

# Public Document Pack

Date of meeting Thursday, 26th June, 2014

Time 10.00 am

Venue

Contact

## Licensing Sub-Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 Appendix A - Natural Justice Guidance Notes (Pages 3 - 4)
- 2 Appendix B Human Rights Guidance Notes (Pages 5 - 6)
- 3 Appendix C Procedure to be followed by the Sub-Committee (Pages 7 - 8)
- 4 Application For the Review of a Premise Licence - Yates's Wine Lodge, Ironmarket, Newcastle (Pages 9 - 112)
- 5 Background Information
- 6 Conditions Consistent with the Licensing Schedule
- 7 Conditions Agreed with Staffordshire Police

**Members:** Councillors Mrs Winfield (Chair), Hambleton & Welsh

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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## GUIDANCE NOTES

### NATURAL JUSTICE AND FAIRNESS

These are the principles used in the determination of just or fair processes and stem from the common law legal system.

According to Roman law, certain basic legal principles were so obvious that they should be applied universally without the need to be enacted into the law.

The rules of natural justice are now regularly applied by courts in both common law and civil law jurisdictions.

Natural justice operates on the principles that man is basically good, that a person of good intent should not be harmed and one should treat others as they would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:-

- A person accused of a crime, or at risk of some form of loss, should be given adequate notice about the proceedings (including any charges);
- A person making a decision should declare any personal interest they may have in the proceedings;
- A person who makes a decision should be unbiased and act in good faith. He therefore cannot be one of the parties in the case, or have an interest in the outcome. This is expressed in the Latin maxim, *nemo iudex in causa sua*: "no man is permitted to be judge in his own cause";
- Proceedings should be conducted so they are fair to all the parties – expressed in the Latin maxim, *audi alteram* : "let the other side be heard";
- Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party;
- A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
- Justice should be seen to be done. If the community is satisfied that justice has been done they will continue to place their faith in the courts.

Where a person's legal rights are concerned, the principles of natural justice are bolstered by Article 6 of the European Convention on Human Rights which is now incorporated into domestic law.

### THE RULE AGAINST BIAS

It is elementary to the rules of natural justice that the deciding body is to be free from bias.

The rule is that the body must be and be seen to be impartial, independent and disinterested.

There are two broad categories of bias:

- (a) Actual Bias: when the decision-maker has an economic interest in the outcome of the case (also known as a material or pecuniary interest) subject to the De Minimum doctrine;
- (b) Reasonable Apprehension: unbiased appearance is an essential part of procedural fairness. The test is whether, having regard to the circumstances, a well informed person ("reasonably informed bystander") would consider that the interest might have an influence on the exercise of the decision-maker's duties.

## **GUIDANCE NOTES**

### **HUMAN RIGHTS ACT 1998**

In addition to the Rules of Natural Justice, you must also have regard to the provisions of the Human Rights Act 1998.

### **Rights and Freedoms to be considered when determining matters**

#### ARTICLE 6: RIGHT TO A FAIR TRIAL

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
  - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
  - (b) to have adequate time and facilities for the preparation of his defence;
  - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means, to pay for legal assistance, to be given it free when the interests of justice so require;
  - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

#### ARTICLE 8: RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

#### ARTICLE 10: FREEDOM OF EXPRESSION

1. Everyone has the right to freedom of expression. This rights shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

#### ARTICLE 14: PROHIBITION OF DISCRIMINATION

The enjoyment of the rights and freedoms set fourth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

NB This is not a substantive right, but comes into play if other rights are likely to have been infringed. The prohibition is wide, but not exhaustive

#### ARTICLE 1: OF THE FIRST PROTOCOL PROTECTION OF PROPERTY

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

NOTE Possessions, in this context, includes the right to apply for a licence, the right to hold and retain a licence, the goodwill of a business and liquor licences.

### PROCEDURE TO BE FOLLOWED BY THE LICENSING SUB-COMMITTEE

#### NOTE:

All hearings will normally be held in public. However, the Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. A party or that party's representatives may be treated as a member of the public and therefore excluded from the meeting for all or part of the hearing, and all parties have the right to be represented and to call witnesses.

The Clerk to the Committee will have the right to ask questions on behalf of the Committee of any party to the proceedings.

#### PROCEDURE:

1. The Chair of the Sub-Committee will open the meeting and introduce the members of the committee and call upon the parties to identify themselves and their representatives and to identify any witnesses they intend to call.
2. The Chair of the Sub-Committee will call upon the Clerk to the Committee to explain to the parties the procedures which will be followed at the hearing. Unless the Chair directs otherwise, each party will normally have a maximum period of one hour in which to give further information and call any witnesses in support of their case. In every case, all parties will have an equal maximum period.
3. The Chair of the Sub-Committee will then normally call upon the interested party or the responsible authority which has made a relevant representation against the grant of an application to provide evidence in support of their representation.
4. The applicant will then have an opportunity to question that person
5. Members of the Sub-Committee will then have the opportunity to question that party or responsible authority.
6. Any person who has made relevant representations will then call any witness in support.
7. The applicant will then have an opportunity to question that witness.
8. Members of the Sub-Committee will then have the opportunity to question that person.
9. Stages 6 to 8 will then be repeated for each person making relevant representations.
10. The applicant will then have the opportunity to give evidence in response to the application and in response to the relevant representations which have been made.
11. The interested party or responsible authority will then have an opportunity to question the applicant.

## Appendix C

12. Members of the Sub-Committee will then have the opportunity to question the applicant.
13. Stages 10 to 12 will be repeated for any witnesses on behalf of the holder of the applicant.
14. The interested party or responsible authority will have the right to address the sub committee.
15. The applicant will have the right to address the Sub-Committee in summing up his case.
16. All parties will then leave the room while the Sub-Committee consider their decision.
17. The Sub-Committee will normally make their determination at the conclusion of the hearing, but when this is not possible, will make its determination within the period of five working days beginning with the day on which the hearing was held.



## APPLICATION FOR THE REVIEW OF A PREMISE LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003

### 1. DETAILS OF APPLICATION

**PREMISES:** Yates's Wine Lodge

**LOCATION:** 14/16 Ironmarket, Newcastle under Lyme, Staffordshire ST5 1RF

**APPLICANT:** Sgt 4037 David Wright, Licensing Manager, Northern Licensing Unit, Stoke Police Station, Boothem Road, Stoke on Trent, Staffordshire ST4 4AH

**APPLICATION FOR:** Review of the Premise Licence on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm

### 2. GROUNDS FOR REVIEW

This application to review relates to the failure of the premises to meet the Licensing Objectives for the Prevention of Crime and Disorder and the Protection of Children from harm.

### 3. APPLICANT FOR REVIEW

The Police Review and Social Responsibility Act 2011 amended the Licensing Act 2003 to remove the term "Interested Party" so that anyone "likely to be affected by the application" is able to make representation or bring a review. There is no longer a vicinity test. However, any such representations must relate to one or more of the licensing objectives.

### 4. BACKGROUND

The premise was the subject of a compliance check operation on Wednesday 19<sup>th</sup> February 2014, where a young person of 16 years old was sent to the premises to see if they could purchase alcohol. The volunteer was not asked for identification and did purchase alcohol.

### 5. POLICY CONSIDERATIONS

a). Licensing Objectives

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives;

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

b). Policy Statement

The Licensing Act 2003 required the Council to publish a "Statement of Licensing Policy" that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council made a number of policy decisions in its Statement of Licensing Policy. The following policy decisions are relevant to this application;

- The Prevention of Children from Harm – (paragraphs 2.10 – 2.11 and 4.3)
- The Prevention of Crime and Disorder – (paragraphs 2.12 and 4.4)

c). Statutory Guidance

(i) National guidance which promotes best practice ensuring consistent application of licensing powers and promotes fairness and equal treatment and proportionality came into force in June 2014.

- The Review Process – (paragraph 11.1 to 11.28).

Copies of the Council's Statement of Licensing Policy and the Government's Statutory Guidance will be available at the Sub-Committee meeting.

## 6. COMMENTS

In making their decision on the application, the Sub-Committee are obliged to have regard to Statutory Guidance and the Council's own Statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However the Sub-Committee must disregard any objections that do not relate to the promotion of the four licensing objectives.

The Sub-Committee may take such of the following steps as they consider appropriate for the promotion of the licensing objectives as set out in paragraph 5 (a) above:-

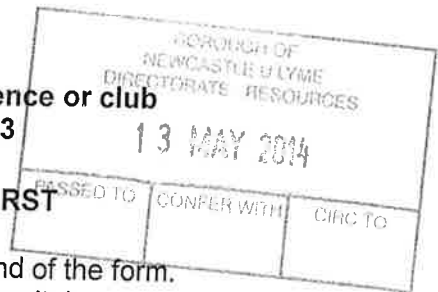
- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence.

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be appropriate in order to promote the licensing objectives

**Date of hearing: Thursday 26<sup>th</sup> June 2014**

**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 Sgt 4037 David Wright

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> YATE'S WINE LODGE 14/16 IRONMARKET	
<b>Post town</b> NEWCASTLE UNDER LYME	<b>Post code (if known)</b> ST5 1RF

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> STONEGATE PUB COMPANY LIMITED PORTER TUN HOUSE 500 CAPABILITY GREEN LUTON LU1 3LS
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<b>Number of premises licence or club premises certificate (if known)</b> 3013
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**Part 2 - Applicant details**

I am

- |   |                          |
|---|--------------------------|
| 1) an interested party (please complete (A) or (B) below)                           | <b>Please tick yes</b>   |
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 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

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 SGT 4037 DAVID WRIGHT LICENSING MANAGER STOKE POLICE STATION BOOTHEN ROAD STOKE-ON-TRENT ST4 4AH
Telephone number (if any) 01785 232840
E-mail address (optional) david.wright@staffordshire.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review** (please read guidance note 1)

The premise has been subject of a compliance testing operation on Wednesday 19<sup>th</sup> February 2014 where an underage girl was sent into the premise to see if they could purchase alcohol.

The 16 year old volunteer entered the premise and walked up to the bar and two bottles of WKD blue and a bottle of Budweiser was sold by a member of staff at the premise to the volunteer. The member of staff did not ask the volunteer for any identification or proof of age

The seller in relation to the underage sale was formally interviewed by the police and the conclusion of this enquiry was issued with a Fixed Penalty Notice.

The subsequent police investigation revealed that conditions on the premise licence relating to staff being trained in the challenge 25 scheme were not properly met at the time of this sale of alcohol to the juvenile.

The police believe that in light of this matter the Premise Licence Holder and Designated premise supervisor have failed in their obligations in relation to the promotion of the licensing objectives in the areas of Prevention of Crime and Disorder and the Protection of Children from Harm, and we believe a review of the premise licence is necessary in these circumstances.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

Attached to this review document are a number of sections which contain information upon which the police will seek to use as part of their evidence in relation to this review application. The sections are detailed as follows:-

Section 1:- Contains a number of statements from the police officers in relation to this investigation into this matter.

Section 2:- Contains a copy of the interview with the person who made the sale of alcohol to the juvenile.

Section 3:- Contains copies of staff training records and records relating to the person responsible for the sale of alcohol.

Section 4:- Contains a copy of the previous review document dated 22.10.2013

Section 5:- Contains a copy of current premise licence.

On Wednesday 19<sup>th</sup> February 2014 the police mounted a compliance test operation in relation to underage sales of alcohol in the Newcastle area.

The circumstances of the incident are that at 21:40 on Wednesday 19<sup>th</sup> February 2014 a 16 year old volunteer entered Yate's Wine Lodge along with 2 plain clothes police officers and walked up to the bar. The volunteer was sold 2 bottles of WKD blue and one bottle of Budweiser by a member of staff working behind the bar at the time. The volunteer was not asked for any proof of age or identification prior to the sale taking place.

In relation to the operation the volunteer used in the compliance test operation was chosen because in the view of the police officers participating in the operation they had a typical appearance of a child of their age.

