

Statutory Licensing Sub-Committee

19th September 2023

Application for the Review of a Premises Licence



Ordinary Decision

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:

Bishop Auckland Town

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine an application to review the premises licence in respect of Premier Store, 122 Cockton Hill Road, Bishop Auckland. DL14 6BG
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 On 27th 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 DCCC/PLA0579) for Premier Store, 122 Cockton Hill Road, Bishop Auckland. DL14 6BG.
- 4 During the consultation period the Licensing Authority received six responses in support of the review application from the Fire Safety Authority, the Durham Safeguarding Children Partnership and from four Other persons
- 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 and Durham Constabulary responded to the consultation with no representations.
- 7 The Planning Authority responded with comments for information only.

Recommendation(s)

- 8 The Sub-Committee is asked to determine the review application with a view to promoting the licensing objectives.
- 9 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) Durham County Council's Statement of Licensing Policy - the relevant parts of the policy are attached at Appendix 8;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended December 2022). The relevant parts of the guidance are attached at Appendix 9.

Background

- 10 Background information

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

- 11 The premises licence in respect of Premier Store, 122 Cockton Hill Road, Bishop Auckland. DL14 6BG currently permits the following licensable activity:

| Licensable Activity | Days & Hours |
|-----------------------------|-------------------------------------|
| Sale of Alcohol (off sales) | Monday to Sunday: 08:00 – 22:00 hrs |
| Opening Hours | Monday to Sunday: 05:00 – 22:00 hrs |

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

Details of the application

13 The review application submitted by the Local Weights and Measures Authority was received on 27th July 2023.

14 The application is deemed by the Licensing Authority to be relevant, and the application was advertised in accordance with the regulations.

15 The application for review relates to the following licensing objectives:

- The Prevention of Crime and Disorder
- The Protection of Children from Harm

16 A copy of the review application is attached at Appendix 4.

The Representations

17 During the consultation period, the Licensing Authority received two responses in support of the review application from the following Responsible Authorities:

- Fire Safety Authority
- Durham Safeguarding Children Partnership

Copies of these representations are attached at Appendix 5.

18 Four representations in support of the review application were also received from the following Other persons:

- Mrs A Fall
- Mr C Wilson
- Ms H Pierson
- Mrs A Pierson

Copies of these representations are attached at Appendix 5.

19 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.

20 Home Office Immigration Enforcement and Durham Constabulary both responded to the consultation with no representations.

The Planning Authority responded with comments for information only

Copies of these responses are attached at Appendix 7.

The Parties

21 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)
- Mr David Welsh, Fire Safety Authority (Responsible Authority)
- Durham Safeguarding Children Partnership (Responsible Authority)
- Mrs A Fall (Other Person)
- Mr C Wilson (Other Person)
- Ms H Pierson (Other Person)
- Mrs A Pierson (Other Person)
- Councillor Anne Reed (Other Person)

Options

22 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

- 23 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

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

See Appendix 1

Conclusion

- 25 The Sub-Committee is asked to determine the application for the review of the premises licence for Premier Store, 122 Cockton Hill Road, Bishop Auckland. DL14 6BG.

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

Contact: Helen Johnson

Tel: 03000 265101

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.

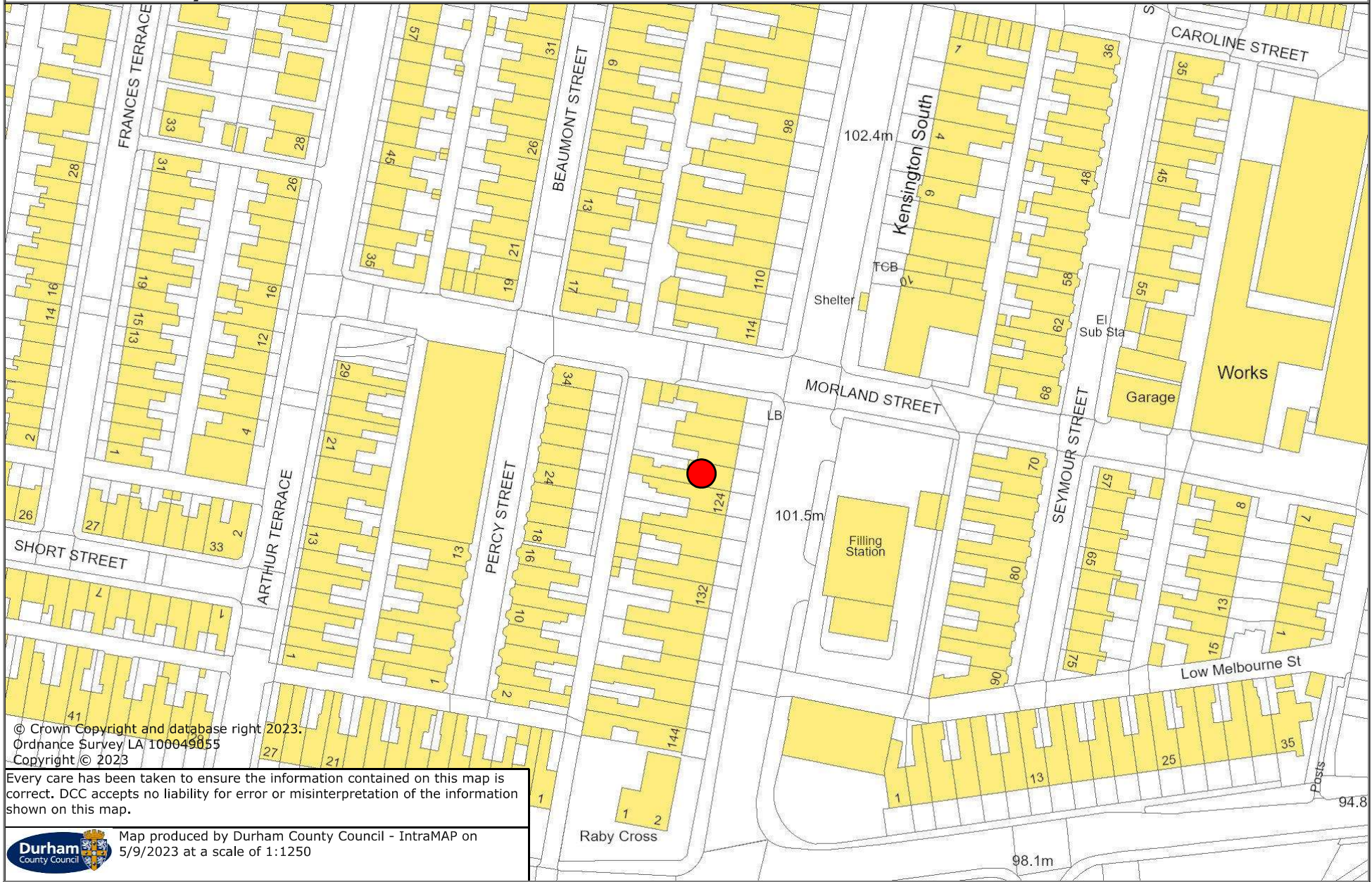
The notice of application was displayed on the premises for a period of 28 days.

