

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Tuesday 5th April 2022
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	AK Supermarket, 868 Washwood Heath Road, Birmingham, B8 2NG
Ward affected:	Ward End
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 16th February 2022 from Birmingham City Council Licensing Enforcement in respect of AK Supermarket, 868 Washwood Heath Road, Birmingham, B8 2NG.

Representations have been received from 2 responsible authorities.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p>5. Relevant background/chronology of key events:</p> <p>Birmingham City Council Licensing Enforcement applied on 16th February 2022 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for AK Supermarket, 868 Washwood Heath Road, Birmingham, B8 2NG.</p> <p>Representations have been received from West Midlands Police and Trading Standards, as responsible authorities, which are attached at Appendices 1 & 2.</p> <p>Review application is attached. See Appendix 3.</p> <p>The Premises Licence Holder's nominated representative has submitted supporting documents which are attached at Appendix 4.</p> <p>The Premises Licence is attached at Appendix 5.</p> <p>Site location plans are attached at Appendix 6.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.</p> <p>The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representations as detailed in Appendices 1 & 2</p> <p>Review Application Form, Appendix 3</p> <p>Premises licence holders supporting documents, Appendix 4</p> <p>Copy of Premises Licence, Appendix 5</p> <p>Site location plans, Appendix 6</p>
<p>7. Options available</p> <p>Modify the conditions of Licence</p> <p>Exclude a Licensable activity from the scope of the Licence</p> <p>Remove the Designated Premises Supervisor</p> <p>Suspend the Licence for a period not exceeding 3 months</p> <p>Revoke the Licence</p> <p>No Action</p> <p>Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.</p>

From: Mark Swallow
Sent: 17 February 2022 08:43
To: Licensing
Cc:
Subject: AK Supermarket. 868, Washwood Heath Road. Birmingham. B8 2NG.

Good Morning Licensing,

West Midlands Police support the representations made by Birmingham City Council Licensing Enforcement Team regarding AK Supermarket. 868, Washwood Heath Road, Birmingham. B8 2NG. licence number 5452. The representation is supported under the prevention of crime & disorder, protection of children from harm, the prevention of public nuisance and the promotion of public safety licensing objectives. The evidence submitted by the Licensing Team clearly shows that this premises are supplying alcohol without there being in place at the premises a Designated Premises Supervisor and breaches of all of the operating conditions attached to the premises license.

On 19th January 2022 West Midlands Police became aware of a complaint made by a member of the public that AK Supermarket, 868, Washwood Heath Road, Birmingham. B8 2NG had been alleged to have sold alcohol and single cigarettes to a minor. Enquiries were made into the premises and it was discovered that there was no Designated Premises Supervisor listed for the premises. This was confirmed by Birmingham City Council who stated that the original application had stated that the proposed person for this role was undergoing training. Since that time no DPS has been nominated for the premises. A test purchase was undertaken by the Enforcement section of the Local Authority and a bottle of wine was purchased from the premises. As a result of this on Thursday 10th February 2022 personnel from both the police and the Local Authority attended the premises .

In the shop there were spirits, wine and beer displayed for sale on the left wall of the shop as you entered and beers in a cooler on the right wall of the shop. There was one member of staff working Mohammed Malik. The premises license holder for the premises, Jahangir Hussain, born [redacted] of [redacted] was contacted and attended the premises with a friend a short time later.

Hussain confirmed eventually that there was no Designated Premises Supervisor for the premises. Hussain could not produce any staff training records, but, said he had told Malik what to do. Hussain could not produce the refusals log for the premises stating it was at home. When questioned about the CCTV system Hussain via his friend stated that the CCTV was on a recording loop of 7 days and then recorded over not the 31 days specified in the operating conditions of the premises license. Hussain also stated that the short form of the premises license which was not on display in the shop was at home. There was no notice in the shop requesting that customers respect the neighbours. When asked about pre-opening checks for the premises Hussain did not understand what this meant.

The above issues were pointed out to Hussain and it was explained to him that he could not sell alcohol whilst there was no designated premises supervisor for the premises. Most alcohol was removed from the shelves and some covered. Hussain stated that all the alcohol would be removed from the shelves the following morning and he would shut the shop then for that night. There was no alcohol in the store room of the premises.

Aside from there being no DPS for the premises and alcohol being sold, alcohol and single cigarettes have been sold to children and each of the operating conditions were breached on the day of the Police and Local Authority visit. It would seem that these breaches have been taking place since the license was issued on 2nd December 2021. West Midlands Police have no confidence in the premises license holder being able to promote the licensing objectives or abide by the conditions of his license as he has shown no regard to these during his stewardship of the premises. In fact he has shown that he is completely unable or unwilling to abide by any duties placed upon him by the Licensing Act 2003 and it is believed that he will continue to operate in this way.

West Midlands Police request the revocation of these premises licence.

The premises have been served with this application.

Mark Swallow. 60264.

West Midlands Police.

Birmingham Central Licensing Team.

WITNESS STATEMENT

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

Crime No.

URN

Statement of **MARK SWALLOW**

Age if under 18 OVER 18 (if over 18 insert "over 18")

Occupation **POLICE LICENSING OFFICER 60264**

This statement (consisting of TWO page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: **M.SWALLOW.** (witness)

Date **11TH FEBRUARY
2022**

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Licensing Officer 60264 Mark Swallow of the West Midlands Police Force currently stationed at Lloyd House Police Station.

On 19th January 2022 I became aware of a complaint by a member of the public that AK Supermarket, 868, Washwood Heath Road, Birmingham. B8 2NG had been alleged to have sold alcohol and single cigarettes to a minor. I made enquiries into the premises and discovered that there was no Designated Premises Supervisor listed for the premises. This was confirmed by Birmingham City Council who stated that the original application had stated that the proposed person for this role was undergoing training. Since that time no DPS has been nominated for the premises.

A test purchase was undertaken by the Enforcement section of the local authority and a bottle of wine purchased from the premises. As a result of this I attended the premises at 1935 hours Thursday 10th February 2022. Also present was Christina McCullough and Sarah Lavender from the Local Authority and Police Constables 24244 Preston and 23497 Benjamin from the Neighbourhood Team for that area.

In the shop I could see spirits, wine and beer displayed for sale on the left wall of the shop as you entered and beers in a cooler on the right wall of the shop. There was one member of staff working Mohammed Malik. The premises license holder for the premises, Jahangir Hussain, born of

was contacted and attended the premises with a friend a short time later.

Hussain confirmed eventually that there was no Designated Premises Supervisor for the premises, but, stated that he would contact his cousin Anila Ameen who was a personal license holder and arrange for her to become DPS for the premises. Hussain had tried to say that she was the DPS for the premises, but, later stated she wasn't but did visit the premises sometimes. Hussain could not produce any staff training records, but, said he had told Malik what to do. Hussain could not produce the refusals log for the premises stating it was at home. When questioned about the cctv system Hussain via his friend stated that the cctv

Signature

Signature witnessed by

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of MARK SWALLOW

was on a recording loop of 7 days and then recorded over not the 31 days specified in the operating conditions of the premises license. Hussain also stated that the short form of the premises license which was not on display in the shop was at home. There was no notice in the shop requesting that customers to respect the neighbours. When asked about pre-opening checks for the premises Hussain did not understand what this meant.

The above issues were pointed out to Hussain and it was explained to him that he could not sell alcohol whilst there was no designated premises supervisor for the premises. Most alcohol was removed from the shelves and some covered. Hussain stated that all the alcohol would be removed from the shelves the following morning and he would shut the shop in the then for that night. There was no alcohol in the store room of the premises. I left the premises at 2030 the same day.M.SWALLOW.

From: Paul Ellson

Sent: 18 February 2022 11:41

To: Licensing

Cc: Paul Ellson

Subject: Representation in support of Review on premises AK SUPERMARKET ,868 WASHWOOD HEATH ROAD. B8 2NG

Representation in support of application for a Licence Review in relation to AK Supermarket , 868 Washwood Heath Road . B8 2NG

Birmingham Trading Standards received information via our colleagues in Licencing Section on the 17TH January 2022 that a member of the public had raised serious concern about the premises of AK Supermarket , 868 Washwood Heath Road supplying/selling alcohol and tobacco to persons under 18 years old . The complainant states that they witnessed the sale of 3 single cigarettes to 3 different school boys along with a bottle of vodka. Clearly if this allegation is true it is a fundamental breach of the premises licence . Both of these type of illegal sales have dramatic negative and sometimes devastating effects on the health and welfare of persons under 18 years old as well as the profoundly disturbing effect on the local community . The legislation on the sale of tobacco and alcohol to persons under 18 years old was brought in to protect children from harm. It is worth noting that the sale of single cigarettes to adults is also strictly prohibited .It is rare to receive such a complaint of this nature against a premises that had only had the licence for less than two months . The goals of compliance with the legislation on tobacco and alcohol sales can never be realised with the lack of compliance highlighted on the premises licence by the Licensing Officer during her visit on the 17th February 2022 that is quite apart from the sale of alcohol made without Designated Premises Supervisor being on the premises on 2nd February 2022. Staff training, CCTV, Refusals log and Challenge 25 are fundamental means of control in avoiding any offences being committed and ensure that the premises is well run, can serve their local community positively and is on a level par with any competitors . These are standard conditions and though designed to fulfil the Licencing Act 2003 objectives they are not too overtly onerous on a retailer . If they are neglected it shows a symptomatic lack of managerial control and a casual dismissive approach to the working of the Licencing Act 2003, the activities of the Licensing Committee and some would say to the exploitation for commercial gains of young persons who may not be aware of the risks associated with consumption of tobacco and alcohol at a young age.

Paul Ellson

Enforcement Officer

Birmingham Trading Standards

LAR1.2

**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 CHRISTINA MCCULLOUGH OF BIRMINGHAM CITY COUNCIL LICENSING
ENFORCEMENT**

(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 A K SUPERMARKET 868 WASHWOOD HEATH ROAD WASHWOOD HEATH	
Post town BIRMINGHAM	Post code (if known) B8 2NG
Name of premises licence holder or club holding club premises certificate (if known) JAHANGIR HUSSAIN	
Number of premises licence or club premises certificate (if known) PREMISES LICENCE 5452	

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 BIRMINGHAM CITY COUNCIL LICENSING ENFORCEMENT PHOENIX HOUSE VALEPITS ROAD GARRETTS GREEN BIRMINGHAM B33 0TD
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)

THE PREMISES LICENCE DID NOT HAVE A DESIGNATED PREMISES SUPERVISOR ATTACHED WHEN ALCOHOL WAS SOLD.

THE PREMISES LICENCE HOLDER COULD NOT, AT THE TIME OF MY VISIT ON 10TH FEBRUARY 2022, SATISFY ANY OF THE REQUIREMENTS OF THE FOUR LICENSING OBJECTIVES OF THE LICENSING ACT 2003.

IT IS A MANDATORY CONDITION, AS SPECIFIED BY SECTION 19 OF THE LICENSING ACT 2003, THAT WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL THE LICENCE MUST INCLUDE THE CONDITION THAT NO SUPPLY OF ALCOHOL MAY BE MADE AT A TIME WHEN THERE IS NO DPS IN RESPECT OF THE PREMISES LICENCE.

THE PREMISES LICENCE WAS GRANTED ON 30TH NOVEMBER 2021. IT WAS DECLARED ON THE APPLICATION THAT THE DPS WOULD BE ADDED AT A LATER DATE.

THE LICENSING DEPARTMENT HAD NOT RECEIVED DETAILS OF A DPS TO BE ADDED TO THE LICENCE ON OR BEFORE 10TH FEBRUARY 2022.

ON 2ND FEBRUARY 2022 A TEST PURCHASE OF A BOTTLE OF WINE WAS MADE BY LICENSING ENFORCEMENT OFFICERS. I ATTACH A PHOTOGRAPH OF THE WINE AND RECEIPT AS APPENDIX 1.

UNDER THE ACT, A PERSON COMMITS AN OFFENCE IF THEY CARRY ON A LICENSABLE ACTIVITY WHEN THEY ARE NOT FULLY COMPLIANT WITH THE AUTHORISATION, IE THE PREMISES LICENCE. THE PENALTY FOR SUCH AN OFFENCE, UPON CONVICTION IS A FINE OF £20,000 AND/OR 6 MONTHS IMPRISONMENT.

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

THE PREMISES LICENCE WAS GRANTED IN RESPECT OF AK SUPERMARKET, 868 WASHWOOD HEATH ROAD, WASHWOOD HEATH, BIRMINGHAM B8 2NG ON 30TH NOVEMBER 2021 TO JAHANGIR HUSSAIN OF

THE LICENSABLE ACTIVITIES ARE THE SALE OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES 7 DAYS A WEEK BETWEEN 08.00 AND 22.00 HOURS. THE APPLICATION FORM CLEARLY STATED THAT A DPS WOULD BE ADDED AT A LATER DATE.

ON 19TH JANUARY 2022 LICENSING ENFORCEMENT WERE NOTIFIED THAT ALCOHOL WAS BEING SOLD FROM THE PREMISES WHEN THERE WAS NOT A DPS ATTACHED TO THE LICENCE.

ON WEDNESDAY 2ND FEBRUARY 2022 LICENSING ENFORCEMENT OFFICER, GARY CALLAGHAN, MADE A TEST PURCHASE OF A BOTTLE OF WINE FROM THE PREMISES.

ON THURSDAY 17TH FEBRUARY 2022 A JOINT VISIT WAS MADE TO THE PREMISES BY LICENSING ENFORCEMENT AND WEST MIDLANDS POLICE. A MEMBER OF STAFF WAS PRESENT AT THE TIME OF THE VISIT, HE TELEPHONED THE LICENCE HOLDER, JAHANGIR HUSSAIN, WHO ATTENDED WITHIN MINUTES.

A LARGE QUANTITY OF ALCOHOL WAS DISPLAYED INSIDE THE SHOP. PHOTOGRAPHS SHOWING THE ALCOHOL ARE NOW ATTACHED AS **APPENDICES 2 – 8.**

IT WAS EXPLAINED TO HUSSAIN THAT ALCOHOL COULD NOT BE SOLD OR DISPLAYED AT THE PREMISES BECAUSE THERE WAS NOT A DPS ATTACHED TO THE LICENCE. HE SAID THAT HE HAD ATTENDED THE PERSONAL LICENCE COURSE BUT HAD NOT YET RECEIVED HIS LICENCE. I HAD TO EXPLAIN TO HIM EXACTLY WHAT A DPS WAS AND WHY ONE MUST BE ATTACHED. HUSSAIN COULD NOT PRODUCE THE PREMISES LICENCE, HE STATED THAT HE HAD RECEIVED IT BY EMAIL BUT HAD NOT PRINTED IT OFF.

WHILST AT THE PREMISES I WENT THROUGH ALL OF THE CONDITIONS THAT FORM PART OF THE LICENCE, NONE OF WHICH WERE BEING COMPLIED WITH. THE LICENCE HAS CONDITIONS DETAILING:

- CCTV REQUIREMENTS
- REFUSALS LOG
- STAFF TRAINING
- PRE-OPENING CHECKS
- RESPECT SIGNAGE FOR NEIGHBOURS
- CHALLENGE 25

TAKING INTO ACCOUNT ALL OF THE ABOVE INFORMATION I, ON BEHALF OF

LICENSING ENFORCEMENT, DO NOT HAVE ANY CONFIDENCE THAT THE LICENCE HOLDER, JAHANGIR HUSSAIN, IS CAPABLE OF PROMOTING ANY OF THE FOUR LICENSING OBJECTIVES. HE HAS ALLOWED THE SALE OF ALCOHOL WHEN THERE IS NOT A DPS ATTACHED THE LICENCE, THIS IS A VERY BASIC FACT THAT THERE IS NO EXCUSE FOR. HE IS AT THE PREMISES ON DAILY BASIS AND HE HAS STOCKED THE PREMISES WITH THE ALCOHOL TO BE SOLD. THE ALLEGED OFFENCE HAS BEEN COMMITTED DUE THE INCOMPETENCE OF THE LICENCE HOLDER.

IT IS WITH THE ABOVE IN MIND THAT I ASK THE COMMITTEE TO REVOKE THIS PREMISES LICENCE.

Please tick ✓ yes
☐

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓ ☐

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

Date **16th FEBRUARY 2022**

Capacity

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

BIRMINGHAM CITY COUNCIL
LICENSING ENFORCEMENT
PHOENIX HOUSE
VALEPITS ROAD
GARRETT'S GREEN

Post town

BIRMINGHAM

Post Code

B33 0TD

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 1



APPENDIX 2



APPENDIX 3



APPENDIX 4



APPENDIX 5



APPENDIX 6



APPENDIX 7





APPENDIX 8

**Birmingham City Council
Licensing Subcommittee
28 March 2022**

Documentation lodged on behalf of Premises Licence Holder.

Review of premises licence.

Acting for the Premises Licence Holder, I have given full regard to:

- The licensing objectives set out in the Licensing Act 2003.
- The Council's Statement of Licensing Policy.
- The Guidance issued under Section 182 of the Act.
- Those who have objected or supported this application.

Attached to this pack are the following Annexes in support of the application for this premises licence :

- A. Noise Monitoring Plan.
- B. Challenge 25 policy
- C. Refusals log
- D. DPS Authorisation form
- E. Premises Licence Operations Manual
- F. Customer signage
- G. Incident log

Rob Edge (Director)
Licence Leader Ltd.

Noise Management Plan

1. Purpose of the Noise Management Plan

This noise management plan is to consider the management and control of noise from events at the premises.

The management team of this premises are committed to proactive management of noise and the purpose of this document is to identify and implement procedures, which will minimise disturbance to residents and other noise sensitive receptors. The intentions of those responsible to manage noise is shown in this commitment.

This plan is a "live document" which will evolve as the planning for future events progresses and the operational requirements become clearer etc. Any review will be undertaken in full consultation with the relevant regulatory authorities to ensure compliance with the relevant licensing objectives in the longer term.

The local environment is predominantly industrial, with some residential properties, the premises is surrounded on most sides by other industrial units.

The Licensing Act 2003

The Act introduced a single integrated system for regulating the sale by retail of alcohol, the supply of alcohol in a club, the provision of entertainment and late-night refreshment. The provision of regulated entertainment to the public is relevant in terms of noise and in doing so those responsible must carry out their functions with the view to promoting the prevention of public nuisance being relevant in this instance.

In Summary

Overall, the approaches set out above are designed to balance the potential disturbance in the local community against the enjoyable experience of the audience. The Regulated Entertainment will always be conducted to allow customers to hold a conversation, without the need to raise their voices - therefore the music or films will always be at a very reasonable level.

Noise Monitoring

Annex A.

Noise Observation Reporting

Monitoring Location	Date and Time	Subjective Assessment Measurements	Remedial Action Required and Taken
E.G., main site entrance	01/06/2021 2100 hrs	Noise from the venue, largely inaudible, occasional low bass beat detectable between lulls in traffic noise – unlikely to be audible to residential units	No action taken, but will continue to monitor at intervals

Complaints received

Complainants address	Date and Time	Nature of complaint	Subjective assessment	Time of Visit	Remedial Action Required and Taken
E.G., xxxxxxxxxx	01/06/2021 2045 hrs	What are they hearing, when and how affecting property? If this is regular, how long has it been happening		1. 2200 hrs 2. 2045 hrs	No action taken, action taken to reduce noise levels to minimise any potential impact as levels at source can accommodate such reductions.

Rob Edge - Licence Leader Ltd

Challenge 25 Policy.

Underage Sales

It is an offence to sell alcohol to anyone under the age of 18, or to anyone purchasing alcohol on behalf of someone under the age of 18. It is an offence for any person under the age of 18 to buy or attempt to buy alcohol. It is an offence for anybody under 18 to sell alcohol unless authorised to do so by a responsible person.

Responsible persons are defined as:

- The Premises Licence Holder
- The Designated Premises Supervisor (DPS)
- An individual aged over 18 authorised (ideally in writing) to sell alcohol for consumption off the premises by either the Premises Licence Holder or the Designated Premises Supervisor.

It is an offence to allow alcohol to be served to someone under 18 if the staff member could have prevented it. If a Challenge 25 scheme is adopted, then each customer wishing to purchase alcohol who is unknown to the cashier serving as a person who is over 18 years of age must be asked for satisfactory identification to prove their age. If they cannot or are not asked; then the staff member may be committing an offence should the condition wording be specific in this regard.

If a customer looks, under 25 they **Must be challenged** to prove that they are over 18 by producing photographic proof of age, which must include a photograph and state the full date of birth of the customer.

The only forms of proof of age that we will accept are:

- A passport
- A photographic new style driving licence
- A PASS accredited Proof of Age ID card such as: The Citizen Card Do not accept any other form of ID under any circumstances Note: the penalty for the member of staff selling alcohol to an under aged person ranges from a fixed penalty notice to a criminal conviction and a substantial fine.

You must ensure that you are completely satisfied as to the customer's age BEFORE you make the sale.

Do not ask staff members or 'take someone's word' that, they are over 18 and always use CHALLENGE 25.

DUE DILIGENCE PROCEDURE All staff are to be regularly briefed on the following topics: ii Test purchasing iii Age restricted products iv How to check proof of age v Follow the guidelines vi What the law says vii Due Diligence procedures

REFUSALS LOG BOOK

If a customer appears to be under 25 and fails to produce a valid ID photo, the sale should be **Refused** and recorded in this refusals log. Staff should write an entry whenever an age-related sale is refused.

No ID - No Sale

Licence Leader Limited
Alcohol Licensing Services

DATE	PRODUCT	TIME	NAME OF PERSON OR DESCRIPTION	OBSERVATIONS	STAFF MEMBER
01/02/2022	A bottle of wine	1900 Hrs	Male blond 175 cm tall, approx. 17 years of age	Nervous and refused to show ID	Nicki Jay

**Designated Premises Supervisor (DPS)
Authorisation for Sale/Supply of alcohol**

I am the Designated Premises Supervisor (DPS), and the holder of a Personal Licence and I am the person in a position of authority at the premises.

I hereby authorise the following named personnel to sell and supply alcohol, to comply with the Licensing Act 2003.

This being either when I am present on the premises or in my absence. I can always be contactable on the following telephone number:

NAMES OF AUTHORISED PERSONS:

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the premises licence.

Name	Personal Licence Number (If Applicable)	Date	Signature

Designated Premises Supervisor - Authorisation.

Name:	
Personal Licence Number:	
Signature:	

➤ It is illegal to sell alcohol to anyone under the age of 18.
➤ It is illegal to sell alcohol to anyone 18 or over if they are buying on behalf of someone under the age of 18.
➤ All premises that sell alcohol must have a premises licence and a Designated Premises Supervisor
➤ Staff under the age of 18 must not sell alcohol unless each sale has been approved by the personal licence holder or responsible person aged over 18
➤ It is illegal to sell liqueur chocolates to anyone under the age of 16
➤ If you are not sure that the customer is 18 (alcohol) or 16 (liqueur chocolates, ask for proof of age
➤ I recommend you use a Challenge 25 scheme
➤ If you are still not sure, refuse the sale and record in the Refusals Log
➤ The premises Licence holder must display the premises licence on the premises in a public place

Staff Training for Licensed Premises



**Rob Edge (Director)
Licence Leader Ltd**

Version 3_Nov 21_RVE.

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- Review of Premises Licences
- Duties and Responsibilities of Premises Licence holder
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- Personal Licences
- Duties and Responsibilities of Personal Licence holder

How else can I help you?

As well as providing you with this Operations manual, Licence Leader Ltd will provide you with the help to navigate the minefield of the legislation and associated guidance; as a licensing specialist, I am there to assist you with any issues you have with the Council, Local Police, or other authorities, in relation to premises licensing.

Whether you are a business who wants to obtain or vary a premises licence or change the DPS; or possibly extend your trading hours.....Get in touch.

Rob Edge (Director)

Introduction.

This manual has been produced by **Licence Leader Limited** licensing team and is designed to be a reference and training tool for the licensed premises and their staff and employees.

Please ensure that you have a good working knowledge of your responsibilities with regard to the responsible retailing of alcohol, always 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 conducted by the police and trading standards.

Remember if your premises are associated with underage drinking or sales, your trade can be adversely affected. You or a member of staff may face prosecution or even a review of your premises licence 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 premises from time to time. This booklet 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 booklet

The booklet 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 be 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 perform 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

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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 Challenge 25 Policy. This means that anyone who appears to be under 25 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.

- If you suspect somebody to be intoxicated (drunk or under the influence of drugs) it is illegal for you to serve them.
- 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.

.....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 debit 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 premises 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 under age.
- Let them know that they are on CCTV 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.

Refusing sales

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 premises 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 Challenge 25 Policy, your store has chosen to adopt. You should request ID from anyone who appears to be under 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 i.e., details crossed out and others written in).

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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 premises, 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 25 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 premises. Once you have made the decision the premises 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 and 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 premises is busy at the time the incident occurs, make the entry in the log 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 log 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 on the spot fine. The fine can be recorded as an offence relating to the Violent Crime Reduction Act.

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 – e.g., 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 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 Fee is payable to 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 premises, for example, a requirement for CCTV. These conditions are enforceable by law and must be adhered to at all times. Enforcement visits are conducted by police and local authority officers to ensure you are complying with your licence conditions.

Authority to Sell (by the DPS)

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 ongoing 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.

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

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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 does not expire. 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

Customers.

Please be aware that we have a policy of:

**Requesting that customers show respect for
neighbouring residents and conduct themselves in an
orderly manner.**

Thank you for your consideration.

The Management

Incident Log Book

A K Supermarket

Please use a separate page in this log for each incident.

Do not put yourself or staff at risk, call 999 or 101 when appropriate

Staff should write an entry whenever an incident occurs.

Licence Leader
Alcohol Licensing Services

Incident Report Log					
Date of incident		Time of incident			
Location & Camera No.		Value of Losses/Damage			
Description of Incident					
Images available	YES/NO	Are still images available		YES/NO	
Was it reported to West Midlands Police	YES/NO	Crime Number			
If reported to West Midlands Police/Licensing, was it reported at the time of incident or afterwards:-					
Which staff member was involved with this incident					
What further action has been taken by Premises Licence Holder					
Final comments:					

Incident Report Log			
Date of incident	Time of incident		
Location & Camera No	Value of Losses/Damage		
Description of Incident			
Images available	YES/NO	Are still images available	YES/NO
Was it reported to West Midlands Police	YES/NO	Crime Number	
If reported to West Midlands Police/Licensing, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:**

5452 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description AK Supermarket 868 Washwood Heath Road	
Post town: Birmingham	Post Code: B8 2NG
Telephone Number: Not Specified	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence M2 Sale of Alcohol by Retail off the premises
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The times the licence authorises the carrying out of licensable activities Monday - Sunday 08:00 - 22:00 M2

The opening hours of the premises Monday - Sunday 08:00 - 23:00
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies Off Supplies Only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Jahangir Hussain	
Post town:	Post Code:
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol N/A	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number N/A	Issuing Authority

Dated 02/12/2021

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this 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.

(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) In this condition:— (a) “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 the 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; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (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 would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price 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, 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 operating schedule

2a) General conditions consistent with the operating schedule

The premises licence holder shall fully uphold all of the four licensing objectives, at all times. Liaising with all Responsible Authorities when required and taking their advice on board, for the day to day running of the premises.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

CCTV will be installed, operated, and fully maintained at all times; images will be retained for at least 31 days and be produced on request of any Responsible Authority.

The CCTV will be operational at all times whilst the premises are open and trading. CCTV warning notices will be displayed in public areas of the premises advising that CCTV is in operation, in accordance with GDPR.

A Refusals log will be maintained at all times, this will be checked and signed by the DPS at the end of each week, this log will be made available for inspection by any Responsible Authority, upon reasonable request.

Staff training in the Licensing Act 2003 will take place for all members of staff prior to the premises opening, and all records will be retained at the premises; and made available for inspection at any time.

2c) Conditions consistent with, and to promote, public safety

The premises licence holder or DPS will carry out pre-opening checks of the premises, to ensure that there are no risks to patrons and that all safety precautions are in place.

The premises licence holder will ensure that all staff receive appropriate staff training, and the training records remain on site for a period of three months.

The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

All safety certificates and inspection reports will be kept on site and made available to officers of relevant statutory bodies.

The premises will comply with all food safety regulations. The staff involved in food preparation will be fully trained, and their certificates will be displayed accordingly.

2d) Conditions consistent with, and to promote the prevention of public nuisance

The Premises Licence Holder will ensure that the disturbance caused to the general public is kept to a minimum, signage will be placed in a prominent place asking customers to respect our neighbours.

Staff will ensure that the frontage of the premises is inspected regularly for litter and rubbish, clearing any debris away.

No rubbish, including bottles, shall be moved, or placed in outside areas between the hours of 2200 hours and 0800 hours.

2e) Conditions consistent with, and to promote the protection of children from harm

A Challenge 25 policy is in place and only recognised forms of ID will be accepted {PASS accredited ID, passport, or photo driving licence}.

A till prompt (Electronic or visual) will be used for all alcohol sales.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

That the application by Jahangir Hussain for a premises licence in respect of AK Supermarket, 868 Washwood Heath Road, Washwood Heath, Birmingham B8 2NG, was considered by **Licensing Committee B on Tuesday 23rd November 2021** and was granted. Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

N/A

3e) Committee conditions to promote the protection of children from harm

N/A



