of Shop:	32 Front Street
Date Update Training Due:	29.09.2019 / 4.11.2019 / 4.29

**WE DON'T
 OVERLOOK
 UNDERAGE**

18. Training record staff 1

Form A
Statement Of Acceptance Of Responsibilities Regarding
The Sale Of Age Restricted Products

1. I have read and understood the We Don't Overlook Underage Guide To The Sale Of Age Restricted Products and viewed the CD (delete if not applicable).
2. I understand that if I sell, supply or hire an age-restricted product to someone who is under the legal age for that product, I will commit a criminal offence and I may be liable to a fine and/or imprisonment.
3. I understand that a Challenge ^{FC} policy is in place and that I must ask for identification from anyone who looks ²⁵ 21 or less (delete if not applicable).
4. I understand that if someone appears under ²⁵ 27 or if I have any doubt about the age of a person trying to buy age-restricted products, I should ask for proof of their age. The only forms of identification I should accept are:
 - Passport
 - Photo driving licence
 - PASS approved proof of age card e.g Validate Card, Portmen Group Card, Citizen Card.
5. I understand that if a customer fails to produce acceptable identification or I believe a person is underage I will refuse to sell an age restricted product and when the customer has left the premises I will complete the stores refusals register.
6. I hereby confirm that I have received advice and training from my employer regarding the sale of age restricted products.

Name: (Please Print Full Name)	M [redacted] R [redacted]
Signature:	[redacted]
Date:	20.07.19 / 4.11.2019
Name of Shop:	Premier store
Address of Shop:	32 Front street Framwellgate in Durham

Remember It Is Illegal To Sell:
VIDEOS or DVDS to anybody younger than the age on the cover
ALCOHOL to under 18's
TOBACCO to under 18's
LOTTERY TICKETS to under 16's
FIREWORKS to under 18's
BUTANE CIGARETTE LIGHTER REFILLS to under 18's

**WE DON'T
OVERLOOK
UNDERAGE**

19. Training Record staff 2

Form B

Record Of Advice And Training Given To A Member Of Staff Relating To Age Restricted Products

I hereby confirm that I have instructed (insert Name) Maryam RAHMANI in relation to the sale of age restricted products and feel confident that he/she fully understands the procedures to be complied with.
 It is recommended that update training is given every three months.

Name: (Please Print Full Name)	Muhammed Adnan Rahani
Signature:	[Redacted]
Position:	Manager
Date of Training:	20-07-2019 / 4-11-2019
Employment Start Date:	25-07-2017
Name of Shop:	Premier Store
Address of Shop:	32 Front Street Framwellgate road RH15EE
Date Update Training Due:	24-10-2019 / 4-11-2011