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

Durham County Council - IntraMAP



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Ordnance Survey LA100049855
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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.



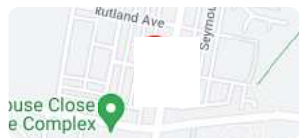
Map produced by Durham County Council - IntraMAP on 5/9/2023 at a scale of 1:1250



Bishop Auckland, England
Google Street View
Jan 2021 See more dates

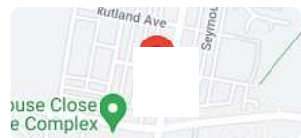
Google

Image capture: Jan 2021 © 2023 Google





Bishop Auckland, England
Google Street View
Jan 2021 [See more dates](#)

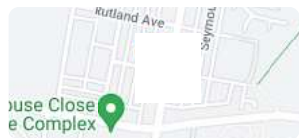


Bishop Auckland, England
Google Street View
Jan 2021 See more dates



Google

Image capture: Jan 2021 © 2023 Google



Appendix 3: Premises Licence

LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

| |
|--------------|
| DCCC/PLA0579 |
| 31 July 2020 |
| 31 July 2020 |

Part 1 – Premises details

| Postal address of premises, or if none, ordnance survey map reference or description | Issuing Authority |
|--|---|
| PREMIER STORE 122 COCKTON HILL ROAD BISHOP AUCKLAND DL14 6BG | DURHAM COUNTY COUNCIL NEIGHBOURHOODS AND CLIMATE CHANGE COMMUNITY PROTECTION LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ |
| Telephone number: | |

| |
|---|
| Where the licence is time limited the dates N/A |
|---|

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

| Opening Hours of the Premises | | |
|-------------------------------|-------------|---|
| Mon | 05:00-22:00 | Non-standard/seasonal timings N/A |
| Tue | 05:00-22:00 | |
| Wed | 05:00-22:00 | |
| Thu | 05:00-22:00 | |
| Fri | 05:00-22:00 | |
| Sat | 05:00-22:00 | |
| Sun | 05:00-22:00 | |

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

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

| | | |
|----------------------------------|-------------|--------------------------------------|
| Sale by retail of alcohol | | Further details |
| Mon | 08:00-22:00 | N/A |
| Tue | 08:00-22:00 | |
| Wed | 08:00-22:00 | |
| Thu | 08:00-22:00 | Non-standard/seasonal timings |
| Fri | 08:00-22:00 | N/A |
| Sat | 08:00-22:00 | |
| Sun | 08:00-22:00 | |

Part 2

| | |
|--|-----|
| Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence | |
| MR SIVAGURU RAVICHANDRAN | |
| 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 SIVAGURU RAVICHANDRAN |

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

Annex 1 – Mandatory conditions

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

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

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

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

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

Minimum Price of Alcohol:

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

2 For the purposes of the condition:

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

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

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

Prevention of Crime & Disorder

All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised office of the Council upon request.

The premises shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.

A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff.

CCTV recordings will be retained for a minimum of 28 days.

The premises will ensure that at least one trained member of staff is available to operate the system at all times the premises is open and download any images requested by an authorised officer and provided within 7 days.

The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premises in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licenced premises. These documents will be made available to officers and responsible authorities when requested.

Public Safety

None

Prevention of Public Nuisance

Music will not be played or permitted inside the premises.

Alcohol will not be allowed to be consumed within the premises or immediately outside of the premises.

Protection of Children from Harm

The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.

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

Statutory Licensing Sub-Committee - 31st July 2020:

CCTV will be provided in the form of a recordable system which is capable of providing images in all lighting conditions. CCTV cameras must be positioned internally and externally to encompass all entrances and exits to the premises; to cover the entire front of the premises; in the areas where the sale / supply of alcohol occurs, together with the area where alcohol is stored and the stockroom.

Persons who may gather outside the premises and cause any nuisance will be asked to move away from the premises immediately.

Litter bins will be provided outside the premises and the Licence Holder will be required to keep the immediate vicinity of the premises free from any litter.

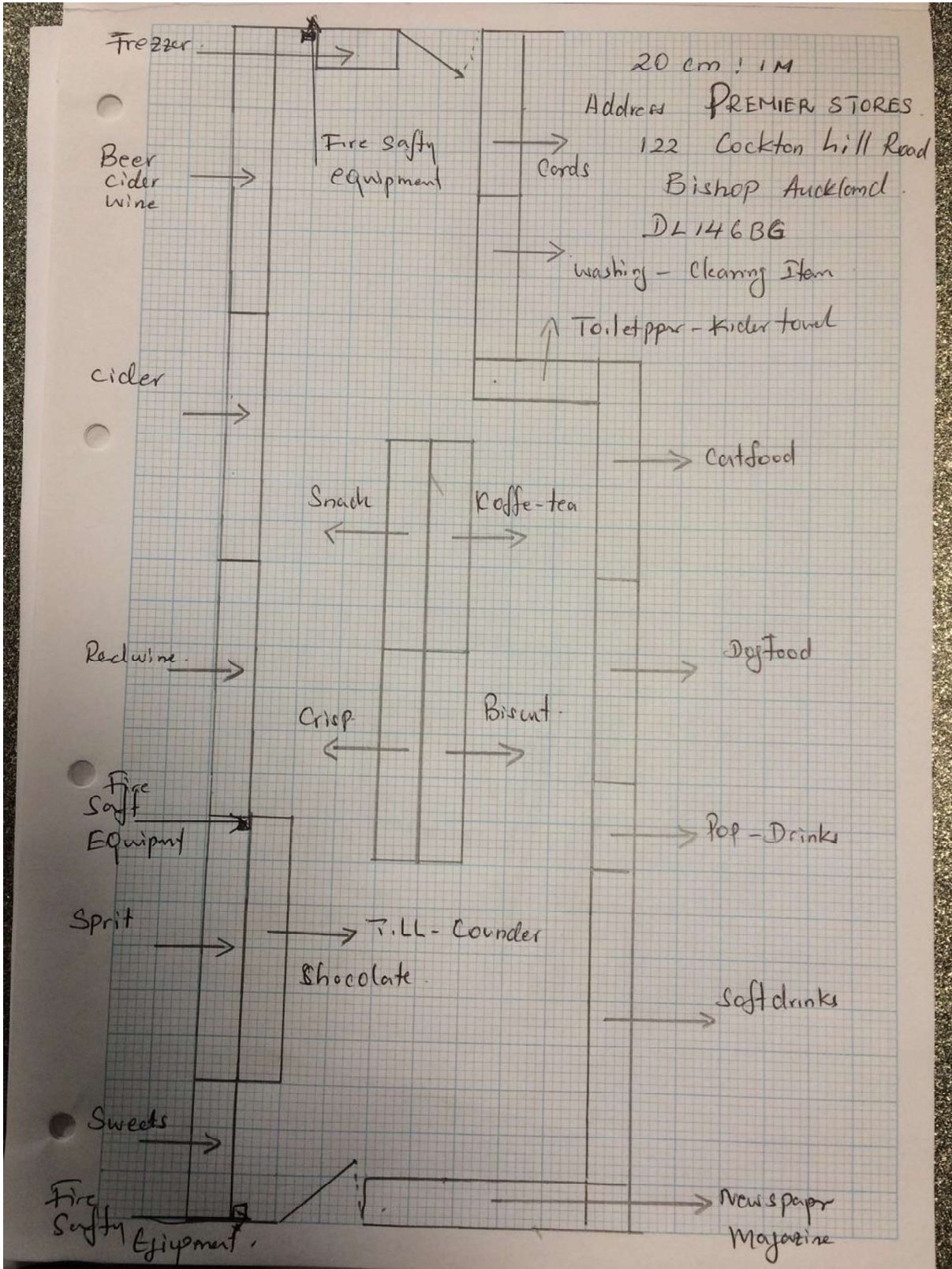
Acceptable forms of ID are passport, photo card, driving licence, armed forces id card or a PASS accredited identification card, i.e. ID4U

Annex 4 – Plans attached

Attached



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



Appendix 4: Review application

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
122 Cockton Hill Road

Post town Bishop Auckland

Post code (if known) DL14 6BG

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)
DCCC/PLA0579

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) |

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 Store, situated at 122 Cockton Hill Road, Bishop Auckland, County Durham on the grounds of the prevention of crime and disorder and the protection of children from harm.

On two occasions, November 2022 and July 2023, this service has seized non-compliant electronic cigarettes from this premises where they don't meet the requirements required by law in that they exceed the 2ml limit for a tank size in a disposable e-cigarette. They are also not notified as required and are manufactured for a different market.

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

This premises has been visited on a number of occasions in relation to the supply of illegal e-cigarettes from the premises. Information on how to comply with the law was given to the premises licence holder, Mr Sivaguru RAVICHANDRAN but he has failed to comply with the requirements.

E-cigarettes that were seized exceeded the 2ml tank capacity allowed and were manufactured for the American market. They also didn't comply with the labelling requirements and therefore breached safety regulations.

