

Pure Gold

Premises Licence Application

**Birmingham City Council
Licensing Sub-Committee
8 May 2019**

Documents lodged on behalf of the applicant

1. Mediation statement and amended hours of licensable activities
2. Statement of support from Mr. Gavin Tempest
3. Norfolk Police Licensing statement
4. Map & table showing the various premises in the vicinity and their opening/trading hours
5. Schematic diagram of front elevation – Pure gold
6. Noise management Plan/Technical note
7. Staff Training manual
8. Example Staff Training question sheet

Licence Leader Ltd

Rob Edge {Director}

Mediation statement and amended hours of licensable activities

Acting for the applicant, I have liaised extensively with those Responsible Authorities and others that have raised their concerns with this application.

My client {the applicant} is an experienced operator and reputable, responsible person, who currently runs a very successful SEV in Norwich. He has instructed me to reduce the hours of operation, to evidence that he has listened to those with concerns in relation to his application.

The amended proposed hours of licensable activities are now:

The sale of alcohol for consumption "on/off" the premises, Regulated Entertainment

Sunday - Wednesday 2000 -0400,

Thursday - Saturday 2000 - 0600 hrs.

Late night Refreshment

Sunday - Wednesday 2300 -0400,

Thursday - Saturday 2300 - 0600 hrs

Additionally, it should be noted that the Premises Licence Holder intends to implement effective staff training, systems and support to a high level in the pursuit of good practice and to fully demonstrate "due diligence" to the licensing objectives.

In addition to :

- Refusals log
- Challenge 25
- Staff training records
- Code of conduct for staff
- Smoking area policy
- Incident log book
- Use of a dedicated taxi company
- Prominent signage for patrons to show consideration to neighbours

2. Statement of support from Mr. Gavin Tempest

Licence Leader Ltd

Rob Edge {Director}

Concerning bona fides for Mr Petrit Vladi

WITNESS STATEMENT OF GAVIN TEMPEST

Dated 1st April 2019

My name is Gavin Tempest and I am writing this as a testimonial for Mr Petrit Vladi.

My own background is as follows - I retired from Norfolk Constabulary having completed a 30-year career and leaving the Police as Head of Community Safety. As a Police Chief Inspector, I was responsible for policing the Night Time Economy in Norfolk and overseeing the licensing function. I hold the BIIAB Level 2 Award in Assessment of Licensed Premises (Social Responsibility) and I am an experienced Best Bar None Assessor. I am Vice Chair of the Institute of Licensing Eastern Region and an experienced Licensing Consultant, specialising in compliance and partnership working with Responsible Authorities. I am also a Lead Purple Flag Assessor and I founded 'National Licensing Associates' a network of professional Licensing Consultants in 2017.

I have known Mr. Vladi since 18th July 2016 when he contacted me with a view to my representing him. At that time, he was owner of a late-night bar and club in the heart of the entertainment zone in Norwich City Centre. He consulted me over plans to convert 'Bar 52' so that it would become a lap-dancing venue {SEV}. I was instructed by Mr. Vladi's which led to my attendance with him at a Licensing Sub-Committee Hearing at which he was granted a Sexual Entertainment Venue Licence.

As a former Police Officer, I exercise due diligence with my clients. This was particularly important for Mr Vladi's application to hold a Licence for performances involving entertainment of an adult nature. Poorly managed venues can be a risk to public safety, and could mean the potential exploitation of vulnerable people. In pursuing the SEV application, I was formally instructed to work closely with the Licensing Authority to support the development of the lap-dancing business to be compliant with the Authority's SEV policy. In my view, this is good practice as the operating schedule including Codes of Conduct for Performers and Customers embrace the safeguards and political considerations felt to be necessary to ensure high standards of operation. At the Hearing, Norfolk Constabulary attended and their Licensing Officer gave her evidence to the effect that the Police had not experienced any issues with the licensing objectives while Mr Vladi had been a DPS for Bar 52. I have since worked with him again as a client at renewal of the SEV Licence last September and the same Licensing Officer confirmed that the Police have no concerns over the operation of the venue since it was licenced specifically for adult entertainment.

The facts stated in the above statement are true to the best of my knowledge.

Gavin Tempest

Licence Leader Ltd

Rob Edge {Director}



NORFOLK
CONSTABULARY

Our Priority is You

Licensing Officer
Norwich City Council
St Peters Street
Norwich
NR2 1NN

Date: 5th May 2017

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Dear Sir

Re: Application for a SEV licence – Bar 52, Prince of Wales Road Norwich

Police have received a copy of the application for an SEV application for Bar 52, Prince of Wales Road Norwich.

This application follows the City Council recently adopting the SEV Policy. This venue has previously been operating as a bar and has recently applied for a variation to the premises licence to change the layout of the premises to facilitate the ability to operate as lap dancing venue. Police have no history of the premises operating in this format but has knowledge of the operator, manager and applicant Mr Petrit Vladi. Therefore we have confidence that we can maintain a good working relationship.

The application includes proposed conditions to be complied with which are in line with the SEV standard conditions. In addition the application includes a documented code of conduct for both the dancers and customers.

I am aware that there is a cumulative impact policy adopted within the city centre, however this venue is not requesting anything additional to what is already granted on the Premises Licence under the Licensing Act 2003.

The Police are a consultee as a responsible authority and have the ability to make representations in accordance with the objectives in particular the prevention of crime and disorder. Therefore Police have no reason to object to the application however I do request that conditions in line with Norwich Policy are added to control the premises and maintain standards.