WE DON'T OVERLOOK ANYTHING

20. Training Record staff 2



21. Wine Selection displaying 2 under 25 challenge



22. Other side of wine selection displaying Under 25 Poster.

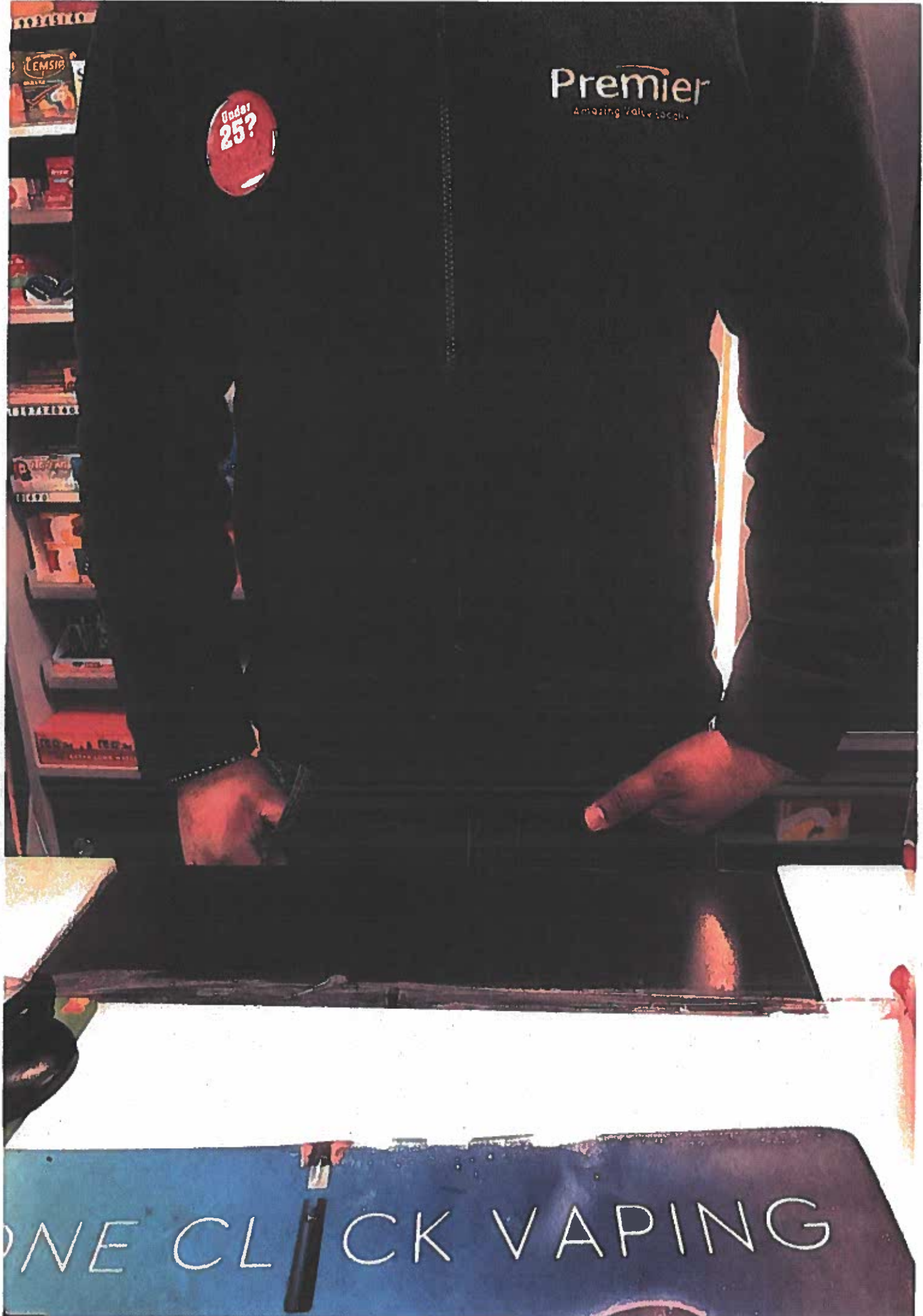
**Under
25?**

**It's the Law for
me to check
your ID**

Premier
Amazing Valve Cigs.

Under
25?

ONE CLICK VAPING



Appendix 7: Statement of Licensing Policy

3.10 Review of a premises licence or club premises certificate - At any stage during the life of an authorisation, any premises that has a premises licence or club premises certificate may have that licence reviewed by any of the named responsible authorities or by a person defined in the Act as 'any other person' e.g. residents, councilors, MPs etc. At any time following the grant of a licence or Club Premises Certificate, any person or responsible authority may apply for a review of it.

The Police may also submit a summary review if there is a premises associated with serious crime and disorder. When the council instigates a review, it will ensure that there is a clear separation of functions between the officer acting as the licensing authority and the officer acting as a responsible authority.

Applications for review must relate to one or more of the licensing objectives and must not (where the review is submitted by any person who is not a responsible authority) be considered as frivolous, vexatious or repetitious by the licensing authority. Where an application for a review is frivolous vexatious or repetitious, or where an application for a review is considered not relevant to the licensing objectives, the council will reject it.

The council expects responsible authorities and other parties to give early notice to licence holders of any concerns about issues identified at premises and of the need for improvement. It is expected that requests for a review of any licence will be sought only if such notice has failed to resolve the matter or problem. 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 DCC Licensing Services to talk to those who manage the premises on your behalf; or
- Talking to the relevant "responsible authority" e.g. environmental health in relation to noise nuisance, or the police in relation to crime and disorder, about the problem.

A review application is also subject to a similar consultation period to that of a new licence or variation, during which relevant representations may be submitted. The Act provides strict guidelines, timescales and procedures for review applications and hearings and the council will deal with every review application in accordance with these rules. Further details on review applications can be found in Appendix IV of this policy.

At a review, the council may take the following steps (if any) where such steps are considered appropriate for the promotion of the licensing objectives:

- a) Modify the conditions of the licence
- b) Exclude a licensable activity from the scope of the licence
- c) Remove the designated premises supervisor
- d) Suspend the licence for a period not exceeding three months
- e) Revoke the licence.

In cases where there is evidence that the crime prevention objective is being undermined, revocation of the licence will be seriously considered by the authority, even in the first instance.

There is a right of appeal to the Magistrates' Court against the decision of the licensing sub-committee, and if an appeal is lodged by the licence-holder, the original decision of the licensing authority will not take effect until the appeal is determined or withdrawn. There is an exception to this in the case of a summary review brought only by the police.

7.1 The Prevention of Crime and Disorder - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

The council encourages, and will look positively on, the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

The council expects every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden, a marquee, in a smoking shelter etc.

The **council expects** all applicants to demonstrate, in their operating schedules, that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder.

The council recommends that procedures to deal with drunken customers, violence and anti-social behaviour, in and outside premises, and the provision of closed-circuit television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

The council encourages personal licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. **The council encourages** involvement in the "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice,

such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

The council will take a positive view of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from DCC Licensing Services and Police.