During the investigation surrounding this offence the seller in interview stated that she had worked at the premise for 18 months and worked 20 hours a week and had no prior experience of selling alcohol. She said that she thought the underage person had already been ID checked and was told to serve them by the manager on duty at the time.

The seller was subsequently issued with a Fixed Penalty Notice in relation to this matter.

The enquiry in relation to the under age sale and the documentation provided by the venue revealed that the person who made the sale was last trained on 15<sup>th</sup> December 2013 (a copy of this documentation is attached at section 3).

On Tuesday 8<sup>th</sup> April 2014 officers attended the premise and requested to inspect the written training records for members of staff employed at the premise.

The Designated Premise Supervisor Robin Durberley said that he only conducts verbal training in Challenge 25 at staff meetings and the members of staff sign a dated training sheet. (copies of which are attached at section 3)

In order to comply with the conditions of the current premise licence which were imposed following the last review, the person who made the sale on this occasion should have received further training before the 15<sup>th</sup> February 2014 which included a

written test.

There is no evidence of such written tests being conducted and as such this is in contravention of the conditions attached to the premise licence

The police position is that the Premise Licence Holder has therefore failed in their obligation to address the Protection of Children from Harm and Prevention of Crime and Disorder licensing objectives.

As a result of this being the second recent sale of alcohol to children at the location we would request that the committee give consideration to the following condition being attached to the licence.

On all days where the premise operates with the door staff, then from 20:00 the premise will utilise one entrance to the venue and at this entrance an ID scan device will be in operation. The ID scan device must meet the approval of Staffordshire Police Licensing Unit and all persons who appear under the age of 25 who are entering the venue will be subject to the use of the device upon entry.

If the above condition is fully and properly implemented by the premise we believe that the licensing objectives in relation to the prevention of crime and disorder and protection of children from harm are likely to be met.

Please tick yes

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

If yes please state the date of that application

Day Month Year

2	2	1	0	2	0	1	3
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**If you have made representations before relating to this premises please state what they were and when you made them**

The venue has been the subject of a review relating to an underage sale which was dealt with by the way of an agreement and was heard by the licensing sub committee on 4<sup>th</sup> December 2013. The Premise Licence Holder agreed to update their staff training to Challenge 25 and also agree to the use of ultra violet lights by door staff and bar staff to check the validity of ID and also number of doorstaff conditions. a copy of the previous review is attached to this application



Please tick yes

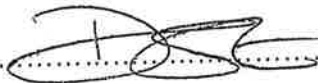
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

12.05.14

Capacity Licensing Sergeant

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

# SECTION 1

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN 21

Statement of: Dominic James Coates

Age Over 18

Occupation Special Sgt

This statement (consisting of 1 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: Date: 19/02/2014

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

I am a Special Sergeant based with the Northern Licensing Unit of Staffordshire Police.

On Wednesday the 19th June 2014 I was on Operation Sangria 1 of 2014 this was an operation relating to the enforcement of the Licensing act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with other plain clothes police officers.

At approximately 19:00hrs on the same day the operation commenced.

At approximately 21:40 hours I entered Yates Bar on Iron Market, Staffordshire with one juvenile volunteer and SC 17224 FEGAN

Myself, FEGAN and the volunteer walked up to the bar. The volunteer asked a female behind the bar, who I now know to be , for two bottles of blue WKD and a bottle of Budweiser.

turned to the fridge behind her and retrieved the two bottles of WKD and the Budweiser.

The volunteer handed a £10 note. ; took the note and put it into the till.

handed the volunteer the requested drinks and the change from the purchase.

The volunteer exited the premise and I exited the premise with the two bottles of WKD and the bottle of Budweiser. FEGAN waited behind at the bar with .

At 21:55 hours, FEGAN commenced a contemporaneous interview with . which concluded at 22:30 hours that day.

Following on from this interview FEGAN requested from the DPS, Robin DUBERLEY the training records in relation to .

I then exited the premise.

Signature: Signature Witnessed by:

**RESTRICTED (when complete)**

WITNESS STATEMENT  
(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Amy Fegan

Age if under 18: Over 18

(if over 18 insert 'over 18')

Occupation: SC17224

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I made 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:

Date: 19/02/2014

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

I am a Special Constable based with the Northern Licensing Unit of Staffordshire Police.

On Wednesday 19<sup>th</sup> February 2014 I was on Operation Sangria 1 of 2014 this was an operation relating to the enforcement of the Licensing act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with other plain clothes police officers.

At approximately 21:40hrs I entered Yates Bar, Ironmarket Newcastle-under-Lyme with SC 20492 COATES and one juvenile volunteer.

We walked through the main door and walked directly to the bar. The juvenile volunteer positioned herself in the middle of the bar and I stood closely to the right hand side of her.

Whilst waiting to be served I observed two bar staff behind the bar one male and one female and the venue had approximately 30 people inside. There was back ground music playing.

I heard the volunteer clearly ask the female behind the bar, who I now know to be  
for two bottles of WKD blue and one bottle Budweiser.

retrieved three bottles of the requested drink.

The juvenile volunteer handed a £10 note. rang the sale though the till and then handed the requested drinks and £1.70 change in coins from the purchase to the volunteer.

The volunteer left the three bottles on the bar surface and exited the premise and I identified myself as a police officer.

My colleague exited the premise with the three bottles which are now seized as evidence under section 19 of PACE. The bottles were sealed and are now produced as evidence exhibit ref: GRO11

I waited in the premise with until PC 4314 OWEN entered the premise with the sealed bottles.

At 21:55hrs I commenced a contemporaneous interview with which concluded at 22:30hrs that day.

I now produce this as evidence exhibit ref AF01.

Signature:

Signature witnessed by:



Continuation of Statement/Interview of SC 17224 Amy FEGAN

I requested from the DPS ROBIN DURBERLEY, the training records in relation to \_\_\_\_\_ and the sale of alcohol to person under the age of 18.

I was handed the training records in the name of \_\_\_\_\_ which I then seized and handed to PC 4314 OWEN.

*19/02/14.*

Signature: \_\_\_\_\_

Signature witnessed by: \_\_\_\_\_

### Witness Statement

(CJ Act 1967, s9: MC Act 1980, ss5A(3)(a) and 5B, MC Rules 1981, r70)

Statement of Kevin Sherratt Title Mr

Age if under 18  18 (if over 18 insert 'over 18'). Occupation Licensing Officer

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief and I made 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.

Dated the 8<sup>th</sup> April 2014

Signature

I am a police Licensing Officer currently stationed at Stoke police station. I am currently serving as a Divisional Licensing Officer with responsibility for on and off licence premises across the North Staffordshire.

On Tuesday 8<sup>th</sup> April 2014 I attended Yates Wine Lodge, Newcastle and spoke to the Designated Premise Supervisor Robin Duberley. I asked Mr Duberley if I could see the written training records for members of staff employed at the premise who are allowed to sell alcohol.

Mr Duberley said that he only conducts verbal training with his staff, who then signs a register to confirm the training had been received.

I asked Mr Duberley if he had any written test for the staff as the Premise Licence requires. Mr Duberley replied no I haven't, so could not produce any.

Signature

Signature witnessed by

# SECTION 2

RECORD OF INTERVIEW

Contemporaneous Notes SELLER ON LICENCE

Person interviewed:

Place of interview: MATES BAR, NEWCASTLE UNDER LYNE.

Home Address:

Telephone number: Record Overleaf

Date of interview: 19/02/14.

Time commenced: 21:55.

Time concluded: 22:30

Interviewing Officer(s): SC17224 FEGAN

Other persons present: SC 20492 COATES.

Police Exhibit No: <u>AFO1</u>
Number of pages:
Signature of interviewing officer producing Exhibit

Tape Counter Time	Person Speaking	Text
0000		CAUTION (All cases).
	Q	I wish to ask you some questions, but before I do I must caution you that you do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence
	R	<u>OK,</u>
		Interviewee to sign: .. .. .
		*NON-POLICE PREMISES ONLY (Delete Section & initial if not appropriate).
	Q	I must also tell you that you are not under arrest and you are free to terminate this interview at any time. In addition, you are entitled to obtain independent legal advice either now or at any time during the interview. Do you understand?
	R	<u>YES.</u>
		Interviewee to sign: . . . . .
	Q	Do you wish to exercise any of these rights?

Signature(s): .....



Continuation Sheet No ...2....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	NO .  Interviewee to sign: .. * POLICE PREMISES ONLY (Delete & initial if not appropriate).
	Q	I must tell you also that you are not under arrest and not obliged to remain at the police station. You are entitled to obtain free and independent legal advice either now or at any time during the interview. The interview can be delayed for you to obtain legal advice if you wish. Do you wish to exercise any of these rights?
	R	<del>NO .</del>
	Q	Interviewee to sign: - , ..... You may, if you wish, speak to a solicitor on the telephone. Do you wish to do this?
	R	NO .
	Q	Interviewee to sign: . ..... What are your reasons for not wanting legal advice?
	R	N/A, I DONT FEEL I NEED IT.
	Q	Interviewee to sign: . ..... Are you an employee and what is your role?
	R	YES, FRONT OF HOUSE MEMBER .
	Q	If not, what is your position within the Company?

Signature(s): .....  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

Continuation Sheet No ... 3 ...

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	N/A.
	Q	How many hours a week do you work?
	R	20 hours.
	Q	How long have you worked here?
	R	18 MONTHS.
	Q	Have you worked selling alcohol before?
	R	NO.
	Q	Police officers and Trading Standards Officers entered this premises with young persons who are <del>are</del> ..... 16 ..... years of age. They purchased <del>TWO WILD BLOWES, ONE BUDWISER (62011)</del> You have been identified as being the seller from these premises. I am now showing you Exhibit Number .... 62011 ..... Do you recall selling this item?
	R	YES.
	Q	Can you please tell me what the product is?
	R	BOTTLES OF ALCOHOL.
	Q	Looking at this item I believe it to be an alcoholic drink. Do you agree?

Signature(s): ..... - U  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

Continuation Sheet No ...A....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	YES.
	Q	Do you remember the person who purchased this item.
	R	YES.
	Q	I am now showing you a photograph of the person who purchased the product (Exhibit G2003). Can you confirm it is the same person you thought purchased it?
	R	YES.
	Q	At the time you sold the item to that person, how old did you think they were?
	R	ABOUT 21.
	Q	Did you consider asking for any proof of age identification from this person?
	R	NO.
	Q	The police officers and the Trading Standards Officers who accompanied the volunteer purchaser witnessed the fact that you did not ask the person their age or ask for identification. Why was this?
	R	I THOUGHT SHE WAS ALREADY I.O, I WAS TOLD TO SERVE "THEM" BY MY MANAGER.
	Q	What sort of premises is this and what does it sell?
	R	PUB RESTAURANT AND IT SELLS FOOD AND DRINK.

Signature(s): .....  
(Contemporaneous notes only)

- U

◆ Not relevant for contemporaneous notes

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Continuation Sheet No ...5....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	What is the age that a person can legally purchase alcohol in licensed premises?
	R	18.
	Q	Are you aware that it is an offence to sell intoxicating liquor to a person under the age of eighteen?
	R	yes.
	Q	What training have you had in respect of selling alcohol and the age limits at which persons can buy it?
	R	ONLINE TRAINING. STAFF MEETINGS.
	Q	When did you last receive any training in underage sales?
	R	ONLINE TRAINING WHEN I STARTED, SO 12 MONTHS AGO.
	Q	Who provided the last training you had?
	R	WE HAVE MEETINGS 3 MONTHS AGO CONDUCTED BY AN EXTERNAL PERSON, HE WAS THE MANAGER OF REFLEX.
	Q	How was your training delivered, was it in person or were you given a book to read yourself?
	R	VERBALLY AND ONLINE.

