

Premises Licence Review
24/7 Convenience Express,
41, Horse Fair, Birmingham, B1 1DA

Licensing Sub-Committee
0930 HRS - 9 October 2019

Documents lodged on behalf of the Premises Licence Holder

Acting for the applicant, I am instructed to explain at the subcommittee, exceptional circumstances that have led to this point.

Understanding that the premises falls very close to the CIZ, we are offering a high level of intensive staff training and support to the Premises Licence Holder and his staff in order to move this business forward.

Additionally, we wish to remove the current Designated Premises Supervisor, and replace with a new DPS to the approval of West Midlands Police licensing team.

The following documents are now submitted in support of the Premises Licence Holder, wishing to demonstrate his efforts of showing due diligence:

- Premises Licence and Site Operations Training Manual
- Challenge 25
- Refusals register
- Staff Training documentation
- DPS Authorisations form
- Signage for customers - No Single can/bottle sales
- Medical in confidence letter {Being submitted on the day}

During the hearing, my client wishes to offer the following conditions; as evidence that he is very willing to work with those who have shown concerns for these premises:

1. Condition on the licence - No single can sales above 6.5% of beer or cider {in order to deter "street drinkers" from frequenting the premises. {In addition to signage stating this placed in the shop window}
2. Closing the premises for a two-week period {Voluntary suspension of the premises licence] and undertaking to carry out comprehensive Training of all staff in the Licensing Act 2003, prior to the store opening.
3. No items of alcohol on display within the open windows of the shop front.
4. Electronic or visual "till prompts" to be installed.

Premises Operations & Training Manual

This Operation Training Manual contains instructions and guidance covering policies and procedures. The intention of this manual is to:

- Assist in staff training and awareness.
- Act as an 'aide memoire' for all staff
- Something for staff to reference information quickly and easily
- Provide guidance to staff as part of their on-going training and development.

The Training Regime

A reputable Licensing Consultant, will train all on-site staff, including the PLH and DPS . They will be required to study the training material provided and then satisfactorily pass a subsequent test before being authorised to sell alcohol. It is important that all staff members understand this information, should a staff member not satisfy the trainer 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 must be undertaken at least twice per year; to sell alcohol and some refresher quizzes will take place in order to ensure staff are kept up to date with current legislation.

Due Diligence Measures

- 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 Designated Premises Supervisor (DPS).

All staff training will be recorded as well as individual staff authorisations to sell alcohol. All staff will be issued with their own confirmation of having received their initial training, keeping the originals for premises records, and being made available to Responsible Authorities as required.

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All current staff listed on the authority record and it will 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-authorised to sell alcohol on a regular basis this should form part of their refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the legislation relating to the sale of alcohol.

New staff members will be then be added as they join, subsequently signing again on a regular basis thereafter, after each refresher. The alcohol training and authority sheets are for quick reference by any of the responsible authorities, which may visit the 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. There are large penalties for those selling outside permitted hours, plus a possible review of the premises may be called.

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. It is an offence to sell alcohol to anybody from premises without a premises licence and/or without a named Designated Premises Supervisor who is in possession of a personal licence.

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 holder of the premises licence
- The Designated Premises Supervisor (DPS) if any, for the Premises Licence
- An individual aged over 18 authorised in writing to sell alcohol for consumption on or 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. The premises will operate a Challenge 25 scheme, and this will be a condition of our licence, then each customer wishing to purchase alcohol who is unknown to the staff 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

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 serious 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 may be prosecuted. They could also lose their job.

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.

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 down. 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.

Staff Guidance - 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.

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.

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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. Don't 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 company policy of 'no proof of age, no sale.'

Staff Training

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 has to have a licence to sell alcohol. That staff understand what the licence requires and the consequences 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? Challenge 25	
6. What our policy is, for the types of proof of age (ID) staff should accept?	

7. How to operate the '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	Position in shop	Date dd/mm/yy
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).			

UNDER 25?