The council also considers it to be good practice if the DPS or premises licence holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises
- At all times when the premises are a "vertical drinking establishment" where little or no seating is provided
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

Maximum occupancy: When its discretion is invoked, the council will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service) before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

Security: Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives, they will need to be licensed by the SIA as a supervisor/manager. The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment as well as the hours of trading.

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly

relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

The council and several of its partners have signed a collective new pledge as part of an ongoing campaign to eradicate single use plastics. The agreement commits all signatories to significantly reduce, and work towards ultimately removing, the use of unnecessary single use plastics from their operations. If alternatives to normal glass are used, the use of suitable alternatives, including non-single use plastics, is encouraged.

Drugs/Knives/Weapons: The council will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands or consumed within the premises to prevent tragedies and harm because of drug misuse.

The council will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The council also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

In addition to the information provided above, **Table 1 in Appendix VI** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.4 Protection of Children from Harm - the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Secretary of State's Guidance to the Licensing Act 2003 also makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

While the Act does not prohibit children from having free access to any licensed premises, the council recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting. Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.

Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

The council will expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. **The council will also expect** any licence holder who wishes to hold events for children to provide it, and the Police, with a detailed risk assessment of that event including how the event will be managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

The council will give considerable weight to representations about child protection matters particularly from the Local Safeguarding Children's Board who act as the responsible authority under the Act for matters relating to child protection. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations.

These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the council, linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries), this evidence will be considered. The council will also consider what action is appropriate to ensure this licensing objective is effectively enforced.

In relation to applications for the grant of a licence in areas where evidence is presented, on high levels of alcohol-related harms in persons aged under 18, the council will also consider what conditions may be appropriate to ensure that this objective is promoted effectively.

The council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

The council will expect all licence holders or premises, that wish to allow children on to their premises, to ensure that access is restricted where appropriate. This could include ensuring that all children are accompanied and that they do not have access to, or sight of, alcohol. **The council will consider** the following when dealing with a licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four licensing objectives.

The council recommends that retailers of alcohol ensure that their staff are properly trained in all aspects of responsible retailing, including the sale of alcohol and age restricted sales. The Council fully endorses and promotes knowledge of and adherence to Challenge 25 within the retail business sector.

Further advice and information on age restricted sales and training can be found by contacting Durham County Council's Trading Standards service at trading_standards@durham.gov.uk

The council will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. We know alcohol is harmful to the health of children and young people whose minds and bodies are still developing.

Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17-year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

The council is aware of a young person's vulnerability to alcohol and events, which are aimed at children under the age of 18 years on licensed premises, will not be supported by the council unless the applicant can demonstrate that all safeguards for children have been addressed (such as the removal of alcohol advertising).

The council, Durham Constabulary Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the council and should be adhered to by licence holders and event organisers. The guide is reproduced in Appendix I.

Recorded staff training programs, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are encouraged by the council.

Access to Cinemas: The 2003 Act requires that any premises showing films must ensure that children are not able to view age restricted films (as classified by the British Board of Film Classification). **The council will expect** any licence holder or applicant who intends to show films to outline suitably robust measures on how they will protect children from exposure to this potential harm. The authority may impose suitable conditions if it believes it is required for the promotion of the four licensing objectives.

The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the council itself.

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

Children and Public Entertainment: Many children go to see and/or take part in entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises. Where many children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

Where entertainment requiring a licence is specifically presented for children, the council will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The council will require those caring for or supervising children to have undergone an appropriate criminal record check with the Disclosure and Barring Service.

Venue operators may also apply their own admissions policy to their premises. If a venue has carried out a risk assessment that deems it appropriate to exclude children or young persons from their premises, then that is a matter for them.

The council will expect all venue operators to risk assess their venues accordingly against the nature of the licensable activities they intend to carry out. This could include, for example, allowing accompanied children into a premise up until a certain time and then excluding them for the rest of the time the premises are open.

Regarding this licensing objective, the council considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified because of premises, personal applications and all variations to licences are covered by this protocol.

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

The council strongly recommends that events, involving persons under the age of 18 years and persons over 18 years, do not take place unless there are sufficient and robust control measures in place. Experience has shown that mixed age events are extremely difficult to control and manage and they have led to persons under the age of 18 being exposed to alcohol and entertainment late into the night.

It is the council's view that mixed age events should not take place within the late-night economy, particularly at venues that are alcohol and entertainment-led and which are operating late at night. It is the council's view that these mixed aged events can have an adverse impact on a young persons wellbeing as well exposing them to unacceptable levels of harms associated with the night time economy.

In addition to the information above, **Table 4 in Appendix VI** provides recommendations, suggestions and examples of how to protect children from each of the dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, cliental and workforce when identifying hazards, assessing risks and identifying controls.

Appendix 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.