Signature(s): .....  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

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Continuation Sheet No ...A....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	Was it explained to you how to deal with underage sales, what to look for and what to ask for?
	R	YES,
	Q	If you have undertaken training, was it a "Challenge 21/" "Knock Back" or a Company Scheme?
	R	CHALLENGE 21 , UPDATED TO CHALLENGE 25 RECENTLY .
	Q	What age was it suggested that someone should be to buy alcohol without having to show ID.
	R	26 .
	Q	If they are supposed to be 21 years old the volunteers don't look that old and you state that they appeared to be ...21..... years old, why did you not consider asking for ID in line with your training?
	R	I THOUGHT IT HAD ALREADY BEEN DONE .
	Q	Do you have any documentary proof of the training you have received?
	R	YES,
	Q	Produce records of training to interviewee and ask...

Signature(s): .....  
(Contemporaneous notes only)

— U

◆ Not relevant for contemporaneous notes

Continuation Sheet No ...7....

Continuation Sheet No ...7....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Did you receive the training that is shown here? YES.
	Q	Are the signatures on these training records your signatures?
	R	YES.
	Q	Do you agree that by signing these documents you are accepting that you have received the training that the document relates to?
	R	YES.
	Q	Are you aware of any signs regarding age restrictions for alcohol sales being displayed in the premises?
	R	YES, ONE BEHIND BAR.
	Q	Do you have a refusals register?
	R	ON THE TILL SYSTEM.
	Q	When was the last time you made an entry in this register?
	R	I HAVENT.
	Q	Who is the Designated Premises Supervisor of the premises?

Signature(s): .....  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

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Continuation Sheet No ... & ...

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	ROBIN DUBERLEY, ' .....
	Q	How often do you see the Designated Premises Supervisor at the premises?
	R	EVERY DAY.
	Q	Where was the Designated Premises Supervisor at the time of the sale?
	R	AT HOME.
	Q	The drink that was purchased by the underage person, how much does that cost?
	R	£8.30
	Q	At the time the volunteers were in the premises how many other customers were in the premises?
	R	ABOUT 50 PEOPLE.
	Q	How many members of staff were working at the time?
	R	TWO MEMBERS BEHIND THE BAR.
<p>ANY FURTHER QUESTIONS SHOULD BE RECORDED HERE. IF THERE ARE NO FURTHER QUESTIONS THEN STRIKE OUT THE BLANK SPACE AND GO TO LAST COMMENT.</p>		

Signature(s): .....  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

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Continuation Sheet No ...9....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
		/
	Q	Is there anything you wish to add or clarify?
	R	NO.
		DO NOT REPORT FOR SUMMONS IF ALL ENQUIRIES NOT COMPLETE!!
	Q	You will be reported for the offence of selling alcohol to a person under the age of

Signature(s): .....  
(Contemporaneous notes only)

.....

◆ Not relevant for contemporaneous notes



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Continuation Sheet No ...10...

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	<p>eighteen and any other offences disclosed. You do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?</p> <p>Yes.</p>
		<p>I have read this interview and confirm that it is a true and accurate account of the interview.</p> <p>Signature of interviewee. ....</p>

Signature(s): .....  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

**RESTRICTED (when complete)**

Form MG 15 (T)(contd)  
URN

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Continuation Sheet No ...11...

Person interviewed.....

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Signature(s): .....  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

# SECTION 3

# DON'T DO DRUNK/UNDERAGE SALES / CHALLENGE 25 POLICY

**Week Commencing:**

I confirm that I have received refresher training on Underage Sales and the Company Challenge 25 Policy on the dates noted below. I confirm that I fully understand the laws which govern serving alcohol, tobacco or allow gaming to under 18s and sales to those considered to be drunk.

I agree to comply with the Company policy to:-

- Adhere to the licensing legislation and our commitment to operate "Challenge 25"
- Undertake due diligence when serving alcohol or tobacco.
- Ensure no under 18s are allowed to play on Gaming Machines (category C's)
- Never knowingly serve alcohol or tobacco to anyone under the age of 18.
- Refuse further alcohol to anyone who appears visibly drunk.
- Record on the till systems all refusals to serve customers.

I understand that the disciplinary procedure will be invoked should I breach Company policy and that a serious breach will be considered gross misconduct. I also understand the potential penalties of an immediate £80 fine, or a possible £5,000 fine if I am prosecuted for this offence.

In addition, I confirm that I have read and understand the conditions of the premises licence.

Name	Confirmation			
	Date	Signature	Date	Signature
SELLER	31-1-2014		1-2-2014	
	31/1/14		1/2/14	
	31-1-14		1-2-14	
	31-01-14		01-02-14	
	31-01-14			
	31-01-14		01-02-14	
	31/1/14		1/02/14	
	31/1/14		1/1	
	31/1/14			
	31/1/14		1/02/14	
	31/1/14		1/2/14	
	31/1/14		1/2/14	
	31/1/14		1/2/14	
	31/1/14		1/2/14	
	31/1/14		1/2/14	
	31/1/14		1/2/14	
	01/02/14			
	01/02/14			
	01/02/14			

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In addition, I confirm that I have read and understand the conditions of the premises licence.

Name	Confirmation			
	Date	Signature	Date	Signature
SELLER	7-2-14		7-2-14	
	7-2-14		8-2-14	
	7-2-14		8-2-14	
	7-2-14			
	7/2/14		8/2/14	
	7/2/14		8/2/14	
	7/2/14		8/02/14	
	7/2/14		8/02/14	
	7/2/14		8/02/14	
	07-02-14		08-02-14	
	07-02-14			
	07-02-14		08-02-14	
	07-02-14		08-02-14	
	07/02/14			
	07/2/14		8/2/14	
	07/2/14		08/02/14	
			08-02-14	
	8-2-14			
	8-2-14		7-2-14	
	8-2-14		8-2-14	

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- Never knowingly serve alcohol or tobacco to anyone under the age of 18.
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I understand that the disciplinary procedure will be invoked should I breach Company policy and that a serious breach will be considered gross misconduct. I also understand the potential penalties of an immediate £80 fine, or a possible £5,000 fine if I am prosecuted for this offence.

In addition, I confirm that I have read and understand the conditions of the premises licence.

Name	Confirmation			
	Date	Signature	Date	Signature
SELLER.	14-2-14		15-2-14	
	14-2-14		15-2-14	
	14-02-14		15-02-14	
	14-02-14		15-02-14	
	14-02-14		15-2-14	
	14-02-14		15/2/14	
	14/02/14		15-02-14	
	14/02/14		15/2/14	
	14/2/14		15-2-14	
	14/2/14		15-2-14	
	14-2-14		15-02-14	
	14-2-14		15-02-14	
	14-2-14		15-02-14	
	14-2-14		15-2-14	
	14-2-14		15-2-14	
	14-2-14		15-02-14	
	14-2-14		15-02-14	
	15-2-14			
	15-2-14			

15-2-14  
15-2-14

3

# DON'T DO DRUNK/UNDERAGE SALES / CHALLENGE 25 POLICY

*Week Commencing:*

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- Never knowingly serve alcohol or tobacco to anyone under the age of 18.
- Refuse further alcohol to anyone who appears visibly drunk.
- Record on the till systems all refusals to serve customers.

I understand that the disciplinary procedure will be invoked should I breach Company policy and that a serious breach will be considered gross misconduct. I also understand the potential penalties of an immediate £80 fine, or a possible £5,000 fine if I am prosecuted for this offence.

In addition, I confirm that I have read and understand the-conditions of the premises licence.

Name	Confirmation			
	Date	Signature	Date	Signature
	15/2/14			



**Training Record Form for a Server of Alcohol**

- Licensing Act 2003
- Gambling Act 2005
- Health Act 2006

There are strict laws and company rules concerning the sale of alcohol. This form is designed to ensure that you understand your responsibilities. You must therefore sign this form before you are allowed to serve alcohol.

Breaking the law can result in heavy fines and the loss of our licence. At the very least, in the event of the authorities discovering that you have served alcohol to someone under the age of 18 or someone who is drunk, you could be issued with an £80 fixed penalty notice which would be your personal responsibility to pay. A conviction for any of the matters listed below not only leaves you with a criminal record but may also prevent you from becoming a personal licence holder in the future. In addition, if you do not comply with these rules disciplinary action may be taken against you which could result in the loss of your job.

It is essential that if you do not understand any of these instructions or require further information that you discuss the matter with your Manager.

1. Do not sell alcohol to anybody who is under 18. If you are in any doubt about their age simply do not sell alcohol to them. If a customer looks under 25 you must ask for identification. The only acceptable forms of identification are an international passport, a UK photo card driving licence, a proof of age card bearing the PASS hologram.
2. Do not sell alcohol to anybody who you suspect is drunk. In addition, you should not sell to anyone whom you believe to be purchasing on behalf of an individual who is drunk or appears to be drunk. If you suspect that someone is drunk then inform the Manager immediately.
3. Do not serve alcohol outside the hours listed on your premises licence. You must also make sure that drinking up is completed within 20 minutes.
4. You must be aware of any conditions which are attached to the licence for your premises and abide by them.
5. Always ensure that you serve a correct measure. It is an offence to give an under measure.
6. It is forbidden and against the law to smoke (including e-light cigarettes) anywhere within the premises.
7. It is against the law for people under the age of 18 to play on gaming machines and their use must therefore be supervised; if a player looks under 25 you must ask for identification.
8. It is against the law for people under the age of 18 to purchase cigarettes; if a customer looks under 25 you must ask for identification.
9. Hand wash basins must be only used for hand washing and should always contain soap, hot water and a supply of hand towels.

These requirements must be observed at all times. Both you and the company can be prosecuted if they are not adhered to and if you are found guilty of an offence you may receive a criminal conviction and/ or a fine.

I can confirm that I have received training in all the above matters and have read and understood the details of these instructions.

**Server of alcohol**

Name \_\_\_\_\_

Date 15/12/13 Signed \_\_\_\_\_

I am satisfied that the above named person fully understands the content of this instruction and that they are competent to sell alcohol in accordance with the law.

**Personal licence holder**

Name \_\_\_\_\_

Date 15-12-13 Signed \_\_\_\_\_





CITIZENCARD

# AGE VERIFICATION

This is to certify that



has successfully completed an e-learning course  
in the above subject

Date training received: 27/09/2012

The candidate has passed the assessment in respect of the following  
elements that comprise the course:

- Age verification for alcohol sales – the legal requirements
- Age verification policy
- Putting the policy into practice
- Deciding who to ask for a proof of age
- How to ask for a proof of age
- Dealing with conflict
- Refusing proxy sales of alcohol
- High-risk situations
- Consequences of failing to implement age verification for alcohol sales

Signed

Daniel Davies  
Chief Executive  
CPL Training



cpltraining™

EDI

Supporting learning  
and performance



# AUASP

(Award in Underage Sales Prevention)

This is to certify that

has successfully completed an e-learning course  
in the above subject

Date training received: 27/09/2012

The candidate has passed the assessment in respect of the following  
elements that comprise the course:

- Why the law restricts the sale of certain products
- Alcohol & authorising alcohol sales
- The law relating to underage sales and serving intoxicated people
- The law relating to other age-restricted products
- Refusing service to persons intoxicated by alcohol
- Refusing service of alcohol to underage persons
- Refusing service of other age-restricted products
- Standing your ground and seeking support
- Record keeping

Signed

Daniel Davies  
Chief Executive  
CPL Training



# SECTION 4

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 PC 0244 HANA MIR

*(Insert name of applicant)*

Apply for the review of a premises licence under section 51 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 YATES' S 14 / 16 IRONMARKET	
--	--

Post town NEWCASTLE UNDER LYME	Post code (if known) ST5 1RF
-----------------------------------	---------------------------------

Name of premises licence holder or club holding club premises certificate (if known) STONEGATE PUB COMPANY LIMITED PORTER TUN HOUSE, 500, CAPABILTY GREEN, LUTON, LU1 3LS
--

Number of premises licence or club premises certificate (if known) PL0011
--

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 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

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

Please tick yes

I am 18 years old or over

**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  
PC 0244 HANA MIR  
NORTHERN LICENSING UNIT  
STOKE POLICE STATION  
BOOTHEN ROAD  
STOKE-ON-TRENT  
ST4 4AH

Telephone number (if any)  
01785 232840

E-mail address (optional)  
hana.mir@staffordshire.pnn. police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review** (please read guidance note 1)

The premise has been subject of a compliance testing operation on Friday 28th June 2013 where an under age girl was sent into the premise to see if they could purchase alcohol.