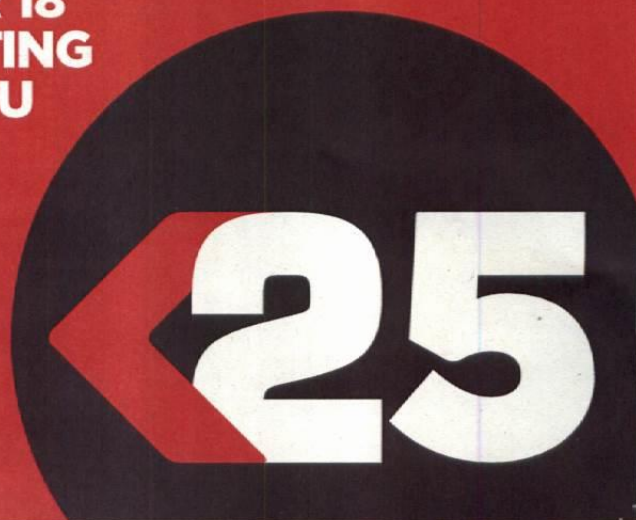
**IF YOU ARE LUCKY
ENOUGH TO LOOK UNDER
25 YOU WILL BE ASKED
TO PROVE THAT YOU ARE
AGED 18 OR OVER WHEN
YOU BUY ALCOHOL**

**IF YOU ARE UNDER 18
YOU ARE COMMITTING
AN OFFENCE IF YOU
ATTEMPT TO BUY
ALCOHOL**

SCOTTISH
BEER & PUB
ASSOCIATION

drinkaware.co.uk
for the facts about alcohol

WWW.CHALLENGE25.ORG



REFUSALS LOG BOOK

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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

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Staff Training {example test paper}

Licensing Act 2003.

24/7 Convenience

Candidate's knowledge of the Licensing Act 2003 is assessed by a multiple choice examination containing 40 questions. The duration of the examination is 60 minutes.

Candidates have to correctly answer a minimum 28 out of 40 questions to pass.

The answers to each of these questions are shown at the bottom of this paper.

1. When selling alcohol with a personal licence, which other licence is required?
 - A) Licence from the Magistrates Court
 - B) Occasional Licence
 - C) Premises licence or Temporary Event Notice
 - D) Food Licence

2. Which of the following premises cannot be licensed under the Licensing Act 2003?
 - A) A Supermarket near a school
 - B) A Motorway Service Station**
 - C) A Football Stadium
 - D) A Field

3. What is the minimum age at which a person can apply for a Personal Licence?
 - A) 25
 - B) 16
 - C) 21**
 - D) 18

4. Under the Licensing Act 2003 it is an offence to serve alcohol to a person who is:
 - A) A Police officer in uniform
 - B) A local Magistrate
 - C) A Driving instructor
 - D) Drunk and disorderly**

5. The Licensing Act 2003 states that alcohol is a drink with ABV (Alcohol by Volume) strength of above:
 - A) 0.2%
 - B) 1.2%
 - C) 0.05%
 - D) 0.5%**

6. How many millilitres are there in a unit of alcohol?
 - A) 8**
 - B) 5

- C) 80
- D) 10

7. Which one of the following is defined as an unauthorised licensable activity?

- A) Sale of alcohol to a person under the age of 18
- B) Allowing illegal drug use in a public house
- C) **Selling alcohol from a premises without a premises licence**
- D) Selling alcohol to a person who is already intoxicated

8. Who must publish a Statement of Licensing Policy?

- A) The Police
- B) **The Local Licensing Authority**
- C) The Premises Licence Holder
- D) The Lord Mayor

9. Who must be notified if a Personal Licence holder is charged with a relevant offence?

- A) **The court at which the personal licence holder is appearing**
- B) The Chief Officer of Police
- C) Department of Culture, Media and Sport
- D) The Licensing Authority

10. What rank of Police officer can make an immediate closure order for up to 24 hours for public disorder at licensed premises:

- A) Chief Officer of Police
- B) Local Community Officer
- C) A Superintendent
- D) **Inspector or above**

11. When is the sale of alcohol permitted from a vehicle?

- A) Never
- B) When travelling at low speed
- C) At any time
- D) **When the vehicle is stationary**

12. What is the maximum number of people who may attend a temporary event at any one time?

- A) 75
- B) 750
- C) **499**
- D) 270

13. Which of the following is not a licensing objective?

- A) Protection of Children from Harm
- B) Promotion of Public Safety
- C) **The Provision of Food Safety Standards**

D) The Prevention of Crime and Disorder

14. As a general guide, the body breaks down alcohol at the rate of:

- A) 3 units per hour
- B) 1 unit per hour**
- C) 2 units per hour
- D) 0.5 units per hour

