

From: licensing.fslconsultants.com
To: [Rae Fiona](#)
Cc: ; [Licensing](#)
Subject: Licensing Sub-Committee 8th August 2022 - Incorrect Published Information & Applicant Additional Information
Date: 08 August 2022 12:12:05
Attachments: [Draft Dispersal Policy.pdf](#)
[Licensing Staff Training Manual v2.pdf](#)
[OS MAP 1.1250 v1.pdf](#)
[Staff training checklist for Licensing Compliance.pdf](#)
[Appendix A - Application.pdf](#)
Importance: High

Dear Fiona

Following on from our earlier telephone call please find attached to this email the following items:

- OS MAP 1:1250
- Draft Licensing Staff Training Manual
(Additional items maybe required depending upon the conditions imposed on the licence by the sub committee members)
- Draft Dispersal Policy
(Additional items maybe required depending upon the conditions imposed on the licence by the sub committee members)
- Staff Training Checklist

In relation to the other point, I raised with you - The information published for tonight's hearing on the council's website, in relation to Appendix A is incorrect:

The application to be heard tonight relates to Mr Stegariu but the information in Appendix A relates to Ms Cornelia Catlogout -I have attached a copy of this appendix to this email.

- The Applicant Form is incorrect - It details a completely different person, with completely different proposed timings etc
- The internal Memo is incorrect - Again it details a completely different person's application.
- DPS Consent Form - Again it details a completely different person's application.

I have also been sent a copy of the email/report detailing the works listed in the representation from the building control officer/department have been completed as this email has a number of large attachments, I will send it across in another email.

Regards,

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DISPERSAL POLICY

This Dispersal Policy has been implemented to assist in the promotion of the four licensing objectives.

This document is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours. Management are aware of the potential for neighbourhood noise and disturbance when customers leave at closing time.

Management have agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbours. Every effort will be made to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

Winding-down Period

1. Management will put into place an effective “wind-down” procedure in order to facilitate prompt closure of the premises and orderly dispersal pattern by customers.
2. At closing key members of trained staff including SIA when applicable are directed to work in the customer areas near the front entrance and exit. Customers are informed that the premises are about to close and are directed towards the exit.
3. The premises will promote the gradual departure of customers and will ensure there will be a controlled of customers exiting the venue.
4. Internal lighting levels will be gradually increased during the last 30 minutes of trading.
5. Music will be played at a lower level steadily reducing until it can't be heard.
6. The winding down period outlined above ensures that customers disperse gradually prior to cessation of trade.
7. The Proposed Licence Holder staff members will endeavour to keep the area clean and attractive for our patrons and our neighbours. This means dealing with debris outside that may have nothing to do with the venue but in the interests of maintaining good standards in the area they will still clear it up.

Staff to assist with Dispersal during busy periods

8. Staff and SIA at the premises should have knowledge of the following;
 - a. Where the nearest mode of public transport is
 - b. Details of taxis and a number is available at the reception
 - c. General local knowledge so that if customers decide to move on the staff can help them with directions.
 - d. Where possible customers will be encouraged to head towards the High Street and away from local side street residential areas.
 - e. The staff and SIA are easily identifiable in uniforms and before each night there will be a team briefing to underline the importance of a quiet dispersal.
 - f. There is an end of night team meeting to discuss any ways that the premises may improve the dispersal of patrons and any action points are added into the following nights briefings.

Notices

9. Notices shall be displayed at customer exits and in prominent positions requesting that patrons respect the needs of local residents and leave the premises and area quietly.
10. All employees are given appropriate instructions and training to encourage customers to leave the premises and the area quietly.

Incident Reports

11. All incidents of crime or disorder or nuisance are to be reported by the designated premises supervisor or responsible member of staff.
12. The licence holder shall ensure that the details of all complaints are recorded in an occurrence book. Taxi Service
13. Staff and SIA will ensure taxis are available for customers so that they can wait inside the premises. Staff will politely request that car doors are not slammed and will ensure that taxi drivers collect and drop off customers in the dedicated car park locations "Stoneleigh Road Car Parks A, B or C and keep engines turned off while they are parked.
14. Arrangements will be made with all local taxi firms for taxis to collect patrons in the dedicated car park locations "Stoneleigh Road Car Parks A, B or C. A recommended list of local taxi companies is available to customers.
15. Staff and SIA are trained to be aware of the location of the dedicated car park locations, taxi ranks, bus stops and advise customers accordingly.
16. Taxi drivers will be asked to remain in their vehicles and radios should not be played at a volume likely to disturb the neighbourhood.

17. Staff and any SIA (when deployed) will be trained to look for any vulnerable persons leaving the venue, ensuring that anyone identified as vulnerable is offered and escorted to a licensed taxi or Uber.

18. At the end of the shift employees will say goodbye to each other inside the premises and arrange for lifts or taxis to collect them in the dedicated car park locations "Stoneleigh Road Car Parks A, B or C which is a convenient and safe stopping point away from residential properties.

Exit Strategy

The exit strategy will be implemented each night.

- All staff members outside on exit must wear a high visibility jacket or other striking uniform.
- The priority of the staff and SIA is to ensure all customers leave in a quiet and controlled manner.
- All customers should be asked to leave quietly in a polite and friendly manner.
- Any persons seen loitering should be asked to move on whether they are the premises customers or not. They should be directed towards the nearest mode of public transport and as a default to the nearest bus station in a polite but firm manner.

Overall

Staff and SIA shall be in place at the exits to wish customers farewell and ask them to leave quietly and shall answer any questions regarding transport availability. Staff and SIA will not tolerate departing customers congregating outside of the premises. Staff will at all times be aware of activity outside of the premises and endeavour by their presence to minimise bad behaviour. They should be aware of potential areas of difficulty and provide a presence in those places to minimise potential problems where possible. Whilst carrying out their legitimate duties outside of the premises all staff and SIA are trained not to behave in a manner likely to disturb the neighbourhood, conversation and laughter must be quiet and any communication is usually digital through an earpiece.