The 16 year old volunteer entered the premise and walked past door staff at the venue totally unchallenged and then went to the bar where alcoholic drinks were sold to her by a member of staff at the premise. The member of staff behind the bar did not ask the volunteer for any form of identification

The seller in relation to this matter was formally interviewed by the police and at the conclusion of the criminal enquiry was given a Fixed Penalty Notice for this offence.

The subsequent enquiry revealed that the member of staff had received computer based training in respect of sales of alcohol to juveniles 9 months previously.

The police believe that in light of this matter the Premise Licence Holder and designated premise supervisor need to do more in relation to the promotion of the licensing objectives in the areas of Prevention of Crime and Disorder and the Protection of Children from Harm, and we believe a review of the premise licence is necessary in these circumstances.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

Attached to this review document are a number of sections which contain information upon which the police will seek to use as part of their evidence in relation to this review application. The sections are detailed as follows:-

Section 1:- Contains statements from police officers involved in the operation and subsequent enquiry

Section 2:- Contains a copy of the interview with the person who made the sale

Section 3:- Contains training records of the person who made the sale of alcohol

Section 4 contains an example of a date of birth check card

The brief details of the underage sale at the venue are that on Thursday 28th June 2013 the Police licensing Officers mounted a compliance testing operation in relation to underage sales of alcohol in the Newcastle area.

This involved the use of 2 underage test purchase volunteers, a girl who was 16 years of age and another who was 15 years of age

The circumstances of the incident are that at 2205 hrs on Friday 28th June 2013 the 16 year old volunteer entered Yates's along with a plain clothes police officer and walked past two door staff. Neither the volunteer nor the officer was challenged by two members of door staff who were present.

The 16 year old volunteer, then went to the bar and asked the bar person for 2 bottles of Smirnoff Ice, which is an alcoholic drink. The volunteer was sold the alcoholic drinks by the member of staff working behind the bar at the time. The volunteer was again not asked for any proof of age identification prior to the sale taking place.

In relation to the operation the volunteers used in the compliance test operation were photographed prior to the operation. The volunteers were chosen because in the view of the Police Officers participating in the operation they had a typical appearance of children of their age.

During the investigation surrounding this offence the seller in interview stated that she had been employed at Yates's for 10 months.

She said she had not asked for identification as on Fridays and Saturdays there were usually door staff and she assumed that they had checked the volunteers ID. She further added that she was stressed as she had forgotten her Till Card.

In her interview the bar person stated she had received computer base training in relation to underage sales 10 months ago and produced two training records in her name and both dated 20/09/2012. (this was actually 9 months previous)

The seller was subsequently issued with an £90 Fixed Penalty Notice

In light of the information produced the Police believe that the premise licence holder could do more to promote the licensing objectives especially in relation to preventing sales of alcohol to children and in light of this would ask that the Licensing Sub Committee give consideration to adding the following conditions onto the licence.

To remove conditions on the current Premise Licence under Annexe 3 1(a) and (b) and all conditions under Annex 3 iv and replace with the following :

1. The premises must adopt the challenge 25 scheme to tackle underage sales. All staff must be fully trained in its use before being allowed to sell alcohol.
2. Training for staff selling alcohol should be refreshed at least every two months. Both initial and subsequent refresher training in relation to the sale of alcohol will contain a written test to be undertaken by the staff members must be signed and dated by both the members of the staff and the designated premise supervisor.
3. The records of training and all literature relating to the training undertaken (including written tests) must be kept fully updated at all times and held at the licensed premise. The records must be made available immediately to the police officers, police licensing officers or trading officers upon request.
4. A refusals log must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. The log must also contain details of the staff member refusing the sale. This log must be checked on a monthly basis by the designated premises supervisor or duty manager and a record must be kept of such checks recording the time and date of any inspection and details of the manager / DPS
5. Persons purchasing alcoholic drinks who appear to be under the age of 25 must be required to produce proof of age by way of a proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a genuine photo driving licence or passport. All bar staff as part of their training will need to be familiar with these types of identity documents.
6. At each till there will be placed a date of birth check card (as shown in section 4) which will be kept updated at all times with the current date at which a person must be born before to be aged 18 or over.
7. At the entrance to the premise and at till areas there will be a UV light positioned to allow the door staff and bar staff to check the validity of identity documents. The lights will be operational at all times when the premise is open to the public.

We would also ask that the sub committee modify any condition currently placed upon the Premise Licence under Annex 2 concerning Door staff with the following:

8. On Wednesday evenings there will be provided a minimum of 1 door supervisor and on Friday and Saturday evenings there will be provided a minimum of two door supervisors at the venue from 2000 hours until the venue has closed. One door supervisor will be positioned at pavement level outside the venue at the entrance door and must be present in this location until the venue is closed.
9. All door staff should be familiar with the acceptable forms of identification and be familiar with genuine documents and how to identify fake documentation.
10. All door staff to wear high visibility jacket when on duty at the premise and these jacket to have printed upon them appropriate wording to identify that they are security staff at the venue. (Black jackets or similar with reflective strips are not considered to be high visibility)
11. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:



- The door supervisor's name, date of birth and home address
- His/her security Authority licence number
- The time, date he/she starts and finishes duty
- Each entry shall be signed by the door supervisor

That register shall be kept fully updated at all times at remain at the licensed premise and be available for inspection immediately upon demand by an Authorised officer of the Council, the Security Industry Authority or a Police Constable when they are used for a licensable activity.

12. The police shall have the power to review the position regarding door supervisors without affecting the premise Licence. In effect there could be circumstances where the police would agree to the removal of the need for Door supervisors and also the need to reinstate the requirement for door supervisors. Any such decision will be given in writing to the premise licence holder.

We therefore believe that serious consideration needs to be given by the Licensing Sub Committee with a view to imposing the new and updated conditions on the Premise Licence.

We also believe that the premise licence holder should be given a clear warning that a further appearance at the review could give rise to a presumption of revocation.

Should the conditions be attached fully and the warning given by the sub committee as outlined above the police believe that the licensing objectives relative to prevention of crime and disorder and the protection of children from harm are likely to be met

Please tick yes

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

If yes please state the date of that application

Day Month Year  

--	--	--	--	--	--	--	--

**If you have made representations before relating to this 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

22/10/2013

Capacity Licensing Officer

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town	Post Code
-----------	-----------

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

FRONTS

### Witness Statement

(CJ Act 1967, s9: MC Act 1980, ss5A(3)(a) and 5B, MC Rules 1981, r70)

Statement of Graeme Robert Owen Title PC

Age if under 18  18 (if over 18 insert 'over 18'). Occupation POLICE OFFICER

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I made 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.

Dated the 7<sup>th</sup> October 2013

Signature: [Signature]

I am a police Constable with Staffordshire Police currently stationed at Stoke police station. I am currently serving as a Divisional Licensing Officer with responsibility for on and off licence premises across the North of Staffordshire.

On Friday 28<sup>th</sup> June 2013 I had the responsibility for being the exhibits officer for an operation relating to the enforcement of the Licensing act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with plain clothes police officers

At approximately 1800 hours on that date all staff met at Stoke Police station and once everyone was present I started to take a series of Photographs of the volunteers. These photographs I now produce as follows:-

- Facial photo of ..... GRO 1
- Full length of ..... GRO 2
- Close up of ..... GRO 3
- Facial photo of ..... GRO 4
- Full length of ..... GRO 5
- Close up of ..... GRO 6
- Group photo of ..... GRO 7

Once all the photographs were taken I then transferred the untouched images onto a master CD which was sealed which I now produce as evidence exhibit ( ) marked GRO 8. I also produced a working copy of the CD which was subsequently used to immediately print off images GRO1 and GRO4 for use during the operation.

At about 1935 we gave a briefing to the Staff and volunteers at Stoke Police Station which I video recorded and I then sealed. I now produce this tape as evidence exhibit ( ) ref GRO 9

At about 2040 hrs on that same date the operation commenced

Signature (

Signature witnessed by

**Continuation of Statement/Interview of Graeme Robert Owen**

At about 2205 that day I asked \_\_\_\_\_ to enter YATES WINE LODGE situated in Ironmarket Newcastle and purchase alcohol. I confirmed that she still had the same appearance as the photograph taken earlier. \_\_\_\_\_ entered the premise followed by Special Constable Ewart who was dressed in plain clothes.

After a few minutes the volunteer \_\_\_\_\_ returned and I entered the premise and walked up to the bar area where SC Ewart was standing talking to the bar person. Sc Ewart handed me 2 bottles of Smirnoff Ice that had been on the bar area next to him. I seized both bottles which I now produce as evidence ref GRO 14 & GRO 15

I initially took the bottles to the police vehicle and then resealed them and returned to SC Ewart. I explained to the seller what had occurred and I asked if there was some where more private that we could go in order that I could discuss the matter away from any other members of the public or customers in order to afford as much privacy as possible. At this point we were taken to a rear room of the premise where Sc Ewart conducted a contemporaneous interview of the seller and I resumed my duties

During the course of the operation a total of 13 premise were visited and 4 premise sold to the volunteers however 9 refused to sell to the volunteers

Upon returning to Stoke Police Station I took possession of all exhibits and booked all these items into the secure property store ref 686335

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN 21

Statement of: Gareth James Ewart

Age Over 18

Occupation

Special Constable

This statement (consisting of 1 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 ....

Date: 29/6/13

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

I am a Special Constable based with the Northern Licensing Unit of Staffordshire Police.

On Friday the 28th June 2013 I was on Operation Sangria 4 of 2013 this was an operation relating to the enforcement of the Licensing act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with other plain clothes police officers.

At approximately 19:00hrs on the same day the operation commenced.

At approximately 22:05hrs I entered Yates nightclub on Ironmarket, Newcastle-under-Lyme, Staffordshire with one juvenile volunteer!

We entered the premise through the main door past two door supervisors, neither myself or were asked for any ID in order to gain entry to the premise.

Myself and the volunteer walked up to the bar. The volunteer asked a female behind the bar, who I now know to be, for two bottles of 'Smirnoff Ice.'

turned to the fridge behind her and retrieved two bottles of the requested drink.

handed a £10 note. took the note and put it into the till.

then handed the requested drinks and the change from the purchase.

The volunteer exited the premise and I identified myself as a police officer.

I waited in the premise with until PC 4314 OWEN entered the premise with the interview pack.

At 22:27hrs I commenced a contemporaneous interview with which concluded at 22:55hrs that day I

now produce this as evidence exhibit GJE01 ref. ( )

During this interview I requested from the training records in relation herself. After the interview was concluded she located the training records and I was then handed the training records in the name of

which I then seized. I now produce as evidence, exhibit ( ) ref. GJE02.

I then exited the premise.

Signature: .....

Signature Witnessed by: .....

### WITNESS STATEMENT

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

URN 

21			
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Statement of: **Hana Mir**

Age **Over 18**

Occupation **Police Constable**

This statement (consisting of \_\_\_\_\_ 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 ..... Date: **Wednesday 9<sup>th</sup> October 2013**

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

I am a Police Constable in the Staffordshire Police Service based within the Licensing Unit at Stoke Police Station and have responsibility for ON and OFF licensed premise across North Staffordshire.

At 1625hrs Wednesday 9<sup>th</sup> October 2013 I visited Yates, 14 – 16, Ironmarket, Newcastle, Staffs following a failed Compliance Test on 28<sup>th</sup> June 2013. Upon arrival I saw Mr David William WHYTE the Designated Premise Supervisor but unfortunately he was committed so he directed me to the supervisor

I asked Mr \_\_\_\_\_ if he could produce any staff Training Records in relation to underage sales conducted since Friday 28<sup>th</sup> June 2013. He explained that staff are trained only ONCE at the beginning of their employment which takes the form of computer based tests. This is followed by monthly Refresher Training given verbally by management. Mr ' \_\_\_\_\_ handed to me an Underage Sales / Challenge 25 Policy form signed by staff members dated 4<sup>th</sup> October 2013. He explained that these forms are signed every weekend by staff prior to the commencement of their shift.