15. Who can object to a particular person being specified as the Designated Premises Supervisor?

- A) The Licensing Team
- B) Trading Standards
- C) The Chief Officer of Police**
- D) A local Magistrate

16. Over how many years should a Licensing Authority review their Statement of Licensing Policy?

- A) 5 years**
- B) 10 years
- C) 3 years
- D) 7 years

17. For which one of the following offences could a personal licence holder use the defence of Due Diligence in a court of law:

- A) Selling liqueur chocolate to a person over the age of 16 years
- B) Selling alcohol to a young person under the age of 18**
- C) Allowing the consumption of alcohol with a table meal to a 17 year old
- D) Selling more than 8 cans of larger to one person in one transaction

18. When appealing against the refusal to grant a personal licence, the appeal hearing would firstly be heard by:

- A) The Licensing Committee**
- B) DVLA
- C) The Magistrates Court
- D) Licensed Victuallers Association

19. If duty has not been paid on goods in your licensed premises, who has the power to seize the goods:

- A) An Environmental Health Inspector
- B) A Community Police Officer
- C) HM Revenue and Customs Officer**
- D) Trading Standards Officer

20. At what age can an unaccompanied child enter and remain on licensed premises:

- A) 25
- B) 21
- C) 18
- D) 16

21. The initial grant of a personal licence is valid for:

- A) 5 years
- B) 3 years
- C) 10 years
- D) Forever

22. Premises which are authorised for the retail sale of alcohol must have:

- A) A beer chiller cabinet
- B) A personal licence holder
- C) A Designated Premises Supervisor (DPS)
- D) At least 2 members of staff with a training certificate

23. What is the maximum penalty a court can impose on a personal licence holder who is convicted of unauthorised licensing activities:

- A) Level 5 fine of up to £5000
- B) £20,000 fine and/or 3 month's imprisonment
- C) £20,000 Fine and/or 6 months imprisonment
- D) Level 2 of up to £500

24. How many temporary event notices can a Personal licence holder issue each year:

- A) 50
- B) 12
- C) 25
- D) 40

25. What is the maximum duration of a temporary event notice?

- A) 168 hours
- B) 96 hours
- C) 3 days
- D) 48 hours

26. Failure to notify the Licensing Authority of change of name or home address will result in a fine of up to:

- A) £500
- B) £1000
- C) No fine at all

D) £250

27. What must an operating schedule include?

- A) A detailed list of all products sold
- B) The facilities provided for the customers**
- C) A price list
- D) The names of all staff or Personal Licence holders

28. When may a Police Officer enter licensed premises?

- A) When he/she is thirsty
- B) At any time during normal hours
- C) When requested to do so by the premises supervisor
- D) At any time to detect offences under the Licensing Act 2003**

29. If suspected of drink driving and breathalysed, at what measurement is your BAC (blood alcohol content) above the legal limit?

- A) 80mg in 100ml
- B) 10mg in 80ml
- C) 35mg in 100ml
- D) 10mg in 100ml**

30. Who can make an objection to the grant of a Personal Licence?

- A) A family member
- B) Child Protection Authority
- C) Trading Standards
- D) Chief Officer of Police**

31. If convicted by a Magistrates Court, for how long can a Personal Licence holder have their licence revoked:

- A) 6 months
- B) 18 months
- C) 5 years**
- D) 2 years

32. How many temporary events can be held at one premise in a calendar year?

- A) 12**
- B) 16
- C) 35
- D) 50

33. Which one of the following organisations can grant a premises licence?

- A) The Magistrates Court near to where the licensed premises are situated
- B) The Licensing Authority for where the premises is situated**
- C) The Licensing Authority for where the Designated Premises Supervisor lives

D) The DCMS

34. The reason why alcohol should be promoted responsibly is:

- A) To make people drinking it happy
- B) To help pubs get out of the recession
- C) **To discourage excessive drinking**
- D) To maximize profits for retailers

35. How many members are there on a licensing sub-committee?

- A) 15
- B) 11
- C) 10
- D) **3**

36. At what age can a young person consume alcohol with a table meal?

- A) Over the age of 12 years
- B) **16 -17 years**
- C) At any age, it doesn't matter as they are with their parents
- D) 5 years and over

37. Which one of the following is the best form of identification to use for a proof of age?

- A) Motorcycle driving permit
- B) A National Identity Card
- C) University Identification Card
- D) **A driving licence photo card**