Staff will attach the utmost importance to the careful investigation and prompt resolution of any complaint made in respect of the running of the premises. Particular emphasis will be placed on building and maintaining close links with residents including hosting meetings on a quarterly basis to allow our neighbours to raise any issues and for those issues to be quickly resolved. The telephone number of the premises and the DPS will be provided to all our immediate residential neighbours and will be on display at the front of the premises.

Staff will constantly review our Dispersal Policy and respond quickly to the needs of our neighbours.

SMOKING POLICY

This smoking policy has been created to assist in promoting the four licensing objectives. This smoking policy can be changed from time to time following best practice improvements and any recommendations that are approved by the Premises licence holder. All members of staff must make sure that they are familiar with the terms of this policy.

1. Smoking is not permitted within any part of the Premises except in the designated area which is to the front of the venue opposite the main entrance of the premises which is away from the high road in the alleyway.
2. Customers who are from within the premises and wish to smoke should be directed to the agreed designated smoking area. This area is to be known as the designated smoking area for the premises and is shown on the plans
3. The door attendant(s)/door supervisor(s) or staff on duty shall be in charge of monitoring the designated smoking area and any external area in general.
4. After 10pm, If the designated area is full (20 persons), a member of staff should ask the customer to wait within the premises until a space becomes available.
5. The smoking area should be cleaned regularly, and ashtrays emptied.
6. Customers will be reminded to respect the venue/the vicinity and to keep conversations to a minimum.
7. The staff on duty shall keep a log of any person causing any disturbance or nuisance whether that person is a customer or not.
8. The staff or SIA door supervisors on duty shall assist in trying to keep any noise disturbances/incidents from the designated smoking area as well as in the immediate vicinity of the premises to a minimum.

OUTSIDE MANAGEMENT PLAN

This Outside Management Plan has been prepared to set out the strategy and approach to the operation of the outside area of the premises.

Its purpose is to give a clear overview of the proposed operation and the ethos and management strategy underpinning the use of the outside area.

In developing the Outside Management Plan, due regard has been given to best practices. We have carefully considered site-specific issues anticipating concerns likely to be raised by local consultees and stakeholders and built into this Outside Management Plan measures to address their concerns.

This Outside Management Plan is a fluid document that will be improved from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours to ensure their concerns are addressed.

Staffing of Outside Areas

9. SIA door supervisors levels shall be assessed on a risk assessed basis, in the absence of deployed SIA door supervisor there shall be a dedicated member of staff overseeing the external area. They will ensure that the outside area, particularly at busy periods, will be adequately supervised where necessary and any required interaction will be undertaken by the appropriate member of staff.

10. Each member of staff and SIA will have received adequate training on this Management plan, and this will be documented appropriately, and records kept. The associated training record will be held in the Register (see below) on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police;

11. The management will ensure that all litter items are picked up from the designated smoking area on a regular basis, including throughout the operation.

12. There will be designated cleaners and collectors during the busy periods to ensure that the outside areas remain clean and tidy throughout the operation.

13. Customers will not be permitted to take open drinks away from the smoking area or the venue. After midnight no drinks or open containers will be permitted in the smoking area. Management of the Outside Area

14. The duty manager will ensure that there is effective management of customer behaviour while using the outside areas.

15. The management shall ensure that any noise will be kept to a minimum so as to minimise the risk of noise disturbance and prevent patrons from potentially talking too loudly. Noise levels will be monitored by the Staff and customers who are noisy will be politely asked to keep the noise down. Should a customer decline they will be asked to leave the premises and will be banned.

16. Responsible use of the outside areas shall be promoted to customers

17. Appropriate signage shall be in place on the outside to remind customers to respect our neighbours and to use the area quietly.

18. A 30 – 60 minute winding down time is incorporated so that dispersing customers outside the premises is more gradual.

19. The management will not tolerate any person congregating outside of the agreed area or making a noise, and if they do not comply with staff instructions, then they will be banned from using the premises.

Outside Management Register

21. The management will maintain an outside management register. The register will include:

- a. Contact details of staff that have been trained and that they understand the need to control the external area
- b. All persons who may make an observation regarding the use of the outside area will have their concerns logged with a record of the date and time and a description of the activities occurring which gave rise to the complaint
- c. Details of any action taken as a result of the complaint.

Security Check List

30 minute walk around, check toilets, back left and pool table area.

- No doubling up in toilet cubicles (common sense to be used re ladies toilets, male SIA to be accompanied when dealing with a doubling up in a female cubicle).

Age verification as per Challenge 25

- Search based on SIA judgement
- No glass ware outside the venue
- Maximum 20 in the smoking area
- Remind patrons to keep noise down when outside
- Politely request customers drink up and leave quietly.

Ensure a steady flow leaving the venue, consistently remind customers to respect the neighbourhood.

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Introduction

This manual has been produced and is designed to be a reference and training tool for the storeowner and all employees.

Please ensure that you have a good working knowledge of your responsibilities with regard to the responsible retailing of alcohol, promote best practice and ensure compliance with the law in relation to alcohol sales.

You must be extremely careful how and to whom you sell such products. Poor staff training and lack of knowledge are a major contributing factor in failed test purchases carried out by the police and trading standards. Remember if your premises are associated with underage drinking your trade can be adversely affected. You or a member of staff may face prosecution or even a review of your premises license which allows you to sell alcohol. A review hearing can result in your licence being suspended or even revoked. You and your staff also have an obligation towards your customers and people living in the vicinity to be a responsible retailer.

Make sure that you train your staff and also family members who may help you in the store from time to time. This package will be as useful to employees who have worked in the licensed trade for a number of years as it will be to new employees.