I saw that the Till which was positioned behind the bar was an IBM digital with a computerised screen. Access is gained to it by use of the staffs' individual Identification swipe card. There was no ' prompt ' facility in respect of age restricted sales but the date of birth of a person aged 18 yrs or over appeared on the screen.

Refusals are recorded within the Till system. If a customer appears under 25yrs of age and either has no Identification, produces the wrong type of ID or is under 18yrs the Refusal is recorded using the Check ID button. If the customer is drunk the Refusal button is used. Data from the Till is automatically recorded on an electronic journal on the computer in the staff office so that sales / refusals can be monitored.

Signature: ..... Signature Witnessed by: .....



Continuation of Statement of:

I then asked Mr I if I could inspect the CCTV system. He showed to me a Ganz make CCTV monitor and hardrive situated in a private staff office upstairs. There were fourteen cameras on the system covering all public areas inside and outside the venue which were mostly of good quality. The camera on the front door showing persons entering the premise required attention as the footage was distorted by a line running across the screen. The camera covering the back entrance/ exit door was not working and the camera covering the beer garden was partially obscured by foliage. The footage had a retention of thirty one days.

I then left the premise.

Whilst in the venue I noticed a strong smell of fresh cigarette smoke in the internal stairway which is used to gain access to the private staff office / area. I made mention of this to Mr and he said it was caused by the staff smoking.

Signature: ..... Signature Witnessed by: ..... Page 57

SECTIONS 2

**RECORD OF INTERVIEW**

Contemporaneous Notes SELLER ON LICENCE

Person interviewed:

Place of interview: *Yates*

Home Address:

Telephone number: Record Overleaf

Date of interview: *28/11/13*

Time commenced: *22:27 hrs*

Time concluded: *22:55 hrs*

Interviewing Officer(s): *SC 16924 EWART*

Other persons present:

Police Exhibit No:  Number of pages:   Signature of interviewing officer producing Exhibit
---

Tape Counter Time	Person Speaking	Text
0000		CAUTION (All cases).
	Q	I wish to ask you some questions, but before I do I must caution you that you do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence
	R	<i>ok.</i>
		Interviewee to sign: .....
		*NON-POLICE PREMISES ONLY (Delete Section & initial if not appropriate).
	Q	I must also tell you that you are not under arrest and you are free to terminate this interview at any time. In addition, you are entitled to obtain independent legal advice either now or at any time during the interview. Do you understand?
	R	<i>Yes.</i>
		Interviewee to sign: .....
	Q	Do you wish to exercise any of these rights?

Signature(s): .....  
(Contemporaneous notes only)

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Continuation Sheet No ...2....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	No.
		Interviewee to sign: .....
		* POLICE PREMISES ONLY (Delete & initial if not appropriate). <span style="float: right;">GE</span>
	Q	<del>I must tell you also that you are not under arrest and not obliged to remain at the police station. You are entitled to obtain free and independent legal advice either now or at any time during the interview. The interview can be delayed for you to obtain legal advice if you wish. Do you wish to exercise any of these rights?</del>
	R	
		Interviewee to sign: .....
	Q	You may, if you wish, speak to a solicitor on the telephone. Do you wish to do this?
	R	No.
		Interviewee to sign: .....
	Q	What are your reasons for not wanting legal advice?
	R	I don't know who to call.
		Interviewee to sign: .....
	Q	Are you an employee and what is your role?
	R	Yes, Team member / bar staff.
	Q	If not, what is your position within the Company?

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Continuation Sheet No ... 3....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	not asked.
	Q	How many hours a week do you work?
	R	about 38.
	Q	How long have you worked here?
	R	10 months.
	Q	Have you worked selling alcohol before?
	R	No.
	Q	Police officers and <sup>GA</sup> Trading Standards Officers entered this premises with young persons who are .....16.....years of age. They purchased <u>2 bottles of Smirnoff ice</u> ..... You have been identified as being the seller from these premises. I am now showing you Exhibit Number <u>Grola &amp; Gra 15</u> .. Do you recall selling this item?
	R	Yes.
	Q	Can you please tell me what the product is?
	R	Two bottles of Smirnoff ice
	Q	Looking at this item I believe it to be an alcoholic drink. Do you agree?

Signature(s): ...  
(Contemporaneous notes only)

Four empty rectangular boxes for recording information.

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Yes
	Q	Do you remember the person who purchased this item.
	R	I think it was a girl, the first person I served, she had redish hair.
	Q	I am now showing you a photograph of the person who purchased the product (Exhibit <u>GROG</u> .....). Can you confirm it is the same person you thought purchased it?
	R	Yes
	Q	At the time you sold the item to that person, how old did you think they were?
	R	Over 18,
	Q	Did you consider asking for any proof of age identification from this person?
	R	No
	Q	The police officers and <sup>GE</sup> the Trading Standards Officers who accompanied the volunteer purchaser witnessed the fact that you did not ask the person their age or ask for identification. Why was this?
	R	Because on a Friday & Saturday we usually <del>we</del> <sup>GE</sup> have door staff, it was a bit busy and I was stressed because I had forgotten my bill card.
	Q	What sort of premises is this and what does it sell?
	R	It's a bar and sells alcohol.

--	--	--	--

Continuation Sheet No ...5....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	What is the age that a person can legally purchase alcohol in licensed premises?
	R	18.
	Q	Are you aware that it is an offence to sell intoxicating liquor to a person under the age of eighteen?
	R	Yes.
	Q	What training have you had in respect of selling alcohol and the age limits at which persons can buy it?
	R	We have done online training.
	Q	When did you last receive any training in underage sales?
	R	when I started 10 months ago.
	Q	Who provided the last training you had?
	R	It's Stonegate, they don't <sup>get</sup> <del>correct</del> it <sup>use</sup> <del>the</del> wife it themselves I don't know the company they get it from.
	Q	How was your training delivered, was it in person or were you given a book to read yourself?
	R	On the computer.

Signature(s): .....  
(Contemporaneous notes only)

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Continuation Sheet No ...6....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	Was it explained to you how to deal with underage sales, what to look for and what to ask for?
	R	Yes.
	Q	If you have undertaken training, was it a "Challenge 21/" "Knock Back" or a Company Scheme?
	R	Challenge 25
	Q	What age was it suggested that someone should be to buy alcohol without having to show ID.
	R	over 25
	Q	If they are supposed to be <sup>GE</sup> 25 years old the volunteers don't look that old and you state that they appeared to be ...over 18..... years old, why did you not consider asking for ID in line with your training?
	R	Just because on a Friday and Saturday when it is much busier I assume the door staff have checked.
	Q	Do you have any documentary proof of the training you have received?
	R	I think there is a certificate.
	Q	Produce records of training to interviewee and ask...

Signature(s): ..  
(Contemporary notes only)

◆ Not relevant for contemporaneous notes



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Continuation Sheet No ...7....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Did you receive the training that is shown here? <i>not asked</i>
	Q	Are the signatures on these training records your signatures?
	R	<i>not asked.</i>
	Q	Do you agree that by signing these documents you are accepting that you have received the training that the document relates to?
	R	<i>not asked.</i>
	Q	Are you aware of any signs regarding age restrictions for alcohol sales being displayed in the premises?
	R	<i>No.</i>
	Q	Do you have a refusals register?
	R	<i>we put them through on the till.</i>
	Q	When was the last time you made an entry in this register?
	R	<i>Earlier today.</i>
	Q	Who is the Designated Premises Supervisor of the premises?

Signature(s):  
(Contemporaneous notes only)

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Continuation Sheet No ... &....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Ben Harvey.
	Q	How often do you see the Designated Premises Supervisor at the premises?
	R	Three or four times a week.
	Q	Where was the Designated Premises Supervisor at the time of the sale?
	R	Some where on site.
	Q	The drink that was purchased by the underage person, how much does that cost?
	R	For the two £7.20
	Q	At the time the volunteers were in the premises how many other customers were in the premises?
	R	A lot the bar was full of people.
	Q	How many members of staff were working at the time?
	R	Over 10.
<p>ANY FURTHER QUESTIONS SHOULD BE RECORDED HERE. IF THERE ARE NO FURTHER QUESTIONS THEN STRIKE OUT THE BLANK SPACE AND GO TO LAST COMMENT.</p>		

Continuation Sheet No ...9....

Continuation Sheet No ...9....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
		<i>GE.</i>
	Q	Is there anything you wish to add or clarify?
	R	<i>No.</i>
		<b>DO NOT REPORT FOR SUMMONS IF ALL ENQUIRIES NOT COMPLETE!!</b>
	Q	You will be reported for the offence of selling alcohol to a person under the age of

Signature(s):  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

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Continuation Sheet No ...10...

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	<p>eighteen and any other offences disclosed. You do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?</p> <p><i>Yes</i></p>
		<p>I have read this interview and confirm that it is a true and accurate account of the interview.</p> <p>Signature of interviewee: .....</p>

Signature(s) .....  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

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# AUASP

(Award in Underage Sales Prevention)

This is to certify that

has successfully completed an e-learning course  
in the above subject

Date training received: 20/09/2012

The candidate has passed the assessment in respect of the following elements that comprise the course:

- Why the law restricts the sale of certain products
- Alcohol & authorising alcohol sales
- The law relating to underage sales and serving intoxicated people
- The law relating to other age-restricted products
- Refusing service to persons intoxicated by alcohol
- Refusing service of alcohol to underage persons
- Refusing service of other age-restricted products
- Standing your ground and seeking support
- Record keeping

Signed

Daniel Davies  
Chief Executive  
CPL Training





**CITIZENCARD**

# AGE VERIFICATION

This is to certify that



has successfully completed an e-learning course  
in the above subject

Date training received: 20/09/2012

The candidate has passed the assessment in respect of the following  
elements that comprise the course:

- Age verification for alcohol sales – the legal requirements
- Age verification policy
- Putting the policy into practice
- Deciding who to ask for a proof of age
- How to ask for a proof of age
- Dealing with conflict
- Refusing proxy sales of alcohol
- High-risk situations
- Consequences of failing to implement age verification for alcohol sales

Signed



Daniel Davies  
Chief Executive  
CPL Training



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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 PC 0244 HANA MIR

(Insert name of applicant)

Apply for the review of a premises licence under section 51 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 YATES' S 14 / 16 IRONMARKET	
Post town NEWCASTLE UNDER LYME	Post code (if known) ST5 1RF

Name of premises licence holder or club holding club premises certificate (if known) STONEGATE PUB COMPANY LIMITED PORTER TUN HOUSE, 500, CAPABILTY GREEN, LUTON, LU1 3LS
--

Number of premises licence or club premises certificate (if known) PL0011
--

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 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  
 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 PC 0244 HANA MIR NORTHERN LICENSING UNIT STOKE POLICE STATION BOOTHEN ROAD STOKE-ON-TRENT ST4 4AH
Telephone number (if any) 01785 232840
E-mail address (optional) hana.mir@staffordshire.pnn. police.uk

**This application to review relates to the following licensing objective(s)**  
Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 1)**  
The premise has been subject of a compliance testing operation on Friday 28th June 2013 where an under age girl was sent into the premise to see if they could purchase alcohol.

The 16 year old volunteer entered the premise and walked past door staff at the venue totally unchallenged and then went to the bar where alcoholic drinks were sold to her by a member of staff at the premise. The member of staff behind the bar did not ask the volunteer for any form of identification

The seller in relation to this matter was formally interviewed by the police and at the conclusion of the criminal enquiry was given a Fixed Penalty Notice for this offence.

The subsequent enquiry revealed that the member of staff had received computer based training in respect of sales of alcohol to juveniles 9 months previously.

The police believe that in light of this matter the Premise Licence Holder and designated premise supervisor need to do more in relation to the promotion of the licensing objectives in the areas of Prevention of Crime and Disorder and the Protection of Children from Harm, and we believe a review of the premise licence is necessary in these circumstances.

Please provide as much information as possible to support the application (please read guidance note 2)

Attached to this review document are a number of sections which contain information upon which the police will seek to use as part of their evidence in relation to this review application. The sections are detailed as follows:-

Section 1:- Contains statements from police officers involved in the operation and subsequent enquiry

Section 2:- Contains a copy of the interview with the person who made the sale

Section 3:- Contains training records of the person who made the sale of alcohol

Section 4 contains an example of a date of birth check card

The brief details of the underage sale at the venue are that on Thursday 28th June 2013 the Police licensing Officers mounted a compliance testing operation in relation to underage sales of alcohol in the Newcastle area.

This involved the use of 2 underage test purchase volunteers, a girl who was 16 years of age and another who was 15 years of age

The circumstances of the incident are that at 2205 hrs on Friday 28th June 2013 the 16 year old volunteer entered Yates's along with a plain clothes police officer and walked past two door staff. Neither the volunteer nor the officer was challenged by two members of door staff who were present.

The 16 year old volunteer, then went to the bar and asked the bar person for 2 bottles of Smirnoff Ice, which is an alcoholic drink. The volunteer was sold the alcoholic drinks by the member of staff working behind the bar at the time. The volunteer was again not asked for any proof of age identification prior to the sale taking place.

In relation to the operation the volunteers used in the compliance test operation were photographed prior to the operation. The volunteers were chosen because in the view of the Police Officers participating in the operation they had a typical appearance of children of their age.

During the investigation surrounding this offence the seller in interview stated that she had been employed at Yates's for 10 months.

She said she had not asked for identification as on Fridays and Saturdays there were usually doorstaff and she assumed that they had checked the volunteers ID. She further added that she was stressed as she had forgotten her Till Card.

In her interview the bar person stated she had received computer based training in relation to underage sales 10 months ago and produced two training records in her name and both dated 20/09/2012. (this was actually 9 months previous)

The seller was subsequently issued with an £90 Fixed Penalty Notice

In light of the information produced the Police believe that the premise licence holder could do more to promote the licensing objectives especially in relation to preventing sales of alcohol to children and in light of this would ask that the Licensing Sub Committee give consideration to adding the following conditions onto the licence.

To remove conditions on the current Premise Licence under Annexe 3 1(a) and (b) and all conditions under Annex 3 iv and replace with the following :

1. The premises must adopt the challenge 25 scheme to tackle underage sales. All staff must be fully trained in its use before being allowed to sell alcohol.
2. Training for staff selling alcohol should be refreshed at least every two months. Both initial and subsequent refresher training in relation to the sale of alcohol will contain a written test to be undertaken by the staff members must be signed and dated by both the members of the staff and the designated premise supervisor.
3. The records of training and all literature relating to the training undertaken (including written tests) must be kept fully updated at all times and held at the licensed premise. The records must be made available immediately to the police officers, police licensing officers or trading officers upon request.
4. A refusals log must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. The log must also contain details of the staff member refusing the sale. This log must be checked on a monthly basis by the designated premises supervisor or duty manager and a record must be kept of such checks recording the time and date of any inspection and details of the manager / DPS
5. Persons purchasing alcoholic drinks who appear to be under the age of 25 must be required to produce proof of age by way of a proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a genuine photo driving licence or passport. All bar staff as part of their training will need to be familiar with these types of identity documents.
6. At each till there will be placed a date of birth check card (as shown in section 4) which will be kept updated at all times with the current date at which a person must be born before to be aged 18 or over.
7. At the entrance to the premise and at till areas there will be a UV light positioned to allow the door staff and bar staff to check the validity of identity documents. The lights will be operational at all times when the premise is open to the public.

We would also ask that the sub committee modify any condition currently placed upon the Premise Licence under Annex 2 concerning Door staff with the following:

8. On Wednesday evenings there will be provided a minimum of 1 door supervisor and on Friday and Saturday evenings there will be provided a minimum of two door supervisors at the venue from 2000 hours until the venue has closed. One door supervisor will be positioned at pavement level outside the venue at the entrance door and must be present in this location until the venue is closed.
9. All door staff should be familiar with the acceptable forms of identification and be familiar with genuine documents and how to identify fake documentation.
10. All door staff to wear high visibility jacket when on duty at the premise and these jacket to have printed upon them appropriate wording to identify that they are security staff at the venue. (Black jackets or similar with reflective strips are not considered to be high visibility)
11. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:

- The door supervisor's name, date of birth and home address
- His/her security Authority licence number
- The time, date he/she starts and finishes duty
- Each entry shall be signed by the door supervisor

That register shall be kept fully updated at all times and remain at the licensed premise and be available for inspection immediately upon demand by an Authorised officer of the Council, the Security Industry Authority or a Police Constable when they are used for a licensable activity.

12. The police shall have the power to review the position regarding door supervisors without affecting the premise Licence. In effect there could be circumstances where the police would agree to the removal of the need for Door supervisors and also the need to reinstate the requirement for door supervisors. Any such decision will be given in writing to the premise licence holder.

We therefore believe that serious consideration needs to be given by the Licensing Sub Committee with a view to imposing the new and updated conditions on the Premise Licence.

We also believe that the premise licence holder should be given a clear warning that a further appearance at the review could give rise to a presumption of revocation.

Should the conditions be attached fully and the warning given by the sub committee as outlined above the police believe that the licensing objectives relative to prevention of crime and disorder and the protection of children from harm are likely to be met

Have you made an application for review relating to this premises before  Please tick yes

If yes please state the date of that application

Day Month Year  

--	--	--	--	--	--	--	--

If you have made representations before relating to this 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

22/10/2013

Capacity Licensing Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



NONFLAMES

### Witness Statement

(CJ Act 1967, s9: MC Act 1980, ss5A(3)(a) and 5B, MC Rules 1981, r70)

Statement of Graeme Robert Owen Title PC

Age if under 18  18 (if over 18 insert 'over 18'). Occupation POLICE OFFICER

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I made 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.

Dated the 7<sup>th</sup> October 2013.

Signature [Signature]

I am a police Constable with Staffordshire Police currently stationed at Stoke police station. I am currently serving as a Divisional Licensing Officer with responsibility for on and off licence premises across the North of Staffordshire.

On Friday 28<sup>th</sup> June 2013 I had the responsibility for being the exhibits officer for an operation relating to the enforcement of the Licensing act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with plain clothes police officers

At approximately 1800 hours on that date all staff met at Stoke Police station and once everyone was present I started to take a series of Photographs of the volunteers. These photographs I now produce as follows:-

- Facial photo of GRO 1
- Full length of GRO 2
- Close up of GRO 3
- Facial photo of GRO 4
- Full length of GRO 5
- Close up of GRO 6
- Group photo of GRO 7

Once all the photographs were taken I then transferred the untouched images onto a master CD which was sealed which I now produce as evidence exhibit ( ) marked GRO 8. I also produced a working copy of the CD which was subsequently used to immediately print off images GRO1 and GRO4 for use during the operation.

At about 1935 we gave a briefing to the Staff and volunteers at Stoke Police Station which I video recorded and I then sealed. I now produce this tape as evidence exhibit ( ) ref GRO 9

At about 2040 hrs on that same date the operation commenced

Signature (

Signature witnessed by

Continuation of Statement/Interview of Graeme Robert Owen

At about 2205 that day I asked . to enter YATES WINE LODGE situated in Ironmarket Newcastle and purchase alcohol. I confirmed that she still had the same appearance as the photograph taken earlier. . entered the premise followed by Special Constable Ewart who was dressed in plain clothes.

After a few minutes the volunteer returned and I entered the premise and walked up to the bar area where SC Ewart was standing talking to the bar person. Sc Ewart handed me 2 bottles of Smirnoff Ice that had been on the bar area next to him. I seized both bottles which I now produce as evidence ref GRO 14 & GRO 15

I initially took the bottles to the police vehicle and then resealed them and returned to SC Ewart .I explained to the seller what had occurred and I asked if there was some where more private that we could go in order that I could discuss the matter away from any other members of the public or customers in order to afford as much privacy as possible. At this point we were taken to a rear room of the premise where Sc Ewart conducted a contemporaneous interview of the seller and I resumed my duties

During the course of the operation a total of 13 premise were visited and 4 premise sold to the volunteers however 9 refused to sell to the volunteers

Upon returning to Stoke Police Station I took possession of all exhibits and booked all these items into the secure property store ref 686335

Signature.

\_\_\_\_\_

Signature witnessed by \_\_\_\_\_

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN 21

Statement of: Gareth James Ewart

Age Over 18

Occupation Special Constable

This statement (consisting of 1 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: Date: 29/6/13

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

I am a Special Constable based with the Northern Licensing Unit of Staffordshire Police.

On Friday the 28th June 2013 I was on Operation Sangria 4 of 2013 this was an operation relating to the enforcement of the Licensing act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with other plain clothes police officers.

At approximately 19:00hrs on the same day the operation commenced.

At approximately 22:05hrs I entered Yates nightclub on Ironmarket, Newcastle-under-Lyme, Staffordshire with one juvenile volunteer.

We entered the premise through the main door past two door supervisors, neither myself or were asked for any ID in order to gain entry to the premise.

Myself and the volunteer walked up to the bar. The volunteer asked a female behind the bar, who I now know to be, for two bottles of 'Smirnoff Ice.'

turned to the fridge behind her and retrieved two bottles of the requested drink.

handed a £10 note. took the note and put it into the till.

then handed the requested drinks and the change from the purchase.

The volunteer exited the premise and I identified myself as a police officer.

I waited in the premise with until PC 4314 OWEN entered the premise with the interview pack.

At 22:27hrs I commenced a contemporaneous interview with which concluded at 22:55hrs that day I now produce this as evidence exhibit GJE01 ref. ( )

During this interview I requested from the training records in relation herself. After the interview was concluded she located the training records and I was then handed the training records in the name of which I then seized. I now produce as evidence, exhibit ( ) ref. GJE02.

I then exited the premise.

Signature: Signature Witnessed by:

WITNESS STATEMENT

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

URN 21

Statement of: Hana Mir

Age Over 18

Occupation Police Constable

This statement (consisting of 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 ..... Date: Wednesday 9th October 2013

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

I am a Police Constable in the Staffordshire Police Service based within the Licensing Unit at Stoke Police Station and have responsibility for ON and OFF licensed premise across North Staffordshire.

At 1625hrs Wednesday 9th October 2013 I visited Yates, 14 - 16, Ironmarket, Newcastle, Staffs following a failed Compliance Test on 28th June 2013. Upon arrival I saw Mr David William WHYTE the Designated Premise Supervisor but unfortunately he was committed so he directed me to the supervisor

I asked Mr if he could produce any staff Training Records in relation to underage sales conducted since Friday 28th June 2013. He explained that staff are trained only ONCE at the beginning of their employment which takes the form of computer based tests. This is followed by monthly Refresher Training given verbally by management. Mr handed to me an Underage Sales / Challenge 25 Policy form signed by staff members dated 4th October 2013. He explained that these forms are signed every weekend by staff prior to the commencement of their shift.

I saw that the Till which was positioned behind the bar was an IBM digital with a computerised screen. Access is gained to it by use of the staffs' individual Identification swipe card. There was no 'prompt' facility in respect of age restricted sales but the date of birth of a person aged 18 yrs or over appeared on the screen.

Refusals are recorded within the Till system. If a customer appears under 25yrs of age and either has no Identification, produces the wrong type of ID or is under 18yrs the Refusal is recorded using the Check ID button. If the customer is drunk the Refusal button is used. Data from the Till is automatically recorded on an electronic journal on the computer in the staff office so that sales / refusals can be monitored.

Signature: ..... Signature Witnessed by: .....

Continuation of Statement of:

I then asked Mr [redacted] if I could inspect the CCTV system. He showed to me a Ganz make CCTV monitor and harddrive situated in a private staff office upstairs. There were fourteen cameras on the system covering all public areas inside and outside the venue which were mostly of good quality. The camera on the front door showing persons entering the premise required attention as the footage was distorted by a line running across the screen. The camera covering the back entrance/ exit door was not working and the camera covering the beer garden was partially obscured by foliage. The footage had a retention of thirty one days.

I then left the premise.

Whilst in the venue I noticed a strong smell of fresh cigarette smoke in the internal stairway which is used to gain access to the private staff office / area. I made mention of this to Mr [redacted] and he said it was caused by the staff smoking.

Signature: .....

Signature Witnessed by: .....

# SECTIONS 2

RECORD OF INTERVIEW

Contemporaneous Notes SELLER ON LICENCE

Person interviewed:

Place of interview: Yates

Home Address:

Telephone number: Record Overleaf

Date of interview: 28/11/13

Time commenced: 22:27 hrs

Interviewing Officer(s): SC 16924 EWART

Other persons present:

b.

Police Exhibit No:

Number of pages:

Signature of interviewing officer producing Exhibit

Time concluded: 22:55 hrs

Tape Counter Time	Person Speaking	Text
0000		CAUTION (All cases).
	Q	I wish to ask you some questions, but before I do I must caution you that you do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence
	R	ok.
		Interviewee to sign: .....
		*NON-POLICE PREMISES ONLY (Delete Section & initial if not appropriate).
	Q	I must also tell you that you are not under arrest and you are free to terminate this interview at any time. In addition, you are entitled to obtain independent legal advice either now or at any time during the interview. Do you understand?
	R	Yes.
		Interviewee to sign: .....
	Q	Do you wish to exercise any of these rights?

Signature(s): .....  
(Contemporaneous notes only)



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Continuation Sheet No ...2....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	No.
		Interviewee to sign: .....
		* POLICE PREMISES ONLY (Delete & initial if not appropriate). <span style="float: right;">GE</span>
	Q	I must tell you also that you are not under arrest and not obliged to remain at the police station. You are entitled to obtain free and independent legal advice either now or at any time during the interview. The interview can be delayed for you to obtain legal advice if you wish. Do you wish to exercise any of these rights?
	R	
		Interviewee to sign: .....
	Q	You may, if you wish, speak to a solicitor on the telephone. Do you wish to do this?
	R	No.
		Interviewee to sign: .....
	Q	What are your reasons for not wanting legal advice?
	R	I don't know who to call.
		Interviewee to sign: .....
	Q	Are you an employee and what is your role?
	R	Yes, Team member / bar staff.
	Q	If not, what is your position within the Company?

Signature(s):  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

Continuation Sheet No ...3....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	not asked.
	Q	How many hours a week do you work?
	R	about 38.
	Q	How long have you worked here?
	R	10 months.
	Q	Have you worked selling alcohol before?
	R	No.
	Q	Police officers and <sup>GC</sup> Trading Standards Officers entered this premises with young persons who are .....16.....years of age. They purchased <del>x 2 bottles of Smirnoff ice</del> ..... You have been identified as being the seller from these premises. I am now showing you Exhibit Number <del>Grille &amp; Gro. 15</del> ... Do you recall selling this item?
	R	Yes.
	Q	Can you please tell me what the product is?
	R	Two bottles of Smirnoff ice
	Q	Looking at this item I believe it to be an alcoholic drink. Do you agree?

Signature(s): ...  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

Continuation Sheet No ...A....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Yes
	Q	Do you remember the person who purchased this item.
	R	I think it was a girl, the first person I served, she had redish hair.
	Q	I am now showing you a photograph of the person who purchased the product (Exhibit <u>GROG</u> .....). Can you confirm it is the same person you thought purchased it?
	R	Yes
	Q	At the time you sold the item to that person, how old did you think they were?
	R	Over 18,
	Q	Did you consider asking for any proof of age identification from this person?
	R	No
	Q	<sup>GE</sup> The police officers and <del>the Trading Standards Officers</del> who accompanied the volunteer purchaser witnessed the fact that you did not ask the person their age or ask for identification. Why was this?
	R	Because on a Friday & Saturday we usually <del>we</del> <sup>GE</sup> have door staff, it was a bit busy and I was stressed because I had forgotten my bill card.
	Q	What sort of premises is this and what does it sell?
	R	It's a bar and sells alcohol.

Signature(s): ..  
(Contemporaneous notes only)

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Continuation Sheet No ...5....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	What is the age that a person can legally purchase alcohol in licensed premises?
	R	18.
	Q	Are you aware that it is an offence to sell intoxicating liquor to a person under the age of eighteen?
	R	Yes.
	Q	What training have you had in respect of selling alcohol and the age limits at which persons can buy it?
	R	We have done online training.
	Q	When did you last receive any training in underage sales?
	R	when I started 10 months ago.
	Q	Who provided the last training you had?
	R	It's Stonegate, they don't <sup>GIC</sup> write it <sup>GIC</sup> wife it themselves I don't know the company they get it from.
	Q	How was your training delivered, was it in person or were you given a book to read yourself?
	R	On the computer.

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Continuation Sheet No ...A....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	Was it explained to you how to deal with underage sales, what to look for and what to ask for?
	R	Yes.
	Q	If you have undertaken training, was it a "Challenge 21/" "Knock Back" or a Company Scheme?
	R	Challenge 25
	Q	What age was it suggested that someone should be to buy alcohol without having to show ID.
	R	over 25
	Q	If they are supposed to be <sup>GE</sup> 25 years old the volunteers don't look that old and you state that they appeared to be ...over 18..... years old, why did you not consider asking for ID in line with your training?
	R	Just because on a Friday and Saturday when it is much busier I assume the door staff have checked.
	Q	Do you have any documentary proof of the training you have received?
	R	I think there is a certificate.
	Q	Produce records of training to interviewee and ask...

Signature(s): ..  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

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Continuation Sheet No ...7....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Did you receive the training that is shown here? <i>not asked</i>
	Q	Are the signatures on these training records your signatures?
	R	<i>not asked.</i>
	Q	Do you agree that by signing these documents you are accepting that you have received the training that the document relates to?
	R	<i>not asked.</i>
	Q	Are you aware of any signs regarding age restrictions for alcohol sales being displayed in the premises?
	R	<i>No.</i>
	Q	Do you have a refusals register?
	R	<i>we put them through on the bill.</i>
	Q	When was the last time you made an entry in this register?
	R	<i>Earlier today.</i>
	Q	Who is the Designated Premises Supervisor of the premises?

Signature(s):  
(Contemporaneous notes only)

Continuation Sheet No ... & ...

Continuation Sheet No ... & ...

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Ben Harvey.
	Q	How often do you see the Designated Premises Supervisor at the premises?
	R	Three or four times a week.
	Q	Where was the Designated Premises Supervisor at the time of the sale?
	R	Some where on site.
	Q	The drink that was purchased by the underage person, how much does that cost?
	R	For the two £7.20
	Q	At the time the volunteers were in the premises how many other customers were in the premises?
	R	A lot the bar was full of people.
	Q	How many members of staff were working at the time?
	R	over 10.
<p>ANY FURTHER QUESTIONS SHOULD BE RECORDED HERE. IF THERE ARE NO FURTHER QUESTIONS THEN STRIKE OUT THE BLANK SPACE AND GO TO LAST COMMENT.</p>		

Signature(s): ..  
(Contemporaneous notes only)

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Continuation Sheet No ... 2 ...

Person interviewed.....

Tape Counter Time	Person Speaking	Text
		<i>GE.</i>
	Q	Is there anything you wish to add or clarify?
	R	<i>No.</i>
		<b>DO NOT REPORT FOR SUMMONS IF ALL ENQUIRIES NOT COMPLETE!!</b>
	Q	You will be reported for the offence of selling alcohol to a person under the age of

Signature(s):  
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes



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Continuation Sheet No ...10...

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	<p>eighteen and any other offences disclosed. You do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?</p> <p style="text-align: center;"><i>Yes</i></p> <p>I have read this interview and confirm that it is a true and accurate account of the interview.</p> <p>Signature of interviewee: .....</p>

Signature(s): .....

(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

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# AUASP

(Award in Underage Sales Prevention)

This is to certify that

has successfully completed an e-learning course  
in the above subject

Date training received: 20/09/2012

The candidate has passed the assessment in respect of the following  
elements that comprise the course:

- Why the law restricts the sale of certain products
- Alcohol & authorising alcohol sales
- The law relating to underage sales and serving intoxicated people
- The law relating to other age-restricted products
- Refusing service to persons intoxicated by alcohol
- Refusing service of alcohol to underage persons
- Refusing service of other age-restricted products
- Standing your ground and seeking support
- Record keeping

Signed

Daniel Davies  
Chief Executive  
CPL Training



cpltraining™





**CITIZENCARD**

# AGE VERIFICATION

This is to certify that



has successfully completed an e-learning course  
in the above subject

Date training received: 20/09/2012

The candidate has passed the assessment in respect of the following  
elements that comprise the course:

- Age verification for alcohol sales – the legal requirements
- Age verification policy
- Putting the policy into practice
- Deciding who to ask for a proof of age
- How to ask for a proof of age
- Dealing with conflict
- Refusing proxy sales of alcohol
- High-risk situations
- Consequences of failing to implement age verification for alcohol sales

Signed

Daniel Davies  
Chief Executive  
CPL Training

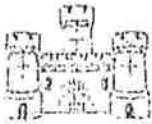


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A PERSON MUST BE  
BORN BEFORE THIS  
DATE TO BE AGED  
OVER 18 YEARS OLD

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# SECTION 5



**NEWCASTLE UNDER LYME**  
BOROUGH COUNCIL

Newcastle under Lyme Borough Council  
Democratic Services  
Civic Offices  
Merrial Street  
Newcastle under Lyme  
Staffordshire  
ST5 2AG  
01782 717717  
[www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk)

LICENSING ACT 2003  
PREMISE LICENCE 3013  
003013

**PART 1 – Premises Details**

Postal Address of Premise, or if None, Ordnance Survey Map Reference or Description

**Yates's Wine Lodge**  
**14-16 Ironmarket, Newcastle Under Lyme, Staffordshire, ST5 1RF**

Where the Licence is Time Limited the Dates

Licensable Activities Authorised by the Licence

Films-Indoors  
Live Music-Indoors  
Recorded Music-Indoors  
Facilities-Dance-Indoors  
Late Night Refreshments-Indoors  
The Sale of Alcohol on and off the Premise

The Times the Licence Authorises the Carrying out of Licensable Activities

Films-Indoors	Monday - Tuesday 11:00 to 23:30 Wednesday - Thursday 11:00 to 01:30am. Friday - Saturday 11:00 to 02:30am. Sunday 12:00 to 23:00
Live Music-Indoors	Monday - Tuesday 11:00 to 23:00 Wednesday - Thursday 11:00 to 01:00am Friday - Saturday 11:00 to 02:00am Sunday 19:00 to 22:30  New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am Christmas Eve 09:00 to 02:30am Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30am Easter Sunday 12:00 to 00:00am
Recorded Music-Indoors	Monday - Tuesday 09:00 to 23:30 Wednesday - Thursday 09:00 to 01:30am Friday - Saturday 09:00 to 02:30am Sunday 12:00 to 23:00 New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am Christmas Eve 09:00 to 02:30am Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30 Easter Sunday 12:00 to 00:00
Facilities-Dance-Indoors	Monday - Tuesday 11:00 to 23:00 Wednesday - Thursday 11:00 to 01:00am Friday - Saturday 11:00 to 02:00am Sunday 19:00 to 22:30 New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am Christmas Eve 09:00 to 02:30am



	Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30 Easter Sunday 12:00 to 00:00
Late Night Refreshments-Indoors	Wednesday - Thursday 11:00 to 01:00am Friday - Saturday 11:00 to 02:00am New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am Christmas Eve 09:00 to 02:30am Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30am Easter Sunday 12:00 to 00:00
The Sale of Alcohol on and off the Premise	Monday - Tuesday 09:00 to 23:00 Wednesday - Thursday 09:00 to 01:00am Friday - Saturday 09:00 to 02:00am Sunday 12:00 to 22:30 New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am From end of hours New Year's Eve to start of hours New Year's Day Christmas Eve 09:00 to 02:30am Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30 Easter Sunday 12:00 to 00:00