Mr Ravichandran is DPS at 4 other premises in County Durham and I have concerns that he is unable to effectively manage this number of premises and positively promote the licensing objectives. I would therefore ask committee to consider removing Mr Ravichandran as DPS at this premises.

I would encourage committee to also consider adding effective conditions such as,

- 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.
- 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 and 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 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.

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

27/7/23

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.

Appendix 5: Representations in Support of the Review

From: David Welsh <
Sent: 04 August 2023 14:35
To: Yvonne Raine <
Cc: AHS Licensing <
Subject: [EXTERNAL]:Premises Licence Premier Store 122 Cockton Hill Road DL14 6BG

Good Afternoon

Please find attached letter in relation to application for Premise licence. There is currently no fire risk assessment in place for this premise and there are also other deficiencies within the building which need addressed. I have arranged for a crew to attend and undertake a full audit of the building.

Kind regards

David Welsh
Business Fire Safety Officer
Mob:
Tel:
Email:

Safest People, Safest Places
County Durham and Darlington Fire and Rescue Service Headquarters
[Belmont Business Park, Durham. DH1 1TW](#)

County Durham and Darlington
Fire and Rescue Service





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

Safest People, Safest Places

Chief Fire Officer: Steve Helps

This matter is being dealt with by: David Welsh

Ext:

Date: 04 August 2023

Ext: Our Ref: 3E30200045
Your Ref: 3E0200045

Direct Dial Telephone:

E-mail:

**Premier Store,
122 Cockton Hill Road
Bishop Auckland
DL14 6BG**

Dear Madam,

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Premier Store, 122 Cockton Hill Road, Bishop Auckland, DL14 6BG

I acknowledge your application dated 31/07/23 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

Can I bring to your attention as 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.

There is no evidence to support any work has been undertaken to address any of the deficiencies found during our visit and audit to the store on the 26th September 2022.

I will arrange a crew to re attend and undertake a further audit in the coming days, however can I bring to your attention there is currently no fire risk assessment in place for this licensed premise.

A suitable and sufficient fire safety risk assessment must be carried out in order to comply with the above Order.

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

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

Yours sincerely,

Fire Safety Section

From: DSCP Secure <
Sent: 10 August 2023 11:44
To: Tracey Johnson ; EHCP >; Fire
Authority ; Home Office < >; AHS Licensing
>; Planning < >; Police
>; Public Health < >
Subject: RE: Review application - Premier Store, 122 Cockton Hill Rd, Bishop Auckland. DL14 6BG

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



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

www.durham.gov.uk

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Like us at facebook.com/durhamcouncil
Follow us on linkedin.com/company/durham-county-council
Follow us on Instagram @durham_county_council

From: A

Sent: 06 August 2023 17:13

To: AHS Licensing <[_____](#)>

Subject: [EXTERNAL]:PREMIER STORES, BISHOP AUCKLAND, DL14 6BG

Dear Sir/ Madam,

Application for the review of a premises licence –

PREMIER STORE, 122 COCKTON HILL ROAD, BISHOP AUCKLAND, COUNTY DURHAM, DL14 6BG

I am writing to address concerns relating to the Prevention of Crime and Disorder and the Protection of Children from Harm as specified in the grounds for review.

Since the change from Etherington's Newsagents to the Premier Store, there has been constant issues at the premises, and I recommend that the licence is revoked.

- **The Prevention of Crime and Disorder**
 - The sale of alcohol, vapes and cigarettes to underage persons
 - Serving customers after hours
 - Sale of drugs outside premises
 - Parking on yellow lines
 - Driving on pavements
 - Wasting of police and council time with multiple complaints and reports
 - Litter
 - Threatening behaviour and aggression of proprietor towards local residents

- **Protection of children from harm**
 - Underage drinking, smoking and vaping
 - Anti-social behaviour
 - Intimidation/ safety of potential customers
 - Extended hours encouraging young people to be loitering late at night
 - Foul language
 - Fighting

Whilst the notice outside of the premises requests objections for the above two areas of licensing, I feel that the remaining two areas are being breached as well.

- **Public Safety**
 - Litter
 - Broken glass
 - Dog faeces
 - Rubbish bins/ rats
 - Threatening behaviour of proprietor towards public/ holding someone against their will
 - Parking/ driving on pavements

- **Prevention of Public Nuisance**
 - Harassment of customers to purchase alcohol, cigarettes and vapes for persons underage
 - Anti social behaviour of teens loitering around the premises.

- Confrontational, aggressive, and intimidating behaviour
- Noise
- Shop furniture etc. in front of store in a conservation area

I have been a resident in the area since 2003. There are several shops in the same area which do not attract the same problems as this one. The sale of alcohol, vapes and cigarettes to underage persons has caused the problems with the anti-social behaviour and increased crime rates at this particular location. The other establishments in the area do not have the same problems as the Premier Store.

I would be happy to answer and questions and queries relating to any of the above or to expand on any information given as necessary.

I am able to provide photos and videos if necessary.

Yours sincerely,

Mrs A Fall

From: A

Sent: 11 August 2023 08:14

To: Yvonne Raine

Subject: Re: Licence review - Premier Stores, 122 Cockton Hill Rd, Bishop Auckland

Good morning Yvonne,

My address is:

Bishop Auckland, County Durham, DL14 6PL. Telephone:

I have attached photos/ videos of anti social behaviour at the property, of parking violations (including the proprietor himself).

Unfortunately, due to a change of telephone handset, I do not have a lot of the pictures taken previously.

There have been numerous photos submitted to the council (via the website) and at a number of PACT meetings and to the police previously by local residents when complaints of traffic violations, noise complaints, anti social behaviour complaints have been made. Hopefully, these will still be on file.

I have attached some photos. Apologies if any are duplicates of what you already have. there have been a lot sent across since the shop opened!

Please do not hesitate to contact me if you require any further information.

Mrs A Fall

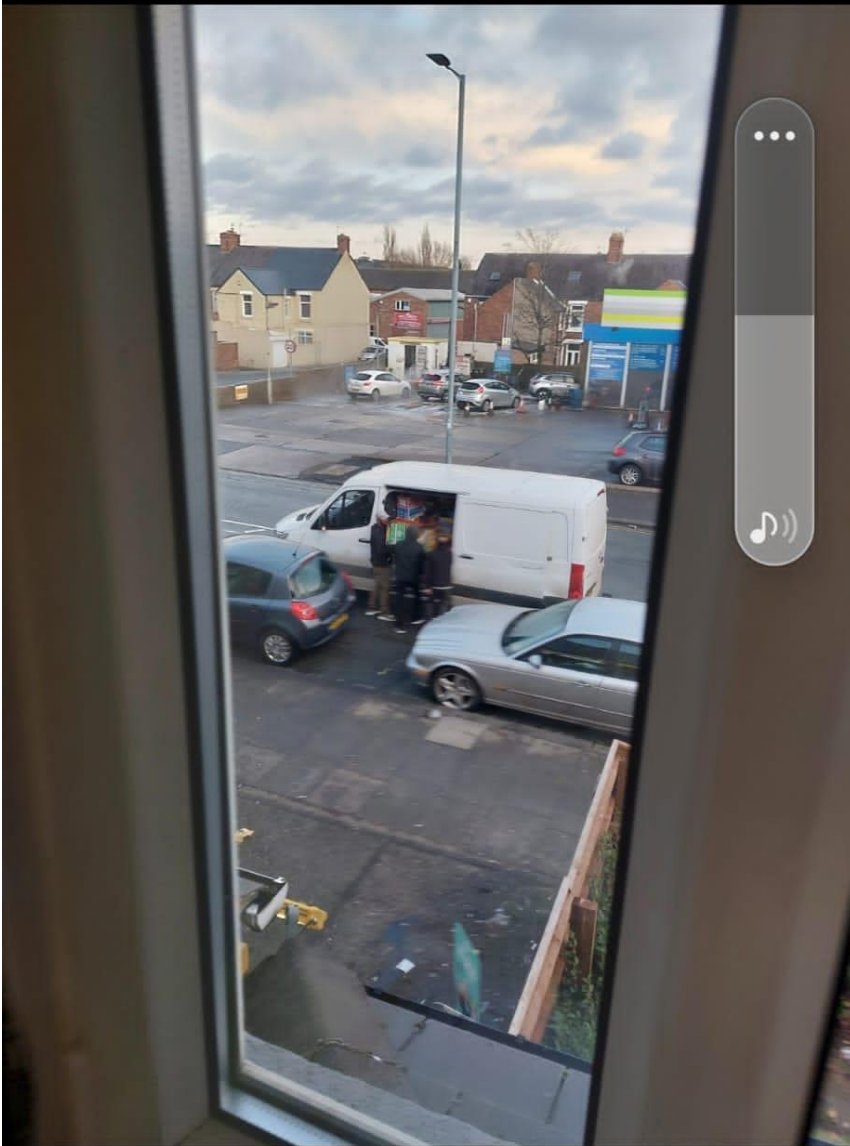
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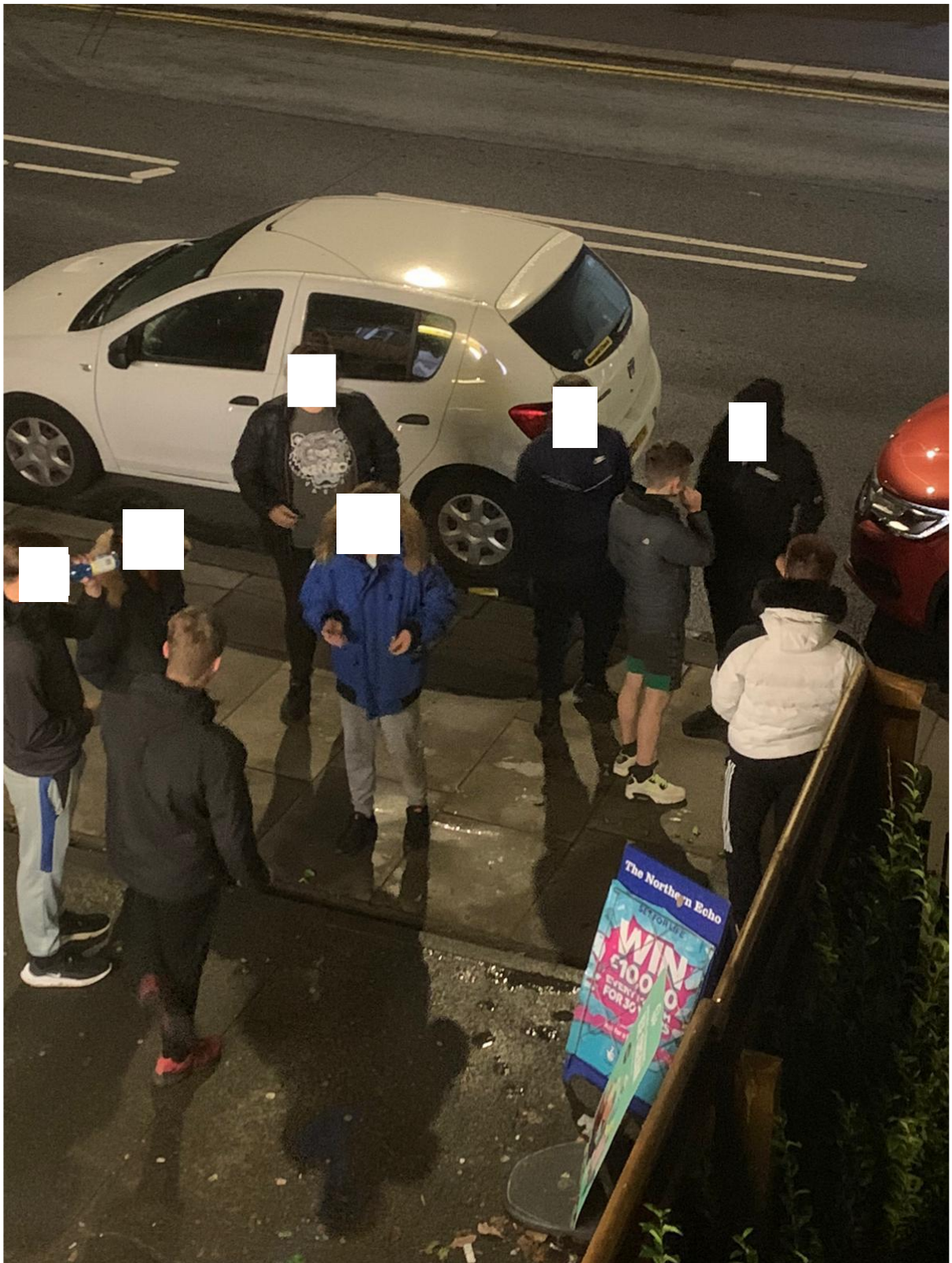
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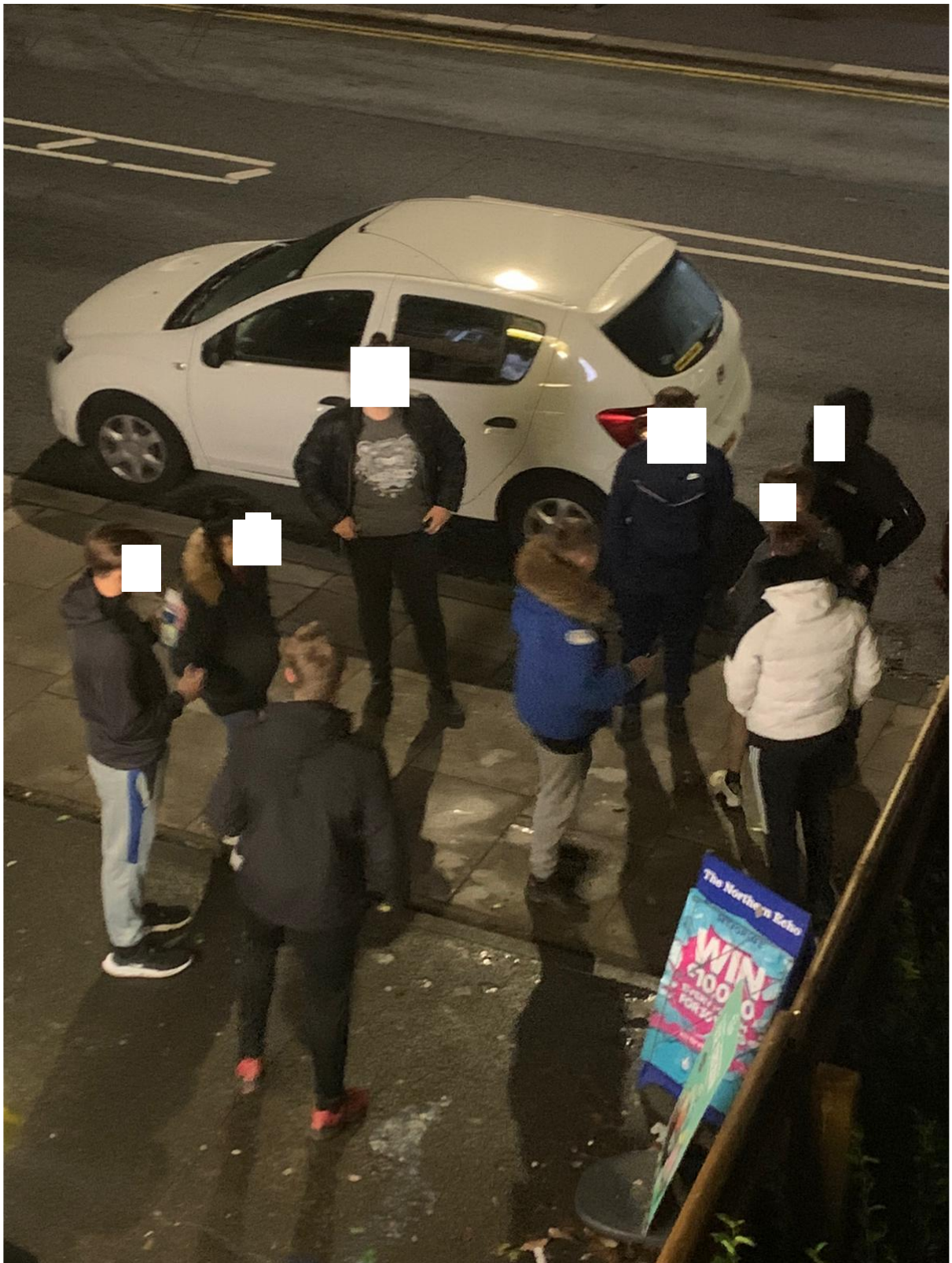


You

Today, 16:12





















From: C Wilson
Sent: 21 August 2023 19:19
To: AHS Licensing
Subject: [EXTERNAL]:Review of license for Premier Store (122 Cockton Hill road)

Dear Sir/Madam,

I'm writing with regard to the review of the licence for the Premier Store, 122 Cockton Hill Road, Bishop Auckland.

Since November 2022, when I started spending a lot of time at my girlfriend's house (number) with her and her little girl, I have noticed a lot of concerning things to do with the Premier Store which is situated

Firstly, it was the noise. Groups of youths frequently gather outside of the shop to seemingly shout at each other on a nightly basis, right up until shutters roll down at 10pm (more often than not between 10-00pm-10.30pm). Several times I have been forced to politely ask groups to move on as they are keeping my girlfriends daughter awake, an act that I believe the shop owner vowed to do when he was issued the license in the first place.

Along with the groups is the litter, constant litter on the street/road, and in the front garden. That's not mention the rubbish that accumulates in the back alley behind the shop, it's disgusting. And speaking of disgusting, the amount dog mess on the path around the shop front/house front is appalling. These dogs are often tethered to my girlfriend's front gate whilst the owner goes into the shop- I've had to stand and wait for an owner to collect their three sizeable dogs from the gate so I could get out of the garden on one occasion, several times I have asked people to remove their tethered dogs from the gate.

On more than one occasion, I have witnessed adults buying vape pens/alcohol for underage kids. Quite blatantly too.

The shop owner often blocks the main carriageway of Cockton Hill road with his van/car to unload stock, causing an obstruction which can create tailbacks that back up through the crossroads.

As well as these grievances, I have one more serious concern. A few months ago, I had to ring 999 as I could hear terrifying screams for help coming from the shop. The screams of a girl who was begging to be let go and not to be harmed. At first I thought it was kids out the front, as it often is, but upon going out to ask for quiet I realised the shop shutter was nearly all of the way down. I looked through the gap and could see a lady lying on the floor in obvious distress. Shortly after, the police arrived and liberated this person, who had wet herself through the trauma of being held captive by the shop owner. All the while, my girlfriend was upstairs trying to get her terrified little girl to sleep.

All of these grievances and concerns are really not what you would expect of a local shop which is situated directly between terraced, residential houses. Houses which are homes to elderly people and families with young children too. It would be a great disappointment if the license of this establishment is anything other than revoked.

Kind Regards,

Mr C Wilson

From: H Pierson

Sent: 23 August 2023 15:47

To: AHS Licensing <[_](#)>

Subject: [EXTERNAL]:Premises License review 122 Cockton Hill Road

To whom it may concern,

Please find attached my letter of objection for the renewal of the premier stores License.

Regards, H

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

H Pierson,

Bishop Auckland,
Co.Durham,
DL14 6BG

Dear Sir/Madam,

I wish to raise my concerns regarding the sale of alcohol at 122 Cockton Hill Road and would like for Durham County Council to receive this letter as my objection to renewing a license at this premises.

I currently reside at _____ the property _____ the shop and unfortunately since it was taken over by Mr. Ravichandran, longer opening hours and a licence have allowed for a considerable change in the residential area.

I have complained personally on a number of occasions, and for a variety of reasons. This has been to the police, the PCSOs (of which there have been many changes over the past few years) and the council, but I am left in a position where I feel quite unhappy in my home due to the negative changes, I believe to have been brought to the area by the above mentioned.

Firstly, the anti-social behaviour that can be daily. Groups of youths, both male and female seem to use the shop front as an area to congregate, this is often with bikes (both peddle and motor) and can be numbers of up to 15 people or more (I do have various photo and video evidence which has been passed to the council many times both via the complaints websites and at PACT meetings on a pen drive). Motor bikes/Mopeds can often be seen driving up and down the paved area and I have actually witnessed a car doing the same.

I have witnessed children and youths engaging in the following activities; throwing things at cars passing by, usually bits of litter from bottles etc, asking people to go into the shop to buy alcohol and vapes, (quite often they succeed), urinating in the street, drinking in the street, being drunk and underage in the street (I have found this out when asking a group of 16 year old boys to move away from the front of the house), sitting on top of my fence and kicking it, kicking/jumping on signs that belong to the shop, being in my front yard, sitting on car bonnets, to name a few. I am sure you can see how this can cause disruption with the location being predominantly residential.

I currently live in my property with my 9-year-old daughter who has a diagnosis of autism and feels very anxious when she is in bed and there are young people outside. It can be difficult getting her to sleep and ultimately having to try and explain why people are doing things which she 'knows' people shouldn't do.

I attended the initial consultation when Mr. Ravichandran first applied for the licence and remember him expressing explicitly that he would be 'moving people on who were hanging around and causing a disturbance to his neighbours' who he also expressed he wanted to 'work with'. I can confirm that again this is something that he has never done and in fact Mr. Ravichandran makes a point of not speaking to me, when I have asked a staff member if he is available to have a conversation regarding the disturbances, he told me that Mr. Ravichandran was 'too busy' to speak with me.

As well as issues raised that directly lend themselves towards the harm of children and the creation of disorder there are a number of other issues to mention that I am aware of from my own experience and that of my neighbours such as eggs being thrown at windows, damage to cars, littering (which is absolutely appalling and upon walking down Cockton Hill Road and passing other shops such as Gills and the Post Office seem to be immaculate in comparison), dog fouling, bulky waste being left both at the back and front of the property, broken glass on the pavement and roadside.

The list really is endless and the effect on the mental health of myself has been affected since the shop changed hands. I now use the back of the house and the upstairs more often than not in order to try and avoid knowing if the groups are there or not, as I feel bringing my concerns to the police, PCSOs, the council, councillors, over and over again has changed nothing and I am saddened that Durham County Council feel that they are truly meeting the recommendations laid out in their own licensing policy 2019-2024 with regard to this property.

Please contact me via email _____ or _____
if you need anything further.

Yours Sincerely,

H Pierson

From:

Sent: 23 August 2023 18:43

To: AHS Licensing <

Subject: [EXTERNAL]:Review of premises licence

Representations relating to Premier Store 122 Cockton Hill Road Bishop Auckland.

Although I don't reside in this area I do spend much of my time here with my daughter and grand-daughter

When this premises was acquired by Mr Ravichandran and the hours extended from 6pm till 10pm and an alcohol licence granted the anti social behaviour began almost immediately.

Youths congregate outside this premises in large groups, sometimes upwards of a dozen, on a daily basis, with little or no regard for people or property. They are loud, often foul mouthed, disruptive and obstructive. They drink, become intoxicated, smoke cigarettes /vapes which they have purchased themselves or asked members of the public to purchase for them, although I have not witnessed any transactions, I would say drugs are also available from some source as my husband has been asked "do you need any gear mate?".

Many of these youths arrive on mopeds and scooters which they park on the footpath, and even ride up and down the footpath, causing danger and obstruction. The litter strewn about the pavements local roads and residents gardens is disgraceful, vape boxes, cans, bottles, broken glass. My daughter found half a set of garden sheers and a table leg between her wall and hedge, which she reported to the police only to be told to put them in the bin. There is always shop paraphernalia, bread trays large trollys, pallets, various advertising frames, outside the front of the premises, these provide a good source of amusment for the youths, not so much for the residents. There is a large industrial waste bin to the rear permanently which is more often than not overflowing on to the back lane along with other items of rubbish.

Many residents have made many, many complains to the council, the police, attended PACT meetings, have provided photographic evidence CCTV all with little or no result.

During the initial hearing when residents could raise their concerns regarding the extended hours and the impact the alcohol licence would have on the area. Mr Ravichandran said any persons loitering or causing a disturbance would be moved on, and he would work with his neighbours, neither of these claimes have been put into practice, he doesn't move people on and he has alienated many of his neighbours.

I am of the opinion that to resolve this sad situation this shop needs only to open till 6pm as before and the alcohol licence revoked.

A Pierson (Mrs)

Bolam
DL2 2UP

Appendix 6: Representation in Support of the Licence Holder

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 :

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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:

Appendix 7: Consultation Responses

From: ISD Alcohol Licensing

Sent: 28 July 2023 12:15

To: Yvonne Raine

Subject: [EXTERNAL]:RE: Licensing Act 2003 - Review application - Premier Store, 122 Cockton Hill Rd, Bishop Auckland. DL14 6BG

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: Licensed Economy Team <

Sent: 11 August 2023 13:57

To: Yvonne Raine <

Cc: AHS Licensing

Subject: [EXTERNAL]:RE: Licensing Act 2003 - Review application - Premier Store, 122 Cockton Hill Rd, Bishop Auckland. DL14 6BG

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 or intelligence in relation to the above premises, therefore Durham Police will not be making any representations at this time.

Thank you,

Alan Newcombe

PC 1291

Durham Constabulary

Licensing economy team

Annand House Meadowfield

From: Hilary Sperring <

Sent: 24 August 2023 15:23

To: Yvonne Raine

Subject: CON28/23/01906 Premier Store, 122 Cockton Hill Road, Bishop Auckland DL14 6BG

Dear Yvonne,

[CON28/23/01906 Application for the review of a premises licence Premier Store, 122 Cockton Hill Road, Bishop Auckland DL14 6BG](#)

Thank you very much for your recent consultation in respect of the above.

Having searched the planning records I can find no permission relating to the use of the ground floor of the premises however, it would appear that the premises have been used as a retail shop for a number of years and as such this appears to be the established use. I understand that no external alterations are proposed.

I would advise that I therefore have no comments or objections to offer to the consultation from a planning perspective.

Please note the information provided within this correspondence contains informal officer advice made for guidance purposes only and cannot prejudice any future decision of the Local Planning Authority.

If you have any queries or require any further information please do not hesitate to contact me.

Kind Regards,

Hilary

Hilary Sperring
Planning Officer
Development Management (Planning West)
Durham County Council
County Hall
Durham
DH1 5UQ

Telephone:

Mobile:

Email:

For urgent queries please contact

Appendix 8: 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 9: Section 182 Guidance

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). 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, 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

¹⁰ 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.

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

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 |