HOW TO USE THIS PACKAGE

The manual contains a comprehensive overview of the basic information you and your staff should have and understand in order to sell alcohol and other age restricted products in a responsible fashion.

This staff training manual should readily available in your store to be referred to (if necessary) at a later date.

Alcohol

Alcohol is classed as a drug. It alters the physical, mental and emotional state of the drinker. Moderate drinking can be part of a healthy lifestyle and often contributes to sociability and relaxation. However, drinking too much on one occasion (binge drinking) or drinking heavily on a regular basis can lead to anti-social behaviour and can damage health, in the long-term. Those in the licensed retail trade should have an understanding of the products they sell and should carry out their duties responsibly.

Strength of intoxicating drinks

A drink is classed as intoxicating if it contains more than 0.5% abv.

The amount of alcohol in a product is expressed as a percentage of alcohol by volume, or **abv**. The label will state the strength of the product as alc % volume or %vol. For example, a wine labelled as 13% vol or alc 13% vol means that 13% of any given quantity is pure alcohol. Most spirits are around 40% and beers and ciders are typically range from 3% to 9% abv.

To be classed as alcohol free, a drink must contain no more than 0.05% abv, and to be classed as low alcohol, no more than 1.2% abv. It is most important that someone asking for alcohol free drink is not given a low alcohol product.

Units of alcohol

The amount of alcohol in a drink can also be expressed by using the unit measurement. One unit of alcohol weighs 8 grammes (g) or measures 10 millilitres (ml) of liquid.

Half a pint of beer of strength 3.6% abv contains 8g of alcohol, therefore, is equal to one unit. One 25ml measure of whisky of strength 40% abv also contains 8g of alcohol. Therefore, in terms of alcohol intake, half a pint of beer is equivalent to one 25ml measure of whisky (a measure used in pubs).

The Department of Health issue the following recommended weekly alcohol consumption limits:

Men – 21 units per week Women – 14 units per week

The Government advises that men should not regularly drink more than three to four units a day and women not more than two to three. Consistently drinking four or more units for men, and three or more for women, isn't advisable

because of the progressive health risks it carries. After an episode of heavy drinking, it is advisable to refrain from drinking for 48 hours. And of course, in some situations like pregnancy, it is better to drink less and avoid intoxication.

How alcohol affects the body

The effect alcohol has on the body depends on how much alcohol is in the bloodstream – the blood alcohol concentration (BAC).

BAC is measured in milligrams (mg) of alcohol in millilitres (ml) of blood. A BAC of 80mg of alcohol in 100ml of blood is the level above which it is an offence to drive.

The amount of alcohol, which gets in to the bloodstream is dependent on several factors:

- How many drinks the person has consumed and of what strength
- The size of the person. A small person has less blood than a large one, therefore the same amount of drinks will produce a larger concentration
- Gender – a drink will produce a higher concentration in women than men
- Food eaten – Food in the stomach slows the rate at which alcohol enters the bloodstream

There is no simple way of knowing how to stay within the legal limit for driving, or how the same amount of alcohol will affect different people.

It takes approximately one hour to eliminate one unit of alcohol from the body. There is no way of speeding the process up.

Alcohol Sales

- Selling an alcohol product to a person under the age of 18 years is unlawful. Most responsible retailers operate a **21 Policy** commonly known as **Challenge 21**. This means that anyone who appears to be under 21 must be challenged to produce valid proof of age. This must contain a photograph and date of birth and the only ID we can accept is a photographic driving licence, a passport or a PASS approved Proof of Age card. (Further details can be found on page12) Some retailers increasingly use a **25 Policy**.
- If you suspect somebody to be intoxicated (drunk or under the influence of drugs) it is illegal for you to serve them.
- Drinking of alcoholic products on the premises, whether bought in the shop or elsewhere is prohibited by law.
- Alcohol can only be sold during the hours permitted by your Premises Licence. Selling alcohol outside these times is unlawful. (The permitted hours for your store are stated on the Premises Licence Summary, **which must be prominently displayed in the premises where anyone can read it.**

The above are all criminal offences under the Licensing Act 2003.

The following is also valuable information

- No person under the age of 18 years should be employed to sell alcoholic products. This may also be a condition of your Premises Licence.
- Theft of alcoholic products by underage persons is a particular

problem. When young persons are in the shop be particularly vigilant that they do not steal. Apart from the loss of revenue the alcohol may fall into the hands of young children.

Underage customers

You may find the following points useful in spotting those who are attempting to buy age restricted products whilst underage. Remember such people will be nervous, as they know they are committing a criminal offence. Please note that if you are subject to a test purchase, the minor may not exhibit these traits. A test purchase is different to a 'real life' situation because the child is doing something he or she has been instructed to do by a police officer or a trading standards officer. Therefore, he or she may not exhibit the following signs of nervousness.

- **Body Language**

Look out for signs of nervousness such as stuttering and becoming pale. Over confidence and giggling is sometimes a give away clue.

- **Physical Appearance**

In boys, ask yourself: Are they shaving? Look at how they are dressed. Do they have an adult hairstyle? With girls, look for evidence that they have tried to make themselves look older by using excessive make up, high heels to make them appear taller and wearing more mature clothing.

- **Product**

What is the person buying? If it is a product which is age restricted and is likely to be favoured by underage (e.g. – alco pops, cider etc), be particularly careful.

- **Payment Method**

Payment with large quantities of loose change can be an indication of an underage person as it may be the result of a collection. Money obtained from a wallet or purse is a more normal practice amongst adults. People who pay by credit or debt card are, perhaps, less likely to be underage but you cannot be certain.

Adults buying for minors (Proxy sales)

Adults buying alcohol for underage persons or proxy purchasing is a big problem as youths try to find ways to get around producing their ID.

You have a responsibility to refuse the sale if you suspect that an adult is buying alcohol to pass on to persons under 18.

Legislation does not prevent parents buying alcoholic products and then allowing their children over 5 years of age to drink them at home under supervision. In any other circumstances both the adult who buys an alcohol product and the person who serves them may commit a criminal offence. This is therefore a difficult area. There can be no doubt that the bulk of alcohol that falls into the hands of children is supplied to them by adults. You can only do the best you can to prevent it.

There have been occasions when parents have brought their children into the shop to choose which alcohol products they want. In such cases you cannot be sure that the alcohol will be consumed in the home, therefore you should refuse service. Likewise children have produced notes from their parents authorising the supply of alcohol and other age restricted products to the child.

These should be ignored and service refused. If you suspect that an adult is buying to give to a child the following course of action should be adopted:

- Question the person politely as to the eventual destination of the purchase
- Explain to them that they commit a criminal offence if they purchase the product with the intention of giving it to a person underage. (£80 fixed penalty notice or Maximum fine on conviction £5000)
- Tell them that if they are found to have supplied this alcohol to a person underage, they will be barred from the shop
- Let them know that they are on CCTV if your premises has it installed and that the footage can be supplied to the Police should they request it.

If you serve the customer and later find that the alcohol has been given to underage persons, speak to your employer about barring them so that the other staff can be given the information also.

The following may help if you are suspicious

- **Person and product**

Does the purchase match the person? If a 60-year-old man is buying alco-pops you may wish to ask him who he is buying it for.

- **Payment method**

If a person who is obviously an adult pays with loose change it may have been collected from a number of juveniles. If a receipt is asked for, it may be that the products are going to a number of young persons and he/she wishes to collect the money from them. Look at the type and quantity of product purchased to reinforce or allay your suspicions.

- **Follow on purchase**

If you refuse service to a person who you suspect to be underage and 10 minutes later an adult comes into the shop to make exactly the same purchase, this may lead you to suspect that the adult is buying the product to give to the underage person and you may consider refusing to serve them.

- **Product quantity**

If an adult asks to purchase six one-litre bottles of cider when two three-litre bottles are cheaper it may be that he/she is purchasing for six individual juveniles.

IF IN DOUBT, DON'T SELL

Take special care during busy periods. The standard procedure for age-restricted products must be followed no matter how busy you are. Be vigilant but remember to be calm and understanding. Be aware that if you break the law, you will be liable, as well as the management and any supervisor in the shop at the time you made the sale.

After the customer has chosen, but before they pay for the age-restricted product you must:

LOOK AT THEM

Remember the 21 or 25 Policy, which ever your store has chosen to adopt. You should request ID from anyone who appears to be under 21 or 25. This should be easier to judge than whether they are under 18. If you are in any doubt about their age in relation to the age restriction of the product,

DON'T ASK QUESTIONS

Once you have a doubt about their age you must not serve them until they have provided adequate identification. **DO NOT ASK THE PERSON'S AGE, SIMPLY ASK IF THEY HAVE ID.** When asking for proof of age documentation you may only accept those which contain a photograph and a date of birth, from which you can discover the person's age. This must **ONLY** be: -

- A passport
- A photocard driving licence
- A Proof of Age card with a PASS hologram logo (The PASS hologram has to our knowledge not been successfully forged. Therefore, only accept cards carrying the logo).

If the identification is given and the sale is made, you may be able to log the fact that ID was checked on some tills by keying in a code.

Do not just accept the ID given. Make sure that you check the details. Look at the photograph and check the date of birth to ensure that the holder is the correct age to purchase the product.

There are a number of different schemes in existence which makes forgery relatively easy. Many websites offer fake identity cards. However, if you are satisfied that the card is genuine, you are entitled to accept it (provided it is not an obvious forgery ie details crossed out and others written in).

Normally poor forgeries are easy to detect. If, after proof of age is provided, you are still unhappy about either the age of the person or the document provided, you are entitled to refuse service. You are, in fact not obliged to serve anybody, provided you can show that you have refused service for the right reasons.

If you have done all you can to establish the customer's age and you are still unhappy you must not serve them with an age-restricted product. Draw their attention to the notices in the shop, which govern the sale of that particular product. You should be polite but firm. You should, for example, say: -

“If you are over 18, I apologise, but in my opinion you do not look 21 and I cannot serve you”

Don't let yourself be drawn into an argument or into discussing your decisions. Your decision is final. It is your responsibility, not that of any other person in the shop. Once you have made the decision the shop manager, DPS (Designated Premises Supervisor) or any other supervisor should not interfere to overturn it.

If the customer queries your decision, inform them that your policy follows the recommendations of police and trading standards officers as well as the Home Office.

It shows that you are simply doing your job.

Drunk or intoxicated

If a potential customer appears to be under the influence of drink or drugs you must refuse to serve without any further discussion. But please remember that some symptoms of drunkenness such as slurred speech can be a symptom of a medical condition. You need to establish also that they are unsteady on their feet, their eyes appear glazed and they smell of alcohol.

BE FIRM BUT POLITE

Refusal in this situation can sometimes lead to conflict if handled incorrectly. Point out to them that you could lose your job by serving them in their present condition and advise them to return at another time. If they do claim a medical condition ask them to bring a letter from a doctor or pharmacist.

Refusals - General

When a refusal has taken place you should record this fact either by completing a refusal or incident book or by recording it on the till, if it has this facility. This is recognised as best practice; it shows that you are a responsible retailer and can be given in evidence at a later stage should you be accused of selling an age-restricted product to an underage person. This is, therefore, a very valuable system for you to use and affords both you and the store some protection. You can write a brief description of the incident in the book with the name or description of the person refused. If the shop is busy at the time the incident occurs, make the entry in the book as soon as you can.

You must ensure that the entry is always made

Trading standards, police or council licensing officers will expect to see your incident book if they visit your store. It is a vital piece of due diligence to prove that you are upholding the law.

Test purchasing and responsible retailing

Police and trading standards officers are authorised to send youths under 18 years of age into your store at any time in order to check that you are complying with the law. For anyone else to send in youths under age is an offence.

The youths will attempt to purchase an age restricted product from you and if it is an alcoholic product and the sale is made, the sales assistant can receive an £80 on the spot fine. The fine can be recorded as an offence relating to the Violent Crime Reduction Act. (See page 19)

The assistant, DPS and the premises licence holder may all be called for an interview to check that all steps to avoid such sales are taken – eg staff training, refused sales and accepted ID logged in the incident book etc.

Premises which fail more than one test purchase may have their premises licence reviewed by the local authority licensing committee. This could result in your licence being revoked or suspended and/or additional conditions being placed on your licence to prevent further incident of underage sales.

Reviews of licensed premises usually attract local press interest which will reflect badly on your business and may affect custom.

Licensing Act 2003

Licensing Objectives

The implementation of the Licensing Act 2003 means that the licensing authority at the local Council deal with all licensing matters.

The Act has four principles, called the **Licensing Objectives**. These are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Anyone working in the licensed trade must promote these objectives.

Licences

There are two types of licence – premises licences and personal licences.

A premises licence is required to sell alcohol from a particular site. A personal licence allows the holder to sell alcohol from premises covered by a premises licence.

Premises Licence

- All licences are granted by the local council licensing authority instead of magistrates courts
- A premises licence is required to sell alcohol, however -
- The word 'licensee' is no longer used
- The designated premises supervisor is the point of contact for the authorities

Your shop premises must have a premises licence to enable you to sell alcohol. The owner of the business should apply for the premises licence either as an individual or a limited company. You must make the application to the council licensing authority and other relevant authorities such as the police, fire authority and child protection authority. Application forms and guidance notes are available from your council licensing department. Any of these authorities have the right to object to the licence being granted. The licence application must also be advertised on the premises and in a local newspaper, to give local residents the opportunity to raise their concerns. If relevant representations are made to the licensing authority, a hearing will be held to discuss the concerns, sometimes a hearing can be avoided through mediation with the interested parties. Once granted, the premises licence does not expire, but can be surrendered

by the licence holder if the business closes, or revoked by the licensing authority should concerns arise regarding the running of the premises.

An annual charge is made by the Council to cover the costs of their licensing functions under the 2003 Act.

Designated Premises Supervisor

The designated premises supervisor is the person who is in day-to-day control of the licensed premises. They must give their consent to taking on the role. Their name and address will be stated on the premises licence. It is a condition of every premises licence that NO sale of alcohol can be made unless there is a designated premises supervisor appointed in respect of the premises. **Remember if the DPS leaves, resigns or changes for any reason you MUST apply to the licensing authority to vary the licence a copy of your application must be given to the police. You will be unable to sell alcohol and may be liable to prosecution if you continue to sell without a DPS.** The DPS **must** hold a personal licence and is responsible for ensuring that staff are aware of their responsibilities relating to licensing law.

Mandatory Conditions

There are two mandatory conditions on all premises licences. These are:

- No supply of alcohol can be made unless there is a designated premises supervisor appointed in respect of the premises. The designated premises supervisor must hold a current personal licence
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This means that if an individual is not a personal licence holder, that person can only sell alcohol in licensed premises if permission to do so has been given by a personal licence holder.

There may be additional conditions on your premises licence, which are unique to your store; for example, a requirement for CCTV. These conditions are enforceable by law and must be adhered to at all times. Enforcement visits are carried out by police and local authority officers to ensure you are complying with your licence conditions.

Authority to Sell

So, how do you comply with the condition above which states that sales must be made **or authorised** by a personal licence holder?

If you do not hold a personal licence, any sales of alcohol that you make must be authorised by the DPS or another personal licence holder in order for you to serve alcohol. Best practice advises that the authority to sell should be recorded in writing. An example of this can be found in Appendix 1 of this manual. The form should then be kept on file as evidence of your on going authorisation. If you are asked by a police officer or local authority officer who has authorised a sale you have made you should be able to tell them who that person is.

Police Officers and Authorised Persons - Right of Entry

Police officers and other authorised persons eg a local authority officer have the right to enter licensed premises:

- At any time if they suspect that an offence against the licensing law is being committed or is about to be committed
- During permitted hours for the purpose of preventing or detecting offences against licensing law even though there are no grounds to suspect that such offences are actually taking place or about to take place

An offence is committed by any person who intentionally obstructs a person exercising this power

If forced entry is to be gained then a warrant will be needed. Note also that these are only rights of entry for licensing purposes; if the police wish to search for any other reason then a normal search warrant is required.

Rights of Entry, Revenue and Customs

HM Revenue and Customs officers have the right to enter licensed premises and remove goods liable to forfeiture, for example, in respect of fraudulent evasion of duty. If entry is demanded at night, the officers must be accompanied by a police officer.

Review of Premises Licences

The Licensing Act 2003 allows for the conduct of licensed premises to be scrutinised when the licensing objectives are not being addressed.

Any responsible authority or interested party may apply for the review of a licence, for example if there have been failures during test purchase exercises. The applicant must give a notice containing details of the application to the holder of the premises licence and to each responsible authority.

The licensing authority must advertise the application and invite representations from authorities and interested parties. If the application does not relate to one of the licensing objectives or is repetitious, vexatious or frivolous, it can be rejected. If the licensing authority rejects the application, they must notify the applicant and give reasons for their decision.