**The Opening Hours of the Premises**

Monday-Tuesday	09:00 to 23:30
Wednesday- Thursday	09:00 to 01:30am
Friday-Saturday	09:00 to 02:30am
Sunday	12:00 to 23:00
Easter Sunday	12:00 to 00:00
Bank Holidays	09:00 to 00:30am
Xmas Eve	09:00 to 02:30am
Boxing Day	09:00 to 02:30am
New Year's Eve	09:00 to 02:30am
New Year's Day	09:00 to 02:30am

From end of hours on New Year's Eve to the end of hours on new Year's Day

**PART 2**

**Name Registered Address Telephone Number and Email of Holder of Premise Licence**

Stonegate Pub Company Limited	Porter Tun House, 500 Capability Green, Luton, LU1 3LS
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**Registered Number of Holder where Applicable (Charity Number, Company Number)**

**Name and Address of Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol**

Robin Duberley 8 Lindey Road, Hartshill, Stoke-on-Trent. ST4 6AX

**Personal Licence Number and Issuing Authority of Personal Licence Held by Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol**

LE1P R30460	Leicester
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**ANNEXES**

**Annex 1**

**Mandatory Condition**

**1. Alcohol**

1. No supply of alcohol may be made under the premises licence:-

at a time when there is no designated premises supervisor in respect of the premises licence, or  
at a time when the designated premises supervisor does not hold a personal licence or his person I licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

Games or other activities which require or encourage, or are designed to require or encourage, individuals to:

Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or  
Drink as much alcohol as possible (whether within a time limit or otherwise);  
Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:

the outcome of a race, competition or other event or process, or  
the likelihood of anything occurring or not occurring;

Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

6. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

7. The responsible person shall ensure that:

Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### Door Security

Any person carrying out security activity (as described in paragraph 2(1)a of Schedule to the Private Security Industry Act 2001) must be licensed by the security industry authority.

## Exhibition of films

Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

### 1) Where –

The film classification body is not specified in the licence, or

The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

## Annex 2

### Embedded Conditions/Restrictions.

#### Miscellaneous Drugs Policy

The Designated Premises Supervisor (DPS) must ensure that a suitable and sufficient drugs policy is in force on the premises and ensure that staff are fully trained and supported in order to enable them to implement the drugs policy.

The drugs policy must be reviewed at appropriate intervals and at least annually.

A copy of the current Premises Drugs Policy to be forwarded to Police Licensing Unit by 31st January each year, and also on the occasion of any significant amendment, in addition to the above.

The DPS must ensure that there is a secure drugs safe where any drugs found or otherwise coming into the possession of staff, can be stored, along with a record of the circumstances, until collected by Police.

Such record must include:

- Description of drugs & circumstances of the find.
- Full details of any persons found in possession.
- Full details of Police staff informed of the find and when.
- Full details of the Police Officer who collects the drugs.

The police MUST be informed immediately of any drugs coming into the possession of staff, in order for them to be able to avail themselves of the defence to unlawful possession.

#### Door Staff

Door staff shall be provided at the premises a minimum of one Door Supervisor on a Wednesday and a minimum of two on Friday and Saturday, from 20:00hrs daily until terminal hour when all customers have left and the premises has closed, who are registered with the Security Industry Authority, to control the entry of persons to the premises and for keeping of order in the premises when they are used for a licensable activity. Door Supervisors shall ensure that any person who appears to be intoxicated, or is behaving disorderly will not be allowed in the venue. Door staff will wear high visibility clothing at all times when deployed at the location. The Police shall have the power to review the position regarding Door Supervisors without affecting the Premise Licence; in effect there could be circumstances where the Police would agree to the removal of the need for Door Supervisors and also the need to reinstate the requirement for Door Supervisors. Any such decision will be given in writing to the Premise Licence Holder

#### CCTV Provision

CCTV to be installed to Home Office requirements. Cameras to be situated to provide coverage of all internal areas, entrance and exit points. These systems to be recording at all times during which the premises is open to the public.

All recordings to be retained for a minimum of 31 days and to be made available to the Police and Local Authority on request, in a removable format e.g. CD, with sufficient staff trained to ensure that it is accessible for downloading at all times.

## Annex 3

#### Conditions consistent with the Operating Schedule

i) The prevention of crime and disorder

(a & b removed after review)

(c) There shall be refresher training on the Licensing Act 2003 at regular intervals and this shall be recorded in the training log.

ii) Public Safety

(a) From 20.00hrs on Wednesday, Friday and Saturday nights, all pint and half pint drinking receptacles used by customers shall be made of plastic/ polycarbonate/PET construction.

iii) The prevention of public nuisance

#### Annex 4

#### Conditions attached after a hearing by the licensing authority

##### CONDITIONS AFTER A REVIEW

1. The premises must adopt the challenge 25 scheme to tackle under age sales.
2. Training for staff selling alcohol should be refreshed at least every two months. Both initial and subsequent refresher training in relation to the sale of alcohol will contain a written test to be undertaken by the staff members must be signed and dated by both the members of the staff and the designated premise supervisor.
3. The records of training and all literature relating to the undertaken (including written tests) must be kept fully updated at all times and held at the licensed premise. The records must be made available immediately to the police officers, police licensing officers or trading standards officers on request.
4. A refusals log must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. The log must also contain details of the staff member refusing the sale. This log must be checked on a monthly basis by the designated premises supervisor or duty manager and a record must be kept of such checks recording the time and date of any inspection and details of the manager/DPS.
5. Persons purchasing alcoholic drinks who appear to be under the age of 25 must be required to produce proof of age by way of a proof of age card accredited under the proof of age Standards Scheme (PASS) or if a proof of age card is not available a genuine photo driving licence or passport. All bar staff as part of their training will need to be familiar with these types of identity documents.
6. At each till there will be placed a date of birth check card (as shown in section 4) which will be kept updated at all times with the current date at which a person must be born before to be aged 18 or over.
7. At the entrance to the premise and at till areas there will be a UV light positioned to allow the door staff and bar staff to check the validity of identity documents. The lights will be operational at all times when the premise is open to the public.
8. On Wednesday evenings there will be provided a minimum of 1 door supervisor and on Friday and Saturday evenings there will be provided a minimum of two door supervisors at the venue from 2000 hours until the venue has closed. One door supervisor will be positioned at pavement level outside the venue at the entrance door and must be present in this location until the venue is closed.
9. All door staff should be familiar with the acceptable forms of identification and be familiar with genuine documents and how to identify fake documentation.
10. All door staff to wear high visibility jacket when on duty at the premise and these jackets to have printed upon them appropriate wording to identify that they are security staff at the venue. (Black jackets or similar with reflective strips are not considered to be high visibility.)

11. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:

- . The door supervisor's name, date of birth and home address
- . His/her Security Authority licence number
- . The time, date he/she starts and finishes duty
- . Each entry shall be signed by the door supervisor

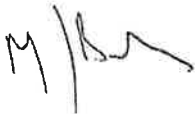
That register shall be kept updated at all times and remain at the licensed premise and be available for inspection immediately upon demand by an Authorised officer of the Council, the Security Industry Authority or a police Constable when they are used for a licensable activity.

12. The police shall have the power to review the position regarding door supervisors without affecting the premise licence. In effect there could be circumstances where the police would agree to the removal of the need for door Supervisors and also the need to reinstate the requirement for door supervisors. Any such decision will be given in writing to the premise licence holder.

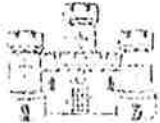
A warning should be issued to the licence holder indicating that a further appearance at the review could give rise to a presumption of revocation.

#### Annex 5 – Plans

Plans



Mark Bailey  
Head of Business Improvement and Partnerships

Licensing Act 2003 PREMISE LICENCE SUMMARY	3013 PL0011
 NEWCASTLE UNDER LYME BOROUGH COUNCIL	Newcastle under Lyme Borough Council Civic Offices Merrial Street Newcastle under Lyme Staffordshire ST5 2AG 01782 717717 <a href="http://www.newcastle-staffs.gov.uk">www.newcastle-staffs.gov.uk</a>

**PART 1 – Premises Details**

<b>Postal Address of Premise, or if None, Ordnance Survey Map Reference or Description</b>	
Yates's Wine Lodge 14-16 Ironmarket, Newcastle Under Lyme, Staffordshire, ST5 1RF	
<b>Where the Licence is Time Limited the Dates</b>	
<b>Licensable Activities Authorised by the Licence</b>	
Films-Indoors Live Music-Indoors Recorded Music-Indoors Facilities-Dance-Indoors Late Night Refreshments-Indoors The Sale of Alcohol on and off the Premise	
<b>The Times the Licence Authorises the Carrying out of Licensable Activities</b>	
Films-Indoors	Monday - Tuesday 11:00 to 23:30 Wednesday - Thursday 11:00 to 01:30am Friday - Saturday 11:00 to 02:30am Sunday 12:00 to 23:00
Live Music-Indoors	Monday - Tuesday 11:00 to 23:00 Wednesday - Thursday 11:00 to 01:00am Friday - Saturday 11:00 to 02:00am Sunday 19:00 to 22:30 New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am Christmas Eve 09:00 to 02:30am Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30am Easter Sunday 12:00 to 00:00
Recorded Music-Indoors	Monday - Tuesday 09:00 to 23:30 Wednesday - Thursday 09:00 to 01:30am Friday - Saturday 09:00 to 02:30am Sunday 12:00 to 23:00 New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am Christmas Eve 09:00 to 02:30am Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30am Easter Sunday 12:00 to 00:00
Facilities-Dance-Indoors	Monday - Tuesday 11:00 to 23:00 Wednesday - Thursday 11:00 to 01:00am Friday - Saturday 11:00 to 02:00am Sunday 19:00 to 22:30 New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am Christmas Eve 09:00 to 02:30am Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30am Easter Sunday 12:00 to 00:00

Late Night Refreshments-Indoors	Wednesday - Thursday 11:00 to 01:00am Friday - Saturday 11:00 to 02:00am New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am Christmas Eve 09:00 to 02:30am Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30am Easter Sunday 12:00 to 00:00
The Sale of Alcohol on and off the Premise	Monday - Tuesday 09:00 to 23:00 Wednesday - Thursday 09:00 to 01:00am Friday - Saturday 09:00 to 02:00am Sunday 12:00 to 22:30 New Year's Eve 09:00 to 02:30am New Year's Day 09:00 to 02:30am From end of hours New Year's Eve to start of hours New Year's Day Christmas Eve 09:00 to 02:30am Boxing Day 09:00 to 02:30am Bank Holidays 09:00 to 00:30 Easter Sunday 12:00 to 00:00

**The Opening Hours of the Premises**

Monday-Tuesday	09:00 to 23:30
Wednesday-Thursday	09:00 to 01:30am
Friday-Saturday	09:00 to 02:30am
Sunday	12:00 to 23:00
New Year's Eve 09:00 to 02:30am	
New Year's Day 09:00 to 02:30am	
From end of hours New Year's Eve to start of hours New Year's Day	
Christmas Eve 09:00 to 02:30am	
Boxing Day 09:00 to 02:30am	
Bank Holidays 09:00 to 00:30	
Easter Sunday 12:00 to 00:00	

**PART 2**

<b>Name Registered Address Telephone Number and Email of Holder of Premise Licence</b>	
Stonegate Pub Company Limited	Porter Tun House, 500 Capability Green, Luton, LU1 3LS
<b>Registered Number of Holder where Applicable (Charity Number, Company Number)</b>	
<b>Name of Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol</b>	
Robin Duberley	
<b>Personal Licence Number and Issuing Authority of Personal Licence Held by Designated Premises Supervisor Where the Premise Licence Authorises the Supply of Alcohol</b>	
LE1PR30460	Leicester



Mark Bailey  
 Head of Business Improvement and Partnerships

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