With this, there are no Police objections

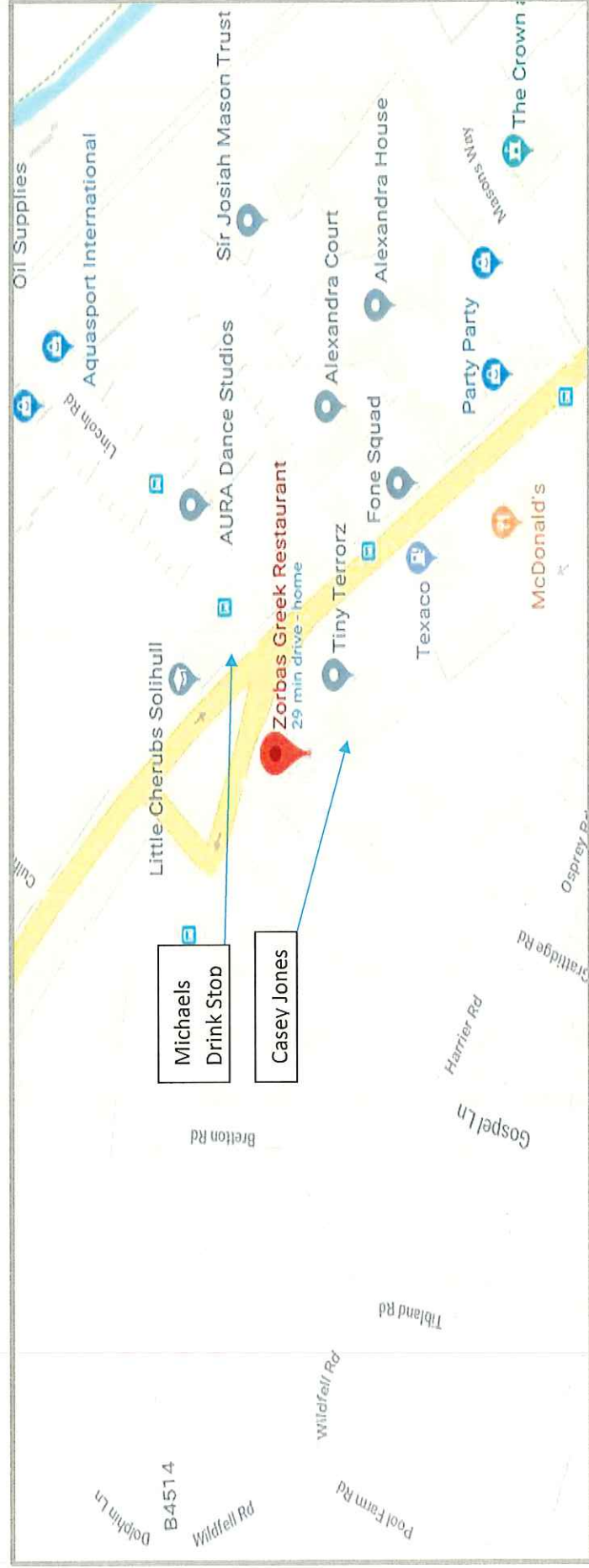
Yours faithfully,

Michelle Bartram
Licensing Officer

Pure Gold - 359-361 Olton Boulevard East, Birmingham, B27 7DP

This map and table show the various premises in the vicinity and their opening/trading hours.

Ser	Premises name	Opening Hours	Comments
1	Tiny Terrorz	0930 - 1800 Hrs	Children's Play Centre
2	Little Cherubs	0730 - 1800 Hrs	Day Nursery
3	Casey Jones	1000 - 0000 Hrs	Bar/Restaurant/Live Music
4	Texaco Garage	24 Hours	Off Licence
5	Mc Donalds	0600 - 0000 Hrs	Fast Food Outlet
6	Michaels Drink Stop	0800 - 2300 Hrs	Off Licence



LED internally illuminated individual letters and logo with 100mm black painted returns

LED internally illuminated individual letters with 100mm black painted returns

LED internally illuminated individual letters with 100mm black painted returns

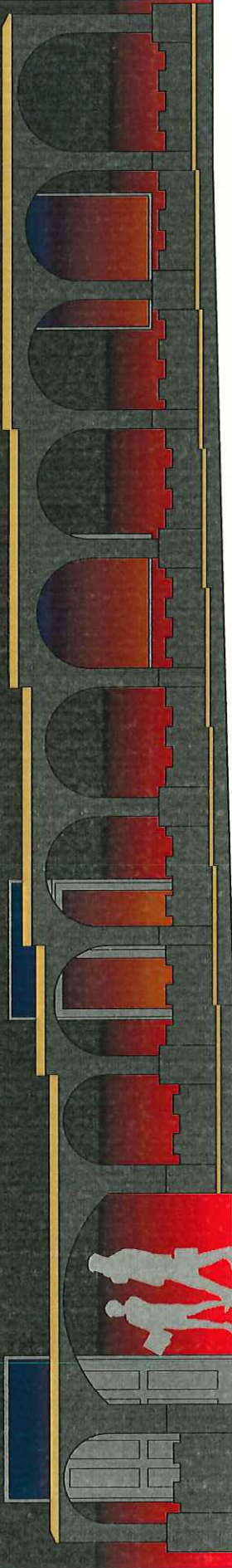
Pure Gold

1740mm

GENTLEMEN'S CLUB

300mm

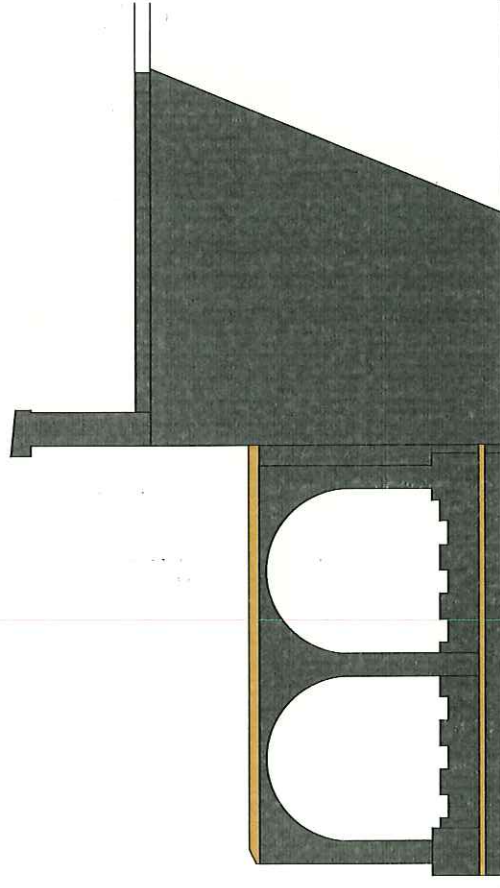
www.puregoldgc.co.uk



Red strip wall wash lighting

front wall painted dark grey with gold feature bands

Front Elevation 1:50



Side Elevation 1:50

PROJECT

Zorbas, Olton, Solihull

DESCRIPTION

External Signage Proposals
Front & Side Elevations

NO 1585

DATE March 2019

SCALE 1:50

DRG NO 1585-SP01A

Technical Note: Noise

359 – 361 Olton Boulevard East, Olton, Solihull, B27 7DP

Simon Joynes
Director

14th April 2019

Project Ref: OB19

Joynes Nash,

Simon Joynes

Pete Nash

Company No: 9422341 Registered Office: 5 Imperial Court, Laporte Way, Luton, LU4 8FE



|| Planning



|| Acoustics



|| EIA's



|| Contamination



|| Live Events



|| Environmental



|| Ecology



|| Arboriculture

Version control

Issue	Date Issued	Comment	Author:	Reviewed by:	Authorised by:
01	14 th April 19	Issue 01 (Draft)	Simon Joynes Director	Peter Nash Director	Peter Nash Director

359-361 Olton Boulevard East, Olton, Solihull, B27 7DP

Introduction

Joynes Nash has been appointed to provide advice in respect of the options for management and control of noise from the proposed venue at 359-361 Olton Boulevard East, Olton, Solihull, B27 7DP. This note is intended to support applications for a Premises License and seeks where necessary to recommend conditions and forms of mitigation which will be required prior to the venue operating.

The Proposal

It is firstly important to understand the concept being proposed, what activities are likely to take place, how any noise may impact on the existing environment and those individuals who reside or work in it.

Starting with the application itself, this is for a Sexual Entertainment Venue, in this case intended to provide for lap dancing, pole dancing, table dancing etc. The activities themselves from an acoustic perspective are considered low key, with for example the provision of music being ancillary to the main activity. Likewise given the substantive controls for other licensing matters, the venues tend to be well supervised and monitored throughout. In fact, it offers a far greater level of control than you would expect with a typical licenced establishment.

With regard to the applicant themselves, it is worth noting that they are an established operator of multiple successful venues across the UK and understand the sensitivity of the use, the general conditions and indeed have a proven management structure to deliver successfully. The drive for expansion of this operation is based on their success and it is intended that the premises will follow a similar format to others.

The Existing Environment

The current environment within which the premises is situated is typical of an urban environment, the neighbourhood consisting of many shops and commercial units, it is adjacent to a major road network and junction providing elevated ambient noise levels. There is a significant number of other premises in the locality which open late, some of which are understood to be 24hrs in similar proximity to residents.

The medium sized venue was formally used as a restaurant and provides for parking to the front and rear, with a smoking / outdoor dining area to the front. The main entrance is at the furthest point from residential premises and historically it is understood that the venue held live and recorded music events with no known issues arising from such use. Indeed, there did not appear to be any controls on the former license.

It is therefore clear that whilst the area contains residential premises, the character of the area is mixed urban with a number of existing businesses operating late and there is no reason to suspect that a venue

such as that proposed, particularly given its size and scale could not operate without creating undue disturbance or noise out of character with the area.

Identified Areas of Concern and Proposals for Mitigation

Noise issues relating to venues typically includes that from entertainment noise, noise from mechanical services equipment, noise from customers arriving and leaving, and noise from deliveries to the venue. These noises differ in character and hence in the way they must be assessed and mitigated, and each element is discussed individually below.

Noise from Mechanical Services, Plant and Equipment

This is a frequent issue with such venues but is generally assessed using British Standard 4142 and typically conditions are placed on licenses or planning permissions requesting that sound be assessed and controlled to ensure that the rating level from any plant or mechanical noise does not exceed the background noise level. With respect to the proposal the only plant which may be installed externally, and this is not confirmed is the refrigeration unit (cellar chiller) and air conditioning / handling systems.

It is believed that this could be controlled through the use of suitable conditions on any permission granted.

Should it be necessary, the client is willing to consider restricting the airborne noise generated by plant using silencers and/or acoustic screens or enclosures in order to achieve the necessary rating level and these may have to be specifically designed and installed.

Machinery will also be mounted on anti-vibration mounts where appropriate and will be switched off when not in use, where operational times can be controlled by automatic timers etc.

Deliveries & Collections

It is proposed that no deliveries will take place outside the hours of 08.00 and 20.00hrs daily, which includes the collection of waste and glass bottle etc. It is also advised that no external bottling up or glass recycling activities will take place external to the premises beyond these hours to minimise risk of disturbance.

Noise from customers arriving and leaving

Controlling the impact of noise from patrons is usually a careful mix of location, design, operation and management of licensed premises and there is no method of technically assessing such or applicable standards. However, this also needs to be put in the context of the intended use.

The purpose of an SEV is clearly understood and therefore people typically come with an intended purpose, rather than to spend a considerable amount of time in a venue drinking and socialising as may be the case

with a bar / nightclub etc. Typically, people arrive individually or in small groups, largely by taxi or public transport rather than private vehicles (due to drink driving laws) and likewise the arrival and departure of customers is distributed throughout the operating hours with no significant peak arrival or departure times. There is no potential for queues or materialise external of the venue and the venue is staffed and monitored by stewards at all times.