If the application is not rejected, a hearing must be held. The licensing authority can:

- modify the conditions
- exclude a licensable activity from the licence
- remove the designated premises supervisor
- suspend the licence for up to 3 months
- revoke the licence

Duties and responsibilities of the Premises Licence holder

As a premises licence holder you must:

- Inform the licensing authority of any change in your name or address
- Notify the licensing authority of any change in the name or address of your designated premises supervisor, if the DPS has not already done so.
- Notify the DPS if they are being replaced or that an application to replace them has been made and refused (i.e. the premises licence holder cannot change the DPS without their knowledge)
- Send the premises licence to the licensing authority within 14 days of your DPS giving notice that they wish to give up the role. This is so that the DPS details on the licence can be updated
- Notify the DPS of an application to transfer the premises licence
- Notify the DPS of the existence of an interim authority notice for the premises
- Produce the premises licence to the licensing authority for updating within 14 days of a requirement to do so
- Keep the premises licence or a certified copy at the premises
- Ensure that a summary of the licence or a certified copy is prominently displayed at the premises
- Produce the premises licence for inspection by a constable or authorised person upon request.

Personal Licences

A personal licence allows the holder to sell alcohol from any premises which has a premises licence. The licence does not relate to a particular store and is therefore portable. Once granted, the licence allows the individual to sell alcohol from on or off licensed premises. The process of applying for a personal licence should not require you to instruct a Solicitor, except in some circumstances.

In order to apply for a personal licence, the applicant must possess a recognised qualification. This is called the National Certificate for Personal Licence Holders. The application for a personal licence is made to the licensing authority for the area in which you live, **NOT** where you work unless they are the same. You are also required to notify the issuing authority of any change of address, failing to do so is an offence.

A personal licence lasts for 10 years. Personal licences can be suspended, or revoked, upon conviction of a relevant offence. If you are convicted of a relevant offence you must notify the issuing authority of this, you are also required to notify the court during the hearing that you are the holder of a personal licence. Failure to do this is an offence

Applying for a Personal Licence

To apply for a personal licence, the applicant must be over 18 and possess an accredited licensing qualification such as the BII National Certificate for Personal Licence Holders. You must also undergo a criminal record check.

Qualification

The qualification has been specially created by the BII for the trade. To get the qualification you'll need to go on a one or two day course and sit a multiple-choice exam. The questions are not designed to catch anyone out – it's a fairly straightforward exam and nothing to worry about.

Your local college and various companies who specialise in licensing hold regular courses and exams.

Applying for a Criminal Records Bureau Certificate

It is a requirement of the personal licence application that you obtain a Criminal Records Bureau certificate or the results of a Police National Computer search. These records must be submitted with the application as proof of your statement regarding your past record. Each applicant needs to apply to the CRB personally (for a BASIC check).

If the applicant has criminal convictions that are not 'spent', the council will inform the police and ask if they wish to object to the granting of the personal licence. If the police do not object, the licence will be granted. If they do object, a hearing must be held to determine the application.

To qualify for the application, your certificate must not be more than one month old.

Submitting your application for a personal licence

The application form is available from your local council's licensing unit who process the application and issue your licence. You can only apply for your licence to the licensing authority that covers the area where you reside.

You must provide two photographs with your application. The photographs shall:

- Be taken against a light background so that the applicant's features are distinguishable and contrast against the background
- Measure 45 millimetres by 35 millimetres
- Show full face, uncovered and without sunglasses and, unless the applicant wears a head covering due to his religious beliefs, without a head covering
- on photographic paper, and
- one photograph shall be endorsed as a true likeness by –
 - i) the chief executive to the licensing justices for the relevant licensing authority
 - ii) a solicitor or notary
 - iii) a person of standing in the community (includes a bank or building society official, a police officer, a civil servant or a minister of religion)
 - iv) an individual with a professional qualification

The endorsement should read – 'I certify that this is a true likeness of, and the signatory should state their position.

Note - The NCPLH and Criminal Record Certificates submitted with the application **MUST** be the originals. Photocopies will not be accepted.

Why do I need a Personal Licence?

Every business – whether it's an off-licence, a pub, a club or a restaurant – will need a **premises licence** in order to trade.

To operate legally, some of the people operating in the business must hold a **personal licence**.

One of these personal licence holders must be the **designated premises supervisor (DPS)**.

We would suggest that, typically, the following people in your business should be personal licence holders:

- The owner;
- The manager of the store (ideally this person will also become the DPS);
- At least one other trusted member of staff.

Not all stores have a manager or manageress. In particular, if this is your first store, you will probably want to work in the store yourself; in which case, in the first instance, you may also want to personally operate as the DPS.

From a due diligence perspective, the more of your staff who are trained to NCPLH standard, and possess a licence, the more confident you can be that they are aware of their responsibilities. Also, as the DPS has to hold a personal licence, it is a good idea to have some staff who could step straight into the position if necessary. Remember, your store cannot operate without a DPS.

Duties and responsibilities of a Personal Licence holder

As a personal licence holder, you must:

- Notify the issuing licensing authority of convictions for any offences – even if they happen abroad - during the application period for grant or renewal of the licence
- Notify the issuing licensing authority of any change in name or address as soon as you can
- Notify the court that you hold a personal licence at your first court hearing, if you are charged with an offence.
- Inform the issuing licensing authority if you are convicted of a relevant or foreign offence
- Produce the personal licence to the licensing authority within 14 days of being required to do so for amendment
- Produce the personal licence to a constable or authorised officer for examination

Additional responsibilities of the DPS

When notifying the licensing authority of a change in name and/or address, a copy of the notification must also be given to the premises licence holder.

Violent Crime Reduction Act

This Act came into force on **6th April 2007**, and created the offence of persistently selling alcohol to children. The offence is now part of the Licensing Act 2003. This gives the police and trading standards officers additional powers when dealing with licensed premises that repeatedly sell alcohol to those under the age of 18.

Action will be taken against premises licence holders if they have been found guilty of committing three or more such offences within a period of three consecutive months.

In determining whether an offence has been committed, the person responsible for the premises must have received any three of the following in relation to the unlawful sale of alcohol to those under 18.

- A conviction
- A caution
- A fixed penalty notice

The person responsible for the premises at the time of the sale does not have to be the same person in every case.

If found guilty, the premises licence holder could be fined up to **£10,000** through the magistrates' court and the premises licence can be suspended for up to three months.

Alternatively, a closure notice could be issued which will allow for the premises to close for up to 48 hours for the sale of alcohol.

There is no defence for this offence. All that needs to be proved is that the three instances of underage sale took place. The issuing of a caution or fixed penalty notice is understood to be sufficient in establishing liability.

Age Restricted Sales

If an age-restricted product is sold to a person underage it is not a defence to say that you did not know that the customer was underage. The law expects **you** to regulate the sale. The responsibility of knowing the Law is **yours** not that of the customer.

The following table should be memorised:

Product	Restriction	Penalty
Solvents Etc	18+	£5,000 and six months imprisonment
Lighter refills (Butane)	18+	£5,000 and six months imprisonment
Fireworks	18+	£5,000 and six months imprisonment
Party Poppers	16+	£5,000 and six months imprisonment
Videos/DVDs/Computer Games - Classification 12	12+	£5,000 and six months imprisonment
Videos/DVDs/Computer Games - Classification 15	15+	£5,000 and six months imprisonment
Videos/DVDs/Computer Games - Classification 18	18+	£5,000 and six months imprisonment
National Lottery Tickets	16+	£5,000 and two years imprisonment
National Lottery Instants	16+	£5,000 and two years imprisonment
Tobacco & Tobacco Products	18+	£2,500
Knives	18+	£5,000 and six months imprisonment
Liqueur Chocolates	16+	

Solvents

Solvents include butane gas, lighter fuel/fluids, solvent based glues and adhesives, aerosols, nail varnish remover, and typewriting correcting fluid.

Fireworks

This includes hand held sparklers. In all shops where fireworks are sold, notices stating that it is illegal to sell fireworks to persons under age of 18 years and that it is illegal for anyone under 18 to possess fireworks in a public place must be displayed. These must measure no less than 30 x 40 cm each.

Party Poppers

Include caps, cracker snaps, novelty matches and throwdowns

DVDs and Computer Games

DVD age restrictions are printed on the cover. On videos and DVDs, ages are printed on the spine and back of the cover. They are also printed on the tape or the disc itself.

National Lottery Tickets

Under the National Lottery operator's licence, it is an offence for a person under 16 years to **sell** a ticket or instant, irrespective of the age of the person who buys it. It is also an offence for any person to sell a ticket to someone under 16 years of age. One or more notices must be displayed near to the lottery terminal stating that this is unlawful together with a telephone number, which members of public may call to report retailers who they suspect of offending. The lottery operator also carries out its own test purchase operations.

Tobacco and Tobacco Products

These include cigarettes, cigars, tobacco products of all types, snuff and cigarette papers. Please note that normal matches are not included. Lighters are not included either, but may be restricted as a solvent if they use butane gas (see above). It is also an offence to sell cigarettes unless they are in quantities of ten or more and in their original packaging. This means that packets cannot be split to sell the cigarettes individually. In all shops where tobacco is sold, a notice stating that it is illegal to sell tobacco to persons under age of 16 years must be displayed. This must measure no less than 30 x 42 cm.

Knives

This includes axes, Stanley knives, kitchen knives, cutlery knives, craft knives and razor blades. Exceptions are sealed safety razors with less than 2mm of the blade exposed and pen knives with blades less than 3ins long.

Due Diligence

KNOWLEDGE TEST

- 1) When serving alcohol you should ask for ID from:
 - a. Anyone who looks under 16
 - b. Anyone who looks under 18
 - c. Anyone who looks under 21
- 2) Who must NOT be served with an alcohol product?
 - a. A person under 18 years
 - b. Somebody who is drunk
 - c. A person who you suspect is buying for persons underage
 - d. All of the above
- 3) How much alcohol by volume does a product need to have in it to be called an alcoholic drink?
 - a. 1%
 - b. 2%
 - c. 0.05%
 - d. More than 0.5%
- 4) What of the following forms of ID should you NOT accept?
 - a. Passport
 - b. Student Card
 - c. Photographic Driving Licence
 - d. Birth Certificate
- 5) What is the fixed penalty (on the spot fine) for serving alcohol to an under-age customer?
 - a. £30
 - b. £50
 - c. £80
 - d. £100
- 6) If a young person is buying an alcohol product, which method of payment could make you suspicious that they are underage?
 - a. Credit Card
 - b. Notes from a wallet
 - c. Loose change
 - d. Payment by cheque with cheque card
- 7) A Premises Licence may be suspended or revoked if the store fails more than one test purchase exercise.

True or False
- 8) A Personal Licence holder must inform the Council which issued their licence if:
 - h. They change their name
 - i. They change their place of work
 - j. They change their address
 - k. They are convicted of a relevant offence
- 9) Which of the following is not one of the licensing objectives
 - a. Protection of children from harm
 - b. Prevention of public nuisance

- c. Prevention of binge drinking
 - d. Prevention of crime and disorder
- 10) If you are trying to ascertain if a person is attempting to buy an age restricted product whilst underage which of the following would you look at?
- a. Their body language
 - b. Their physical appearance
 - c. The product they were buying
 - d. The payment method used
 - e. All of the above
- 11) If you suspect a person to be underage and they are attempting to buy an age restricted product , what is the first thing you must do?
- a. Ask them how old they are
 - b. Ask them their parents names
 - c. Ask them for identification
 - d. Ask them to return with their parents
- 12) Someone you suspect is underage produces a Proof of Age card. What details would you check?
- a. Photograph
 - b. Date of birth
 - c. PASS hologram
 - d. Signature of parent
- 13) The criminal record certificate required to apply for a personal licence cannot be:
- a. More than one month old
 - b. More than six months old
 - c. More than one year old
 - d. There is no expiry date
- 14) How should you refuse a person when you suspect they are drunk?
- a. Argue with them about how many drinks they have had
 - b. Be abusive to them
 - c. Be firm but polite
 - d. Direct them to another off licence
- 15) A personal licence is valid for?
- a. 15 years
 - b. The lifetime of the holder
 - c. Until the holder changes their place of work
 - d. 10 years

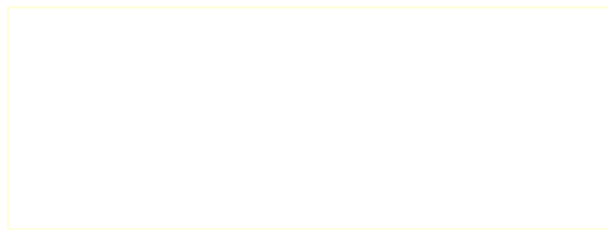
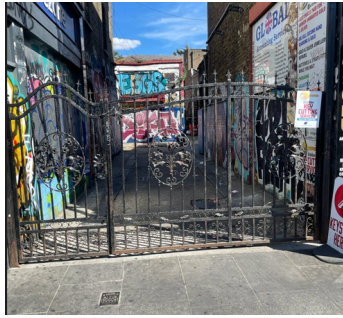
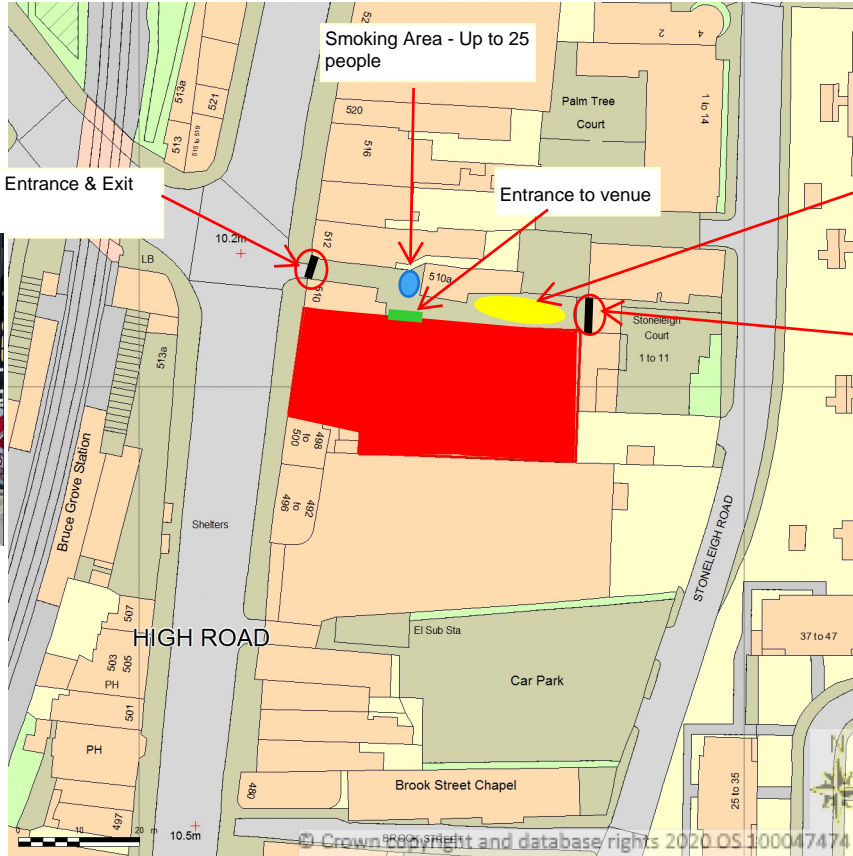
KNOWLEDGE TEST – ANSWERS

- | | | | | |
|------|----------|------------|-------------|-------|
| 1. C | 4. B & D | 7. TRUE | 10. E | 13. A |
| 2. D | 5. C | 8. A,C & D | 11. C | 14. C |
| 3. D | 6. C | 9. C | 12. A,B & C | 15. D |

***The responsibility of
knowing the Law is YOURS
not the customers.***



CENTRE COURT 1093



Staff training checklist for

The Sale of Alcohol/Compliance of Licensing Conditions

Staff member full name:Date.....

A new checklist should be used to record when;

- a new staff member is appointed
- changes to the Premises Licence or new conditions/policies have occurred
- when carrying out refresher training for existing staff.

It is an important way to demonstrate how you are complying with the specific requirements of your premises licence and the objectives of 2003 Licensing Act 2003, so this should be kept in a safe place.

We would recommend best practice is to keep completed checklists on site/premises in a clearly labelled and accessible 'Alcohol licence' file.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?
2. That the premises has to have a licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol or breach any aspect/condition(s) of the premises licence.
3. What the premises licence and annexed conditions requires. For example this includes basic requirements, such as; ensuring alcohol is only sold during licensing hours, mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to your individual premises.
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?
5. What's the premises policy/conditions for challenging customers relating to proof of age?
6. What's the premises policy is, for the types of proof of age (ID) staff should accept?
7. What to look out for in relation to fake ID and how to check ID to ensure the person is who they claim to be?
8. What to do if they challenge someone using fake or someone else's ID?
9. How to operate any 'till prompt' system installed?
10. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?
11. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?
12. What's the requirement/policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?

13. What to do if person they are serving is 'drunk' and what's the policy is as to what 'drunk' means?

14. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?

15. Why it is important to record incidents/refusals to sell?

16. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?

The above areas are a best practice minimum only.

This document is to be used in conjunction with the Staff Training Manual document and signed by the person (s) trained once they have read and understood the contents contained within the training manual.

Full name of person trained	Signature	Job Role/Position	Date (dd/mm yyyy)
Full name(s) of trainer(s)			
Full name of Designated Premises			
Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			