38. When demanding production of a Personal Licence, authorised persons must:

- A) **Produce their official identification card**
- B) Have a Police Officer present
- C) Have a warrant
- D) Advise the licensee in writing prior to the visit

39. What is the recommended safe daily intake of alcohol for women?

- A) 2 bottles of Chardonnay
- B) 6 pints of larger
- C) **2 - 3 units**
- D) 6 -7 units

40. Keeping premises open during a Closure Order can result in:

- A) Nothing, you don't have to close
- B) £20,000 fine and/or up to 6 month's imprisonment
- C) **£20,000 Fine and/or 3 months imprisonment**
- D) A level 5 fine of £5000

41. What is the definition of the term 'retail sale of alcohol':

- A) Selling alcohol to people under the age of 18
- B) Sale of alcohol from a trader to another trader
- C) Sale of alcohol to another premises licence holder
- D) **Sale of alcohol from licensed premises to a member of the public**

42. The Licensing Authority must promote which of the following:

- A) Regulated Entertainment in pubs and clubs
- B) Local charity fund raising events
- C) **The FOUR Licensing objectives**
- D) The awareness of excessive drinking

43. Under the Licensing Act 2003 an SIA licensed door supervisor can only be charged with which of the following?

- A) Admitting underage patrons to the premises
- B) Permitting smoking in a non-designated area
- C) Consuming alcohol on the premises they are supervising
- D) **Allowing disorderly conduct to continue**

44. Which of these terms is a 'licensable activity' under the Licensing Act 2003?

- A) Late night dog racing
- B) **Late night refreshment**
- C) Early evening refreshment
- D) Early morning breakfast

45. How many days before a temporary event is due to take place, should the temporary event notice be issued:

- A) 14 days
- B) **10 working days**
- C) The day before
- D) 21 days

46. Under the anti-social behaviour Act 2003, a closure order can be issued by:

- A) The GPO
- B) **An Environmental Health Officer**
- C) A Police Officer in charge of noise pollution
- D) A Licensing Authority Officer

47. A wholesale sale of alcohol from trader to trader requires:

- A) A full premises licence
- B) Both premises and personal licence
- C) **No licence at all**
- D) A personal licence holder to authorise the sale

48. When applying for a renewal of a personal licence, the application should be accompanied by the:

- A) **Both parts of the original personal licence**
- B) A photocopy of the personal licence
- C) The premises licence
- D) Summary of Premises Licence

49. If a personal licence applicant has a relevant offence, the Chief Officer of Police can object on the basis of:

- A) The Protection of Children from Harm
- B) The Promotion of Public Safety
- C) **The Prevention of Crime and Disorder**
- D) The Prevention of Public Nuisance

50. Pubwatch and Retailwatch schemes are partnerships working between which of the following:

- A) A fire officer and Police Officer
- B) A shopkeeper and trading Standards
- C) The Licensing Authority and the Neighbourhood Watch committee
- D) **Licensees and Licensed retailers working with the Police.**

ANSWERS

- 1 = C
- 2 = B
- 3 = D
- 4 = D
- 5 = D
- 6 = D
- 7 = C
- 8 = B
- 9 = A
- 10 = D
- 11 = D
- 12 = C
- 13 = C
- 14 = B
- 15 = C
- 16 = A
- 17 = B
- 18 = A
- 19 = C
- 20 = D
- 21 = C
- 22 = C
- 23 = C
- 24 = A
- 25 = A
- 26 = A
- 27 = B
- 28 = D
- 29 = D
- 30 = D
- 31 = C
- 32 = A
- 33 = B
- 34 = C
- 35 = D
- 36 = B
- 37 = D

38 = A
39 = C
40 = C
41 = D
42 = C
43 = D
44 = B
45 = B
46 = B
47 = C
48 = A
49 = C
50 = D

We hope this mock exam has helped you prepare for your role within the premises
and to give you a better understanding of the Licensing Act 2003

24/7 Convenience

All customers are to be aware that we have a strict policy of:

**No sale of single cans or bottles of beer or cider
at any time.**

We also request that customers show respect for neighbouring residents and conduct themselves in an orderly manner.

The Management

24/7

**IT IS ILLEGAL TO SELL
TOBACCO PRODUCTS
TO ANYONE UNDER THE
AGE OF 18**

**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: