

## Statutory Licensing Sub-Committee

19<sup>th</sup> September 2023

### Application for the Review of a Premises Licence



### Ordinary Decision

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#### Report of Alan Patrickson Corporate Director of Neighbourhoods and Climate Change

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

#### Electoral division(s) affected:

Crook

#### Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine an application to review the premises licence in respect of Local Store, 1-3 Bridge Street, Crook. DL15 8BJ.
- 2 A plan showing the location of the premises is attached at Appendix 2.

#### Executive summary

- 3 On 27<sup>th</sup> July 2023, an application was received from the Local Weights and Measures Authority (Responsible Authority) asking for a review of the premises licence (licence number DCCPRE70328) for Local Store, 1-3 Bridge Street, Crook. DL15 8BJ.
- 4 During the consultation period the Licensing Authority received two responses in support of the review application from the Durham Public Health Authority and the Durham Safeguarding Children Partnership.
- 5 The Licensing Authority also received one representation in support of the premises licence holder from an Other person, namely Councillor Anne Reed.
- 6 Home Office Immigration Enforcement, the Fire Safety Authority, the Planning Authority and Durham Constabulary all responded to the consultation with no representations.

## 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 8;
  - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended December 2022). The relevant parts of the guidance are attached at Appendix 9.

## Background

- 9 Background information

Applicant	<b>Local Weights and Measures Authority</b>	
Type of Application: <b>Review of a Premises Licence</b>	Date received: <b>27<sup>th</sup> July 2023</b>	Consultation ended: <b>24<sup>th</sup> August 2023</b>
Current Premises Licence Holder and Designated Premises Supervisor	<b>Mr Sivaguru Ravichandran</b>	

- 10 The premises licence in respect of Local Store, 1-3 Bridge Street, Crook. DL15 8BJ currently permits the following licensable activity:

<b>Licensable Activity</b>	<b>Days &amp; Hours</b>
Sale of Alcohol (off sales)	Monday to Sunday: 05:00 – 22:00 hrs
Opening Hours	Monday to Sunday: 05:00 – 22:00 hrs

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

## **Details of the application**

- 12 The review application submitted by the Local Weights and Measures Authority was received on 27<sup>th</sup> July 2023.
- 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 objective:
- The Protection of Children from Harm
- 15 A copy of the review application is attached at Appendix 4.

## **The Representations**

- 16 During the consultation period, the Licensing Authority received two responses in support of the review application from the following Responsible Authorities:
- Durham Public Health Authority
  - Durham Safeguarding Children Partnership

Copies of these representations are attached at Appendix 5.

- 17 One representation in support of the premises licence holder was received from the following Other person:
- Councillor Anne Reed

A copy of this representation is attached at Appendix 6.

- 18 Home Office Immigration Enforcement, the Fire Safety Authority, the Planning Authority and Durham Constabulary all responded to the consultation with no representations.

Copies of these responses are attached at Appendix 7.

## **The Parties**

- 19 The Parties to the hearing will be:
- Ms Tracey Johnson, Durham County Council Local Weights and Measures Authority (On behalf of the Applicants)
  - Mr Sivaguru Ravichandran (Premises Licence holder and DPS)
  - Ms Fiona Mawson, Durham Public Health Authority (Responsible Authority)

- Durham Safeguarding Children Partnership (Responsible Authority)
- Councillor Anne Reed (Other Person)

## **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;
- (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 Local Store, 1-3 Bridge Street, Crook. DL15 8BJ.

## **Background papers**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022)

## Other useful documents

- None

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**Contact:** Helen Johnson

Tel: 03000 265101

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## **Appendix 1: Implications**

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### **Legal Implications**

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

In this case it was summed up that:

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

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

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

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

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

### **Consultation**

The premises licence 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.

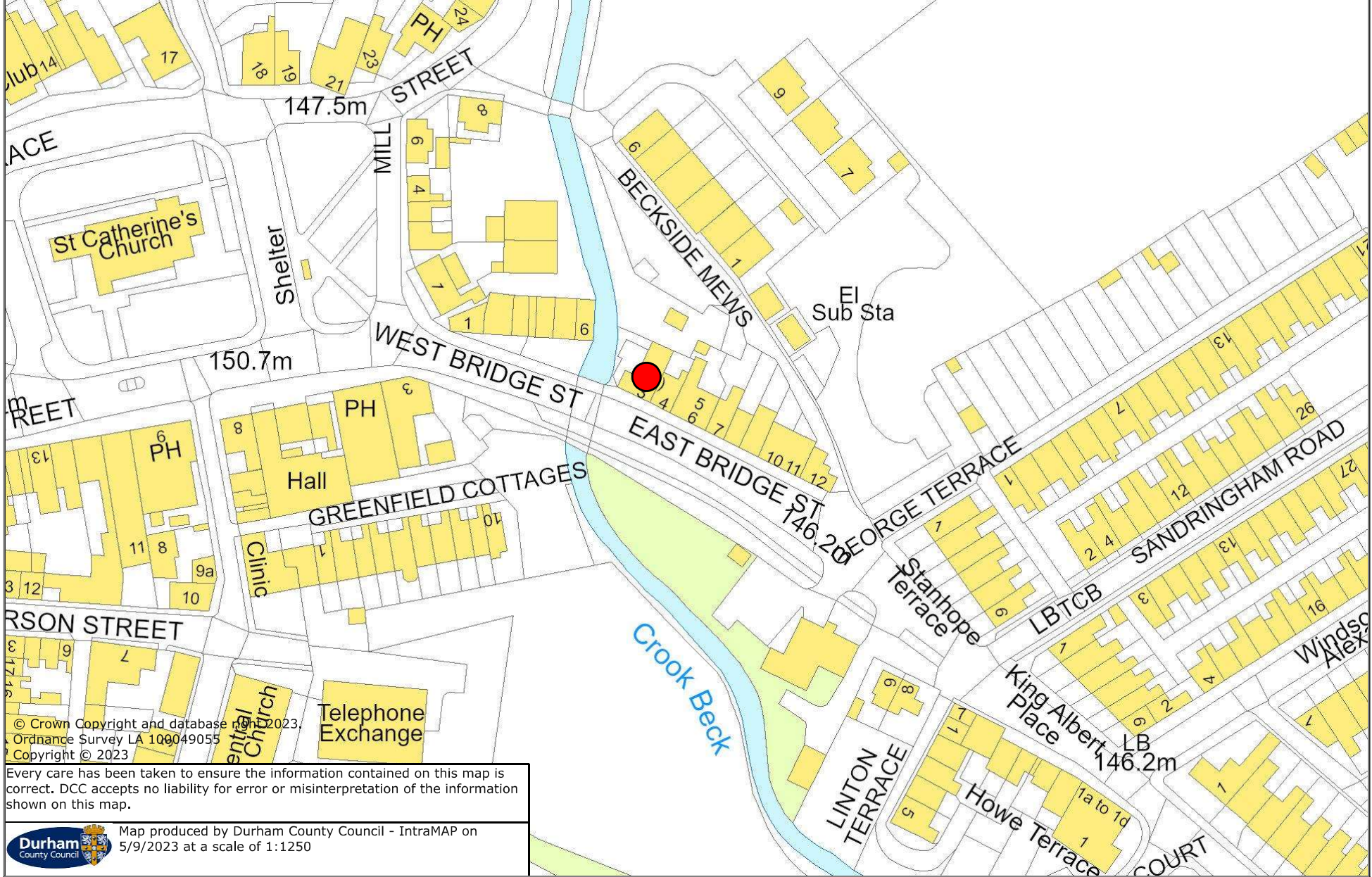
In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

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## **Appendix 2: Location Plan**