With respect to the parking arrangements and taxi's this is for the most part likely to be restricted to the car park to the front where the background traffic noise is at its highest. It is expected that the parking to the rear is to be restricted to staff and performers only and therefore impact will be minimal.

That is not to say that our client does not accept there may potentially be noise associated to such and they intend to adopt the following:

- Ensure that the target audience discourages any form of disturbance
- Monitor noise externally of the venue during patron egress to ensure that it is calm
- Display a set of rules to encourage neighbourly behaviour
- Appropriate signage at the entrance and egress to remind guests to be mindful of neighbours
- The training of staff to deal with the issues surrounding disturbance during ingress / egress
- The calling of taxi's on behalf of customers with agreements with local cab companies to ensure that drivers come to the door or into the premises to collect their passengers without needing to sound their horn etc. This may include a dedicated number for customers to preferred suppliers. By having these controls staff can ensure that the public remain indoors until the transport arrives.

It is therefore not expected that ingress and egress of patrons from the premises in the context of the existing environment will be to the detriment of those living or working in the immediate environment.

Noise from Entertainment

It is acknowledged that this creates potentially the greatest risk from any venue and may need the greatest level of control, albeit this is heavily dependent on the intended end use. At this time, it is stressed that the provision of music is to be incidental to the primary offering and will be to provide background ambience.

The music is to be provided through the provision of a small distributed localised speaker system under the direct control of the venue management. The venue has already held regulated entertainment previously so it is not expected that noise breakout from the structure will be an issue albeit this could be retested ahead of any opening of the venue to ensure that the level of sound attenuation is sufficient. This could be controlled by way of a condition requiring a test and an appropriate form of noise limiting device installed, as is generally required by Birmingham CC's Environmental Protection Team at other premises.

With regards to further breakout from the structure such as through the glazing this will be largely controlled through the non-opening of windows and the introduction of an appropriate air ventilation / conditioning system. Likewise, the main entrance introduces a lobby system to prevent noise breakout.

Due to the nature of the structural changes such controls are typically secured by way of condition on any premises license granted. Indeed, it is accepted that the result of any testing and insulation schemes will determine the type of entertainment provided. However, it is perfectly achievable to prevent the intended use at this time impacting on the occupiers of the residential units

Smoking

With regard to the such, the area intended to be used for smoking is to the front of the premises, accessed by a door adjacent to the main entrance. This is an area of weakness and it is likely that a lobby will be required on this door to prevent noise breakout, this is currently being explored but not impossible.

However, with respect to people smoking outside this is not uncommon for any licenced venue and there are based on experience multiple methods which can be considered should issues arise when the venue becomes operational. These include:

- defining an area or size of area for such purposes (restricting late at night to increase distance from residential units using portable structures)
- limiting the number of people allowed to access the area and therefore the volume of noise
- preventing people taking drinks outside to prevent congregating and spending more time than necessary
- limiting the number of people in the defined area at any one time
- limiting the hours which the space is available for smoking (i.e not late at night)
- Not providing heating or any anything similar (eg lighting and heating and music)

In Conclusion

It is stressed that this is an atypical proposal by its very nature, is considerably low key and is not likely to give rise to any public nuisance or significant impact on residential amenity. That said the intended operators respect that risks remain and look to minimise these, by working with the Local Authority to identify and control such in order to bring the venue to fruition.

Likewise, it is acknowledged that Birmingham City Council is committed to facilitating a broad range of entertainment provision within the city for the enjoyment by a wide cross-section of the public. Indeed, in wishing to offer such facilities it must therefore recognise that a balance needs to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives.

The Licensing Authority will also be conscious of the risk that operators may incur significant and unreasonably costs and should therefore only seek to impose conditions, when representations are received, that will be proportionate, justifiable, capable of being met and appropriate for the promotion of the four licensing objectives.

The type of premises/use being proposed is tailored to the location, with a view to promoting the licensing objective, in this instance of the Prevention of Public Nuisance. The scale of the venue is not expected to add cumulatively to the existing noise climate and indeed is most likely to operate unnoticed for the large part within the immediate community.

That said the following noise management plan has been prepared for the venue and a list of possible conditions which may be considered by the Licensing Authority thereafter.

Noise Management Plan

Date: April 2019 (Review due April 2020)

359-361 Olton Boulevard East, Olton, Solihull, B27 7DP

The operators recognise their responsibilities towards having a “duty of care” to ensure that attention is paid to nearby neighbours to reduce or eliminate avoidable noise. The aim of this Noise Management Plan is to put in place reasonable measures to reduce the noise impact of sources associated with the premises.

The table below is a simple guide, it is not an exhaustive list, but it considers the impact of potential noise and mitigating factors to prevent noise disturbance to neighbours. This document should be considered in conjunction with any of the acoustic measures taken by the premises.

The Noise Management Plan will be regularly reviewed and updated at least on an annual basis.

Source	Possible noise impact	Mitigation to consider
Music	Location of speakers	<ul style="list-style-type: none">• Small distributed system• Speakers positioned away from doors/windows/lobbies,• Controlled by a limiter• No external speakers
	Review the type of music played on the premises	<ul style="list-style-type: none">• Information to staff and performers of potential noise problems and associated control measures. Requirement to ensure that music remains ancillary to the main provision.
	Volume	<ul style="list-style-type: none">• Noise from regulated entertainment for all events that take place at the venue shall not to be audible at the boundary of any residential premises.

Internal activities	Hours of operation	<ul style="list-style-type: none">• As per hours granted under the License
	Doors	<ul style="list-style-type: none">• Keep closed at all times (except for access and egress) to prevent/reduce noise break out• Self-closing doors to be fitted to all doors• Alarms to be fitted on fire doors etc. (or linked to limiter)• Main entrance to be supervised at all times
	Acoustic lobbies	<ul style="list-style-type: none">• Provision of acoustic lobby on main entrance / smoking area• Appropriate specification of doors

		<ul style="list-style-type: none"> • Ensure that doors are not propped or held open.
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Deliveries and collections	Times of day	<ul style="list-style-type: none"> • 08.00 to 20.00hrs daily
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Designated Smoking area	Location: Front of Building	<ul style="list-style-type: none"> • Smoking area to be always supervised by Staff . • As necessary and may be required at certain times: <ul style="list-style-type: none"> ○ defining an area or size of area for such purposes (restricting late at night to increase distance from residential units using portable structures ○ limiting the number of people allowed to access the area and therefore the volume of noise ○ preventing people taking drinks outside to prevent congregating and spending more time than necessary therefore limiting the number of people in the defined area at any one time ○ limiting the hours which the space is available for smoking (i.e. not late at night) • Do not provide heating or any anything similar (e.g. lighting and music) • Provide rubber feet to chairs and tables (where practicable) or provide forms of fixed seating etc. • Avoid collecting tables/chairs from outside late at night as appropriate.
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Monitoring of Customers	<p>Misuse</p> <p>Customers egress</p> <p>Car radios</p> <p>Loitering and smoking outside of the premises – monitoring patrons</p>	<ul style="list-style-type: none"> • Customers congregating outside to smoke or waiting taxis, using mobiles or try to hold a conversation with friends in the venue can cause problems of noise disturbances to neighbours. Particularly disruptive customers may be warned and a '3 strikes' exclusion policy will be introduced. • To reduce noise disturbance patrons will be encouraged to remain with designated areas at all times (to be monitored) • Signage to remind to leave quietly at exit and entrance, • Door staff supervisor patrols to be implemented • CCTV installation to monitor compliance
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		<ul style="list-style-type: none"> • No car stereo rule when leaving the area. • Arrangement by contractual agreement with a taxi company to provide exclusive service. An exclusive contractual agreement to provide services for patrons. Taxi drivers will escort patrons to the waiting taxi (or door staff) • SIA door supervisors and stewards (where applicable) shall monitor all areas surrounding the premises.

Complaints	Response and attitude	<ul style="list-style-type: none"> • Policy including the recording of date, time, name, cause and action taken. Consider neighbour liaison approach – detail of contact will be available for neighbours.
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Training	Staff training and updates	<ul style="list-style-type: none"> • Staff will receive regular refresher training on all aspect of the premises operational policy, provided training to members of staff on noise control measures and including controlling noise when dealing with complaints.
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Invited Condition for Prevention of Public Nuisance

359-361 Olton Boulevard East, Olton, Solihull, B27 7DP

Condition 1

The premises hereby approved shall not be brought into operation until such time that a noise management policy has been approved by the Local Authority. The policy should:

- (a) set out sound attenuation measures to prevent or control music, any singing and speech noise breakout, or that from regulated entertainment from the premises impacting on existing residents and businesses
- (b) be based on the findings of an acoustic consultant's assessment.
- (c) ensure that all staff are trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.

Condition 2

The external area to the rear of the premises shall not be used by the general public at any time

Condition 3

Deliveries shall not be accepted or collections permitted between 20.00hrs and 08.00hrs.

Condition 4

The rating sound from any plant machinery and equipment shall not exceed the existing background noise level when assessed in accordance with British Standard BS4142. No equipment, machinery or plant shall be installed until such times that a mitigation scheme has been agreed by the Local Authority and implemented in full.

Condition 5

All doors and windows shall remain closed at all times after during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.

Condition 6

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.



Site Map and Internal Layout Plans

359-361 Olton Boulevard East, Olton, Solihull, B27 7DP

licensing key

 licensable activities

fire / safety key

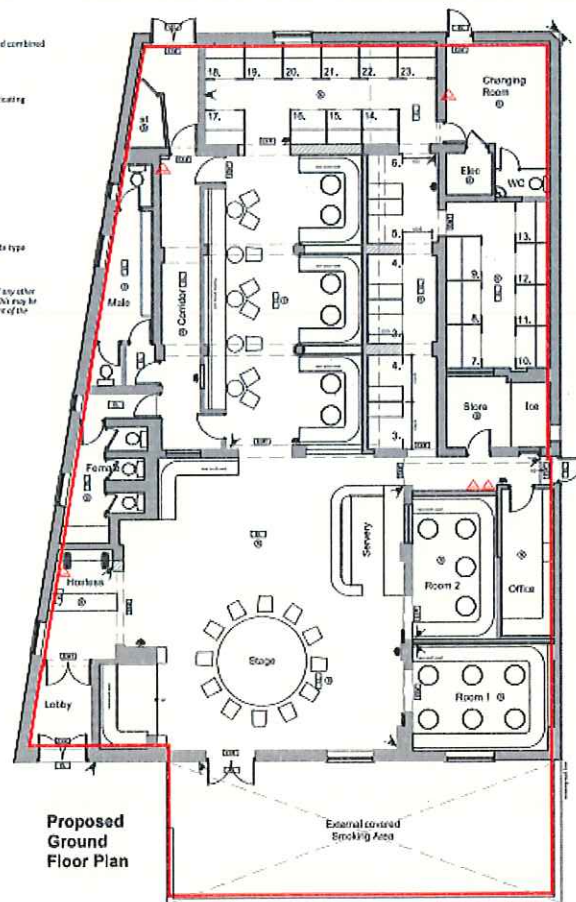
 fire alarm panel
 ceiling mounted smoke operated combined smoke detector/falarm with integral battery back up

 emergency light
 illuminated exit sign (arrow indicating exit route)

 security camera

fire extinguishers
 Fire Extinguisher-Water type
 Fire Extinguisher-Foam type
 Fire Extinguisher-Dry Powder
 Fire Extinguisher-Carbon Dioxide type
 Fire Blanket

The location and type of any fire safety and any other safety equipment is shown on the plan. This may be subject to change to meet with the Agreement of the Fire Officer in light of a fire risk assessment.



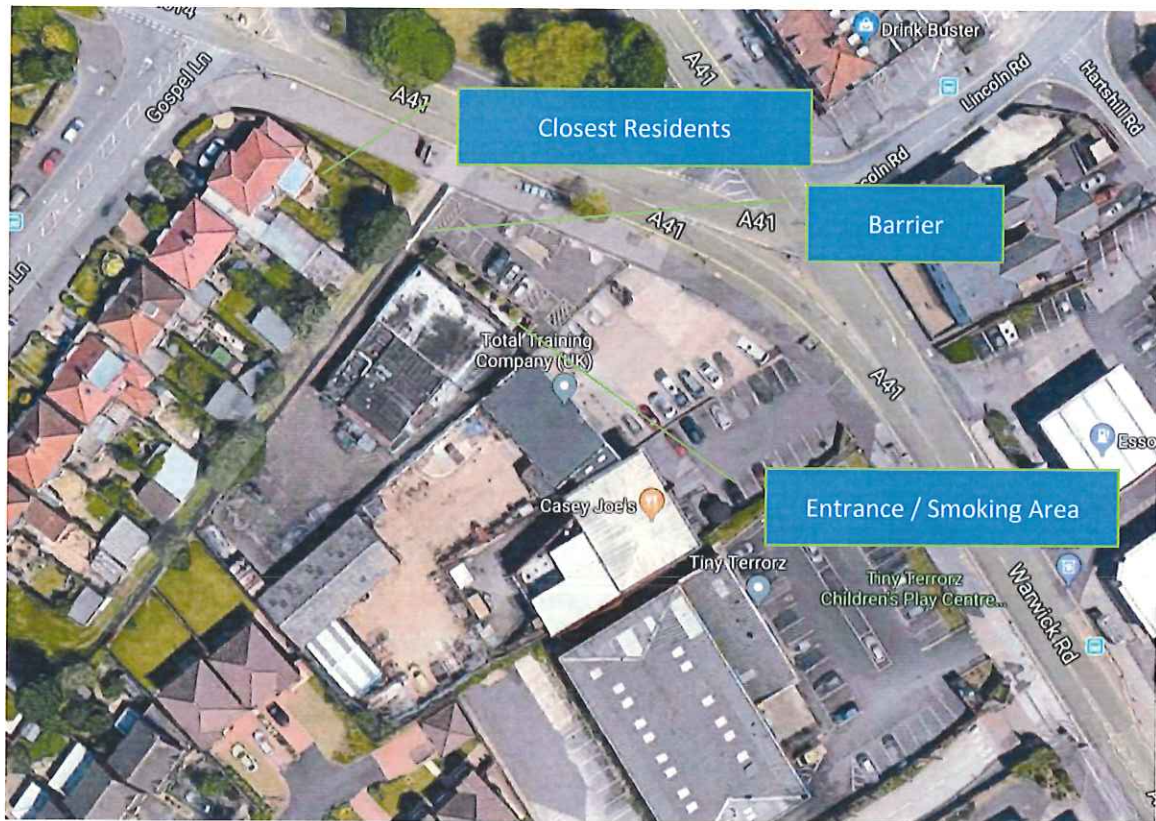
CLIENT

Roman Leisure Ltd

DESCRIPTION

359-361 Olton Boulevard East, Olton, Solihull, B27 7DP
 Licensing Plans as Proposed (L01)

0m 10m 20m 30m 40m 50m 60m 70m 80m 90m 100m 1:100



Pure Gold

Premises Licence & Staff Operations Training Manual

This Premise Licence Operation and Training Manual contains instructions and guidance covering various policies and procedures for Pure Gold - Birmingham.

The intention of this manual is to:

- Evidence of Due Diligence
- To assist in staff training and awareness.
- Act as an 'aide memoire' for all staff
- Referencing valuable information quickly and easily
- Providing guidance to staff as part of their on-going training and development.

The Training Regime

All staff must read the training material provided and then satisfactorily pass the subsequent written test before being authorised to sell alcohol. It is important that this information is understood, should a staff member not satisfy the Designated Premises Supervisor (DPS) that they understand all of this then the DPS will not authorise that staff member.

You are at risk of prosecution for making unauthorised sales.

Refresher training will be undertaken at least on an annual basis, to sell alcohol and a number of refresher quizzes should take place to help in testing all staff and their knowledge.

Due Diligence Measures

- Staff to satisfactorily undertake questionnaire - all questions to be answered correctly.
- Training Statement, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).
- Staff Authorisation sheet, to be signed by staff member and countersigned by the Designated Premises Supervisor (DPS).

The Premises Licence holder may also consider putting staff members forward to sit the APLH – {Award for Personal Licence Holders} exam if there is a likelihood of them becoming a DPS in the future. For further details, please contact Rob Edge at Licence Leader Ltd, or any other reputable consultant.

All staff training must be recorded, as well as individual staff authorisations to sell alcohol. You should complete both the alcohol training statement sheet and the authorisation record sheet.

All staff should be issued with their own confirmation of having received their initial training, whether under this regime or any alternative proprietary system, keeping the originals for your own records. All staff should be listed on the authority record and it should contain their signature as proof of their understanding of the training they have received and the responsibilities that they hold in the sale of alcohol. Subsequently as they are re-authorized to sell alcohol on a regular basis this should form part of the refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the rules relating to the sale of alcohol.

New staff members should then be added as they join, subsequently signing again on a regular basis thereafter, after each refresher. The alcohol training and authority sheets are designed for quick reference by any of the Responsible Authorities, which may visit your store, and for you to identify and maintain all training requirements.

Premises licence – Licensable Activities

You can only carry out the sale of alcohol off the premises during the licensable hours of the premises licence. The penalty for selling outside permitted hours is substantial – and may include a possible review of the premises licence.

Staff Authorisation

Under the terms of the grant of the premises licence: It is an offence for a person to serve alcohol to anybody unless you have been authorised to do so by a personal licence holder.

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 as a condition of the licence, 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 procedure

Protection of Children from Harm

To protect children from harm and comply with the law, the vast majority of retailers take under age sales very seriously. There can be major consequences for businesses, licensees AND individual members of staff. Penalties for breaking the law include substantial fines, loss of licences, even imprisonment. Individual members of staff can be taken to court and prosecuted. They could also lose their job.

Trading Standards & Police are amongst the Responsible Authorities who are consulted on licence applications under the Licensing Act 2003. If a licence holder sees and the staff are not following the guidelines outlined in this booklet then these matters may be raised during the licensing process. Any evidence of underage sales can also trigger a review, which could lead to loss of the Licence.

Test purchasing

Trading Standards and the Police (sometimes-together) check that the law is followed and can carry out test purchases of all age-restricted products as part of their enforcement duties. The test purchases are made with volunteer young people who are to look their age.

These test purchases follow procedures supported by the government. They are allowed as evidence of underage sales. Following these guidelines and asking for proof of age and receiving appropriate proof (asking by itself is not a defence), should make sure that you do not make an illegal sale. Samples of 'proof of age' are shown on the photocards poster in the support material

Age restricted products – age restrictions

Alcohol Products 18

By following the rules regarding age related products, it will help you show you are taking 'all reasonable precautions and exercising all due diligence'. This is legal-speak to say that you must have behaved in a way that can provide a defence in law if an illegal sale takes place. You must be able to show that you are doing all that you possibly can to make checks. This is what the courts would look at should an illegal sale take place.

How to check proof of age ?

If a customer who looks under 25 and asks to buy an age restricted product, ask for one of the prescribed forms of proof of age and check it. If appropriate proof of age cannot be produced, you must refuse the sale and make an entry in the refusals register. You must only accept proof of age with date of birth and a photo. Remember to check that the photo matches the customer and that you can see their face clearly, including asking them to remove hoods and caps.

Proof of age cards need to carry a PASS hologram to show that they are part of an approved scheme and have been correctly issued. When you see a genuine PASS logo you can be more confident that it is valid proof of age, however there are good forgeries in circulation. Please see over page for checks.

• Always follow these checks

1. Check that the PASS hologram is genuine and flush with the body of the card.
2. Check that the photo matches the person using it and that it is printed on the card, not just stuck on top of it. Ask them to remove helmets, hoods and sun glasses if you are not sure.
3. Check that the date of birth is properly printed on the card and that you have calculated the date of birth correctly.
4. Check that the card has not been tampered with in any way.
5. Check the person. If you are unsure about any of the above you must, and have the right to, refuse the sale.

• Acceptable proof of age includes

- 10-year passport
- Photo driving licence
- Citizencard
- "PASS" accredited proof of age card scheme

There are fake proof of age cards about so if you are unhappy with a card for any reason, refuse the sale. Items such as birth certificates and national insurance cards are not good enough. They carry no photo so can be passed between friends. Legally you have the right to refuse to sell to anyone, whether over or under age, if you are unhappy with the sale in any way.

REMEMBER – If in doubt Refuse the sale

- Don't try to judge ages. Only accept approved proof of age cards with photos and date of birth.
- Follow either the 'Challenge 21 or Challenge 25 Rule' and ask for proof of age from anyone who does not look over 21 or over 25. Remember, if you guess wrong you could end up in court!
- Make sure notices (e.g. 'It is an offence to sell cigarettes to persons under 18') are on display.
- Know when dates of birth will be correct. Are they 18 yet? Just having today's date with the relevant year of birth will do!
- Fill in a 'refusals book' (at 4.11) each time a refusal takes place. The DPS should check entries regularly to make sure all staff are using the register.
- Be careful should young people wearing school uniforms request to purchase age related products.
- Do not sell to an adult you suspect of buying for under age young people. It is an offence for an adult to buy alcohol on behalf of someone under 18. This is called proxy selling.

- Support colleagues when they refuse sales. It can be difficult to say 'no.'

Alcohol

The age at which product alcohol can be legally served and bought is 18. Do not sell to over 18s who you think may be purchasing for under 18s. Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18. If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk.

Under 18s cannot legally purchase alcohol. Always ask for proof of age before you serve and check the details. You can face prosecution and a criminal record or alternatively the police can issue on the spot fine of £90 if under age sales are made.

Checking Proof of age

When you ask somebody to produce proof of age in order to complete a purchase you must ensure that only an approved form of identification is accepted and that you check it correctly:

Only accept -

- a valid passport
- a European style photo driving licence
- a PASS accredited cards such as a Citizen card

Always ask for the identification to be handed to you for authentication purposes

Check that

i. Passport

- not altered in any way
- the passport date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

ii. European style driving licence

- not altered in any way
- the licence date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

iii. PASS cards

- not altered in any way
- the card is completely flat with no raised edges around the photo or PASS logo - **reject the card if it is not flat**
- the PASS logo hologram 3D effect is working
- the card date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

iv. The customer

- matches the photograph on the card
- is not acting suspiciously
- has not altered the card offered in any way

If you are in any doubt about the validity of the identification offered or the age of the customer even with the identification **you MUST refuse the sale and record the details in the refusals book**

What to watch out for regarding the ID of a person who is possibly under the influence of alcohol.

Signs of Intoxication

There are many signs that a person may display as they become intoxicated. As blood alcohol levels rise; differences can be noticed in coordination, appearance, speech and behaviour.

An intoxicated person may typically show some of the following signs:

i. Behaviour and Physical Signs

Becoming loud, boisterous and disorderly Dropping possessions, rambling conversation, becoming argumentative Fumbling and difficulty in picking up change Loss of train of thought e.g. forgot to pay for goods Annoying other customers and staff Swaying and staggering Difficulty in paying attention Becoming incoherent, slurring or making mistakes in speech Difficulty walking straight Not hearing or understanding what is being said Becoming physically violent Bumping into fixtures/other customers Drowsiness, dozing or sleeping while in premises becoming bad tempered or aggressive Glassy/bloodshot eyes and lack of focus Observe customers in difficulty lighting cigarettes whilst outside the premises using offensive language. Falling, Vomiting Exhibiting inappropriate sexual behaviour Flushed Face Dishevelled Clothing Person smells of alcohol

DUTY TO REFUSE SERVICE

It is your duty to refuse to serve under 18s and you must refuse to serve a person if they are or appear to be drunk.

How to refuse a sale

Sometimes refusing a sale will make the customer angry. Here are some tips to help you handle difficult refusals.

Ask for proof of age. This helps the situation, as it is not a direct refusal. It says that you will make the sale if they can produce valid proof of age. Only accept proof of age with a photo, and only if you are happy it is correct.

Refuse politely. If necessary repeat your refusal clearly.

Keep calm. Do not get into an argument.

Explain briefly, why you cannot sell. Try saying

- 'I'm sorry; if I serve you I might be breaking the law.'
- 'We have a policy of 'no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

Show customers notices, posters and stickers that indicate you will not serve alcohol to under 18s or sell other age-restricted products.

Be positive in your refusal. Have a firm tone of voice, be confident and use direct eye contact. The law is on your side and you are doing the right thing.

Call your supervisor or manager for support if necessary.

Record details in your premises' refusal register.

Report incidents where you have felt threatened and/or intimidated.

Remember, ***you commit an offence*** if:

- You sell alcohol to a person who is under 18
- You allow alcohol to be sold to someone who is under 18 when you could have prevented that sale
- You sell alcohol to a person who is drunk
- You sell alcohol to a companion of a person who is drunk for the drunken person's consumption
- You allow alcohol to be sold to someone who is drunk when you could have prevented that sale

On the spot fixed penalty, notices can be issued for serving alcohol to someone who is drunk or under age with prosecution also being a possibility.

If someone is drunk or disorderly they can be ejected from the premises and the Police must assist if requested to do so - if you think a customer should be ejected please ensure that you seek assistance from a colleague and follow your company procedures in order to deal with the incident properly and safely.

Keep calm. Do not get into an argument. **Explain briefly why you cannot sell.** Try saying

- 'I'm sorry; if I serve you I might be breaking the law.' 'We have a policy of 'no proof of age, no sale.'

Training for Staff

Pure Gold


Staff member [Full name]	
DPS or Personal Licence Holder delivering training [Full name]	

A new checklist will be used to record when;

- a new staff member is appointed
- changes to the premises licence or policies have occurred
- when carrying out refresher training for existing staff.

This is paramount to our business and to demonstrate that we are showing our best endeavours to comply with the requirements of our premises licence and the licensing objectives of 2003 Licensing Act.

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 must hold a premises licence to sell alcohol. That all staff understand what the licence requires and the consequences, both for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	
3. What the alcohol licence and conditions of the operating schedule require. EG: [i] ensuring alcohol is only sold during licensing hours, [ii] mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to our 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 our policy is for challenging customers for proof of age?	
6. What our shop policy is, for the types of proof of age (ID) staff should accept?	
7. How to operate any 'till prompt' system installed?	



8. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?	
9. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?	
10. 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.?	
11. Why it is important to record incidents/refusals to sell?	
12. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?	
13. What the policy is for an under 18-year-old to get authorisation for sales involving alcohol?	
Full name of person trained	Signature
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).	

Position in shop	Date dd/mm/yy

Example Test paper for those employed within the Licensing Trade - Licensing Act 2003

{Extracted from the BIIAB Level 2 award for Personal Licence Holders}

Candidate

Organisation Pure Gold - Birmingham.

Date

1. Which of these is a "Licensing Objective" ?	
A	Prevention of alcohol addiction
B	Prevention of crime and disorder
C	Prosecution of known drug dealers
D	Prosecution of underage drinkers

2. An Unauthorised licensable active is ?	
A	One not agreed by the DPS
B	One not covered by the premises licence, club premises certificate or temporary events notice
C	One provided for members of the public who are trouble makers
D	One which neighbours have complained about

3 A drink is classed as alcohol if its "abv" is more than :	
A	0.5%
B	1.0%
C	1.5%
D	2.0%

4 A premises licence authorises the use of specific premises for :	
A	One or more licensable activities
B	Showing of live football or rugby
C	Playing darts or pool
D	Political meetings

5 The maximum penalty for selling alcohol outside of the hours authorised by a premises licence is:	
A	£10,000 fine/and or 1 month imprisonment
B	£15,000 fine/and or 3 months imprisonment
C	An unlimited fine and/or 6 months imprisonment
D	A discretionary fine/and or 9 months imprisonment

6 The role of the Designated Premises Supervisor on a licensed premises is to :	
A	Be in day-to-day control of the business
B	Be responsible for staff rotas
C	Design and plan the layout of the premises
D	Personally open/close premises each day

7 If a police Officer witnesses a sale of alcohol to a drunk, what value fixed penalty fine can they impose ?	
A	£40
B	£70
C	£90
D	£120

8 Which of these is the most reliable form of proof of age ?	
A	A bank statement
B	A credit card
C	A valid phot driving licence
D	A utility bill

9 It is an offence to serve alcohol to a person who is ?	
A	A local brewer
B	A police officer
C	Driving
D	Drunk

10. What is the minimum age at which a person can legally be sold alcohol on a licensed premises ?	
A	16
B	18
C	20
D	25