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# Durham County Council - IntraMAP

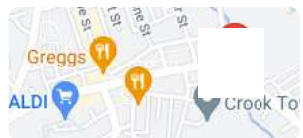


Map produced by Durham County Council - IntraMAP on 5/9/2023 at a scale of 1:1250



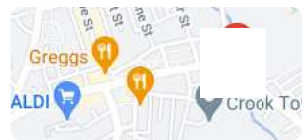


Crook, England  
Google Street View.  
Jul 2018 See more dates



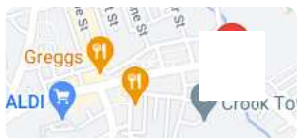


Crook, England  
Google Street View.  
Jul 2018 See more dates





Crook, England  
Google Street View.  
Jul 2018 See more dates



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## **Appendix 3: Premises Licence**

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## LICENSING ACT 2003 PREMISES LICENCE

**Premises Licence Number**  
**Granted**  
**Issued**

<b>DCCPRE70328</b>
<b>27 September 2010</b>
<b>19 December 2012</b>

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<p><b>LOCAL STORE</b>            1-3 EAST BRIDGE STREET            CROOK            DL15 9BJ</p>	<p>DURHAM COUNTY COUNCIL            EHCP            LICENSING SERVICES            PO BOX 617            DURHAM            DH1 9HZ</p>
<p><b>Telephone number:</b></p>	

<p><b>Where the licence is time limited the dates</b>            N/A</p>
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<p><b>Licensable activities authorised by this licence</b>            Sale by Retail of Alcohol</p>
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<p><b>The opening hours of the premises (all times in 24hr format)</b></p>		
Monday	05:00 - 22:00	<p><b>Non standard/seasonal timings:</b>            N/A</p>
Tuesday	05:00 - 22:00	
Wednesday	05:00 - 22:00	
Thursday	05:00 - 22:00	
Friday	05:00 - 22:00	
Saturday	05:00 - 22:00	
Sunday	05:00 - 22:00	

<p><b>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales</b>            OFF ALCOHOL SALES ONLY</p>
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**The times the licence authorises the carrying out of licensable activities (all in 24hr format)**

<p><b>Sale by retail of alcohol</b>            Off Sales Only</p>		
Monday	05:00 - 22:00	<p>Further details            N/A            Non standard/seasonal timings:            N/A</p>
Tuesday	05:00 - 22:00	
Wednesday	05:00 - 22:00	
Thursday	05:00 - 22:00	
Friday	05:00 - 22:00	
Saturday	05:00 - 22:00	
Sunday	05:00 - 22:00	

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b>	
MR SIVAGURU RAVICHANDRAN	

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

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol</b>
MR SIVAGURU RAVICHANDRAN

<b>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</b>

**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 shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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 a holographic mark.

**Annex 2 – Conditions consistent with the premises Operating Schedule**

**General**

Our management strategy is to have well trained staff to adhere to the principles of responsible retailing of alcohol.

**Prevention of crime and disorder**

We would be willing to join a bottle watch/retail watch if one was operating. Alcohol can be monitored and we would refuse service to anyone who appeared to be drunk or disorderly.

**Public Safety**

Good lighting and signage.  
Fire extinguisher kept in good condition.  
Any tripping hazards would be removed.

**Prevention of public nuisance**

Anyone who appeared to be drunk would be refused alcohol. This would be recorded in a refusal record book.

**Protection of children from harm**

A poster informing people under 21 years of age that they will be asked for proof of age. If no proof then there would be no sale. We have a refusal log to register attempts of underage purchase.

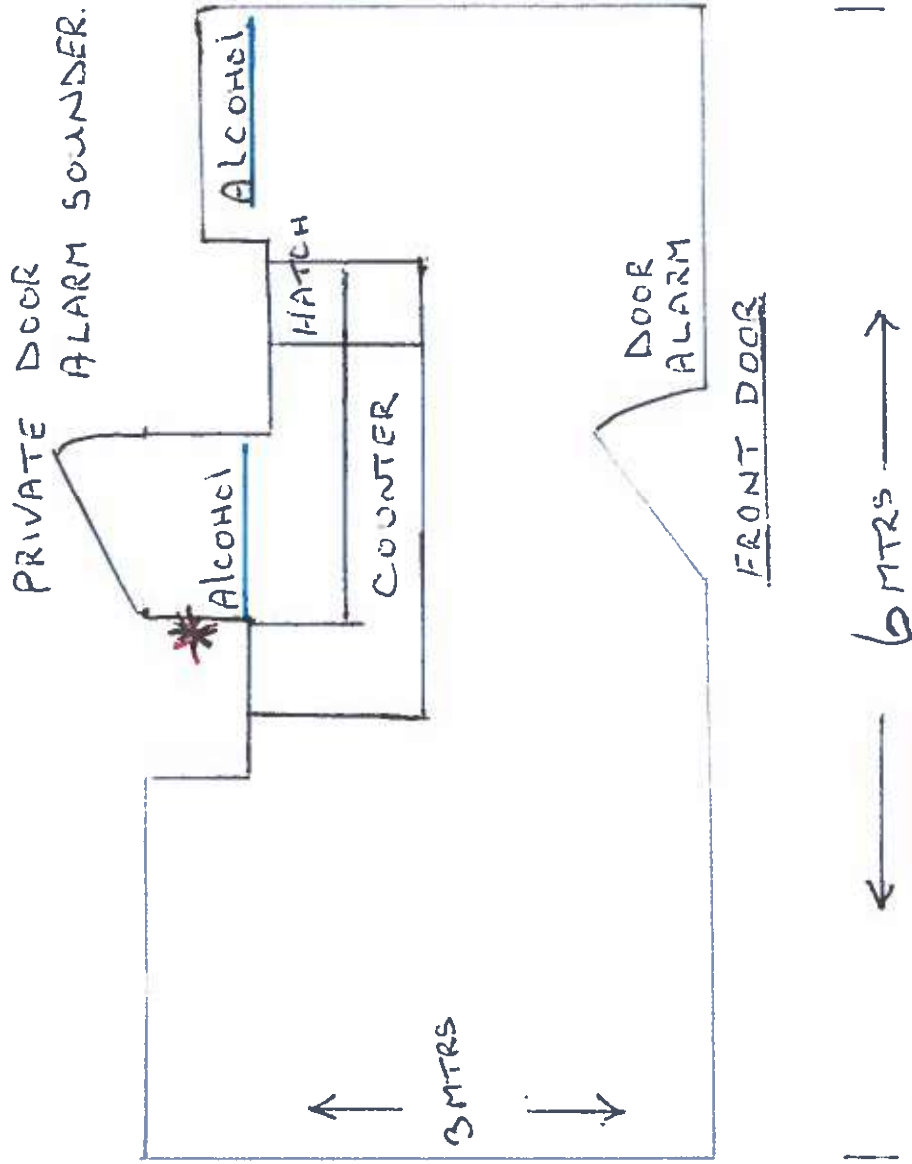
**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

**Annex 4 – Plans attached**

Attached

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



ALCOHOL WILL ONLY  
BE STORED, NEXT TO  
AND BEHIND COUNTER

\* FIRE  
EXTINGUISHER

STEPHENSONS NEWS  
1-3 EAST BRIDGE  
STREET  
CROOK  
DL15 9BT



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## **Appendix 4: Review application**

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

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

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Durham County Council – Local Weights and Measures Authority.....

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 / ~~apply for the review of a club  
premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in  
Part 1 below (delete as applicable)

### Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Local Store  
1 – 3 East Bridge Street,

Post town Crook

Post code (if known) DL15 9BJ

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

Mr Sivaguru Ravichandran

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

DCCPRE70328

### Part 2 - Applicant details

I am

Please tick ✓ yes

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

2) a responsible authority (please complete (C) below)

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

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

Please tick ✓ yes

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Owen Cleugh Public Protection Manager Community Protection Neighbourhoods and Climate Change EHCP (Trading Standards) PO Box 617 Durham DH1 9HZ
Telephone number (if any)
E-mail address (optional) <input type="text"/>

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

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

Please tick one or more boxes ✓

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

This review application is submitted in relation to the premises known as Premier, situated at 1 – 3 East Bridge Street, Crook, County Durham on the grounds of the protection of children from harm.

On 23 March 2023, a test purchase exercise using a 15-year-old child volunteer was carried out at the premises and the child was sold Blue Razz 600 Puff Elf bar. Blue Razz is an electronic cigarette which contains 2% nicotine and should not be supplied to anyone under the age of 18.

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

The premises was visited as a result of allegations of age restricted products being supplied to under 18s. 9 intelligence logs have been received to the service in relation to the allegation of underage sales and illegal vapes from this premises.

The premises failed a test purchase operation carried out by trading standards on 23 March 2023. The person responsible for the sale was G. < >, a part time sales assistant who had worked at the premises for around 1 year. They confirmed that they had received training but there was limited documentation to prove that training had been carried out and no information was included in the training in relation to the supply of vapes.

Mr Sivaguru Ravichandran confirmed that he employs 5 staff at the premises but no other person with managerial responsibilities. He also confirmed that there is no till prompt for vape products but there is a till prompt for other products such as alcohol and tobacco.

Mr Sivaguru Ravichandran is DPS at a further 4 premises and confirmed in interview that he works for around 20 hours per day.

Based on the above information I do not believe that Mr Sivaguru Ravichandran is able to run the premises and positively promote the licensing objectives, especially in relation to the protection of children from harm.

I have grave concerns regarding Mr Sivaguru Ravichandran's ability to continue in his role as DPS at this premises due to commitments at other premises where he is also DPS and I would be asking the Committee to consider removing Mr Sivaguru Ravichandran as DPS at this premises.

I believe that the premises licence should also be updated to include conditions in relation to:

- The Licensee, that is the person in whose name the Premises Licence is issued, and the Designated Premises Supervisor shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the Licence and for promoting the Licensing Objectives.
- A 'Challenge 25' policy shall be adopted, implemented and maintained ensuring that all members of staff are trained to refuse sales to anyone who appears to be under the age of 25 and who is seeking to purchase any age restricted product unless that person provides credible photographic proof of age evidence. Such credible evidence, which shall include a photograph of the customer, will either be a Proof of Age card carrying a "PASS" logo, passport, or photographic driving licence. No other evidence of age and identity may be accepted.
- There shall be displayed suitably worded signage of sufficient size and clarity at the point of entry to the premises and in a suitable location at any points of display and sale advising customers that underage sales of alcohol are illegal and that they may be asked to produce evidence of age.
- A refusals ledger shall be maintained on the premises to record refusals of all age restricted products.
- Staff training to include the use and maintenance of such a register on how to record refusals which shall be made available to officers of the Local Authority

or Durham Police upon request.

- Staff shall refuse to sell age restricted products to any adult who they suspect to be passing age restricted products to those underage (i.e. proxy sales). Details of these refusals should also be kept in the ledger.
- All staff shall be trained at 6 monthly intervals to prevent underage sales of all age restricted products. Training records are to be kept on the premises for all staff involved in sales of age restricted products and shall be made available to officers of the Local Authority or Durham Police upon request.
- Prior to being allowed to sell alcohol, staff training must be carried out and properly documented in relation to the prevention of crime and disorder and the protection of children from harm, including;
  - sales of alcohol and other age restricted products to those underage;
  - sales of alcohol and other age restricted products to persons over 18 purchasing for those underage (proxy sales);
  - sales of alcohol to drunks etc.

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

Please tick ✓ yes

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

..... 27/07/23 .....

Capacity **Chief Inspector of Weights and Measures**

.....

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

**Post town**

**Post Code**

**Telephone number (if any)**

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

**Notes for Guidance**

1. 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.

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## **Appendix 5: Representations in Support of the Review**

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Contact: Fiona Mawson  
Direct Tel:  
Fax:  
email:  
Our ref: PH/FM/23/0359



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

07/08/2023

Dear Sir / Madam

**Re – Local Store, 1-3 East Bridge St, Crook DL15 9BJ**

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, in this case the sale of vapes to children.

Tobacco use is the leading cause of preventable death and disease globally. In England it leads to 64,000 deaths every year and it causes many more people to lose years of active life through smoking-related illnesses. Tobacco and its smoke contains a toxic cocktail of thousands of chemicals, many of which are known to cause cancer, heart disease and chronic obstructive pulmonary disease amongst other conditions. It is known that 2 out of 3 long term smokers will die from smoking unless they quit. Most smokers start as children – and regret doing so. We must do all we can to prevent the uptake of smoking by young people, including by preventing underage sales.

While nicotine vapes pose a fraction of the risks of smoking and are proven to be highly effective in helping smokers to quit using tobacco, vaping is not risk-free, and vaping is not for children. Underage sales laws exist to protect under 18's from starting to use any nicotine product, including vapes and tobacco.

Vapes, also known as e-cigarettes, are regulated in the UK through legislation relating to quality, safety, age of sale and advertising. For example, to be legally sold in the UK, nicotine containing e-cigarettes must contain 20 mg/ml or less of nicotine (equivalent to

**Adult & Health Services**

Durham County Council, County Hall, Durham DH1 5UG  
Main Telephone 03000 26 0000  
[www.durham.gov.uk](http://www.durham.gov.uk)

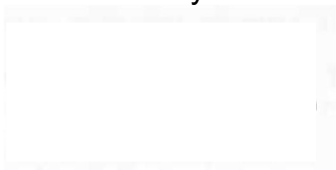
2% or less) and carry the health warning 'This product contains nicotine which is a highly addictive substance.' It is illegal to sell e-cigarettes and vaping products containing nicotine, or tobacco, to under-18s. We work closely with our Trading Standards colleagues to support compliance with regulations and to take enforcement action when necessary and reduce the amount of non-compliant products available for sale. We will continue to advocate for tighter e-cigarette regulations where needed, ensuring the right balance is taken around protecting young people and supporting smokers to quit.

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 do not sell age restricted products, including tobacco and vapes, to children and young people. Sales to those under 18 are illegal and we recommend licensees using Challenge 25 policies for all age restricted sales.

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**

**From:** DSCP Secure

**Sent:** 10 August 2023 11:43

**To:** Tracey Johnson < >; EHCP >; Fire  
Authority >; Home Office < >; AHS Licensing  
>; Planning < >; Police  
>; Public Health

**Subject:** RE: Review application - Local Store, 1-3 East Bridge St, Crook. DL15 9BJ

Dear Tracey,

Thank you for your email.

The information highlighted raises significant concerns regarding the ability to promote the licencing objectives in particular to the protection of children from harm therefore we support the review application and all of the suggested recommendations made.

With best wishes,

Tracy

**Tracy Maratty**

Administration Officer  
Durham Safeguarding Childrens Partnership  
Durham County Council  
Room 4/129  
County Hall  
Durham  
DH1 5UG  
Telephone  
Email



[www.durham-scp.org.uk](http://www.durham-scp.org.uk)

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## **Appendix 6: Representation in Support of the Licence Holder**

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**From:** Cllr Anne Reed  
**Sent:** 09 August 2023 16:43  
**To:** Yvonne Raine <  
**Subject:** Review application for premises licence 1 - 3 Bridge Street , Crook

Good afternoon Yvonne

Following our conversation with regards to the application to review the premises licence at 1-3 Bridge Street , Crook . I had a conversation with the business owner 'Ravi Siva' and have since decided to provide a representation which is attached to this email . Please would you give this consideration when members review the premises licence and make their decision on this case .

Thank you

Kind regards

Anne

**County Councillor for the Crook Division**

Serving Crook, Howden Le Wear, Helmington Row,High Grange,North Bitchburn & Fir Tree

**Chair of Children & Young Peoples Overview & Scrutiny Committee**

Tel

Mob :

Get [Outlook for iOS](#)

**From:** Cllr Anne Reed <  
**Sent:** 10 August 2023 09:20  
**To:** Yvonne Raine <  
**Subject:** Re: Review application for premises licence 1 - 3 Bridge Street , Crook

Good morning Yvonne

I would like my representation to be taken forward for all 3 application reviews please.

Many thanks

Kind regards

Anne

Cllr Anne Reed

**County Councillor for the Crook Division**

Serving Crook, Howden Le Wear, Helmington Row,High Grange,North Bitchburn & Fir Tree

**Chair of Children & Young Peoples Overview & Scrutiny Committee**

Tel

Dear Sir or Madam

**Re: Application for the Review of a Premises Licence (to address concerns relating to the Protection of Children from Harm objective) at Local Store, 1-3 East Bridge Street, Crook. DL15 9BJ**

I write in respect of the above application which is up for review. I understand that test purchases were carried out at the above store which resulted in a failure. Bearing this in mind, I wish to provide a character reference for the business owner who is known as Ravi Siva.

I was rather shocked to hear that a test purchase carried out had failed, given the fact that Ravi is proactive in ensuring that his staff are vigilant when serving their customers. I can only surmise that this has been an unintentional error on the part of the staff member, hopefully with further training and support this type of incident will not be repeated.

I have known Ravi Siva for a number of years, in his capacity as a shop owner and as a resident of Crook. Ravi is a local businessman who has been an active member of our local community, a godsend during Covid. There has been several instances where Ravi has been instrumental at helping others and at a time of great need. For example during Covid when he kindly donated a huge amount of food products for a Project namely 'The Meals Orchard' where hot meals were prepared and delivered to the elderly, the vulnerable and the families experiencing poverty. Ravi's kindness enabled thousands of meals to be donated over a period of nine months. Ravi continues to help the community by providing free loaves of bread, pints of milk and sweets for the children on a monthly basis – all free of charge.

At Easter time a Primary School in our area was asking for donations of Chocolate eggs for each of the pupils that attend the school. Ravi being the kind hearted man that he is, decided to donate 180 Easter eggs to the school so that every child went home with a considerable sized Easter egg.

Ravi is well in tune with the people, he actively listens to what the people want and need. A fine example was when the post office closed its doors in Crook, the community appealed to keep a post office service operating in Crook. Ravi Siva was the only businessman who stepped forward and took on the post office franchise at a substantial cost to himself. In addition, he decided to provide a mobile post office service which visits many of the villages in our area who are also without a post office.

Recently the community of Crook voiced their opinion about the post office being moved to a location which would be easier to access. At the moment the post office is housed inside the Premier shop in Bridge Street, Crook. This shop and post office is situated in a location which is difficult to access especially in adverse weather conditions. Ravi listened to the people and is now in the process of relocating this service into his new shop which is situated in close proximity to the town centre and in a level paved area with the possibility of wheelchair access being installed. May I add that this relocation will come at another substantial cost to Ravi-but it's what the people want and need.

These are just a few instances where Ravi Siva is one of the very few businessmen in the Crook area to have stepped forward to help the people at times of great need, he truly is a community spirited, considerate and generous individual who does not look for recognition, instead just wants to help others less fortunate than himself. Ravi has built up a good reputation in the area, the community are so grateful for his kindness, his help has been greatly received, especially at a time when people are struggling to feed their families and pay their bills.

I ask you to look favourably on Ravi Siva, I'm sure Ravi will be keen to work with the professionals at Durham County Council and will take onboard the advice provided so that mistakes are minimised and that he can continue to be a big part of our community.

Thank you for taking the time to read this.

Kindest regards

Cllr Anne Reed  
County Councillor for the Crook Division  
Tel:



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## **Appendix 7: Consultation Responses**

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**From:** ISD Alcohol Licensing

**Sent:** 28 July 2023 12:02

**To:** Yvonne Raine

**Subject:** [EXTERNAL]:RE: Licensing Act 2003 - Review application - Local Store, 1-3 East Bridge St, Crook. DL15 9BJ

Good afternoon,

Having searched our databases, we can find no record of any Immigration offences in relation to the above premises, therefore Immigration Enforcement will not be making any representations at this time.

Regards

Phil Thomas

The Alcohol and LNR Licensing Team  
Interventions Sanctions and Compliance  
Immigration Enforcement  
Home Office  
15th Floor Long Corridor  
Lunar House  
40, Wellesley Road  
Croydon CR9 2BY

Skype –

**From:** Amy Davison <  
**Sent:** 07 August 2023 15:05  
**To:** Yvonne Raine <  
**Subject:** [EXTERNAL]:Application for the Review of a Premises Licence

Hello

I acknowledge your application dated 31/07/2023 for a Review of Premises Licence under the Licensing Act 2003 in respect of Local Store, 1-3 East Bridge St., Crook, DL15 9BJ.

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

Many thanks,

**Amy Davison**

**Business Fire Safety Officer**

County Durham and Darlington Fire and Rescue Service

Mobile:

Email:

[www.ddfire.gov.uk](http://www.ddfire.gov.uk)



Contact: Sarah Seabury  
Direct Tel:  
email:  
Your ref:  
Our ref: CON28/23/01966



Yvonne Raine

8th August 2023

Dear Yvonne Raine

Town and Country Planning Act 1990 (as amended)

Proposed      Review of a premises license  
At              1 - 3 East Bridge Street Crook DL15 9BJ  
For              Yvonne Raine

A consultation has been forwarded on to the Local Planning Authority regarding the Review of a premises license.

It is considered that there are no planning implications, therefore, there are no concerns from a planning point of view.

Yours sincerely

Sarah Seabury  
Planning Officer

**Regeneration, Economy and Growth**

Durham County Council, Planning Development (West South), County Hall, Durham, DH1 5UL  
Main Telephone:

**From:** Licensed Economy Team

**Sent:** 11 August 2023 13:51

**To:** Yvonne Raine <

**Cc:** AHS Licensing

**Subject:** [EXTERNAL]:RE: Licensing Act 2003 - Review application - Local Store, 1-3 East Bridge St, Crook. DL15 9BJ

Good afternoon,

Thank you for providing your submission on the above premises. Having reviewed our systems, we can find no recent record of any relevant criminal offences in relation to the above premises, therefore Durham Police will not be making any representations at this time.

Alan Newcombe

PC 1291

Durham Constabulary

Licensing economy team

Annand House Meadowfield

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## **Appendix 8: Statement of Licensing Policy**

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**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.



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

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

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

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

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

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

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

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

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

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

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

Further advice and information on age restricted sales and training can be found by contacting Durham County Council's Trading Standards service at [trading.standards@durham.gov.uk](mailto:trading.standards@durham.gov.uk)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **Appendix 9: Section 182 Guidance**

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# 11. Reviews

## 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. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 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 relevant 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, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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 or illegal working compliance 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](http://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)<sup>10</sup>;
  - 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, 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

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<sup>10</sup> See chapter 16 in relation to the licensing of live and recorded music.

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.

## 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

<b>Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority