

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

Wednesday, 16 October 2019

Dear Councillor

STATUTORY LICENSING SUB-COMMITTEE - WEDNESDAY, 16TH OCTOBER, 2019

I am now able to enclose, for consideration at next Wednesday, 16th October, 2019 meeting of the Statutory Licensing Sub-Committee, the following documents that were unavailable when the agenda was printed.

Agenda No	Item
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| 3 | <u>Licensing Act 2003 - Premises Licence Application in Respect of Crazy Gin, Unit 41, 4 Victoria Street, Wolverhampton, WV1 3NP (Pages 3 - 28)</u> |
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If you have any queries about this meeting, please contact the democratic support team:

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**Premises Licence Application
Crazy Gin Ltd**

Agenda Item No: 3

**Wolverhampton City Council
Licensing Sub-Committee
16 October 2019**

Documents lodged on behalf of the applicant

Acting for the applicant, we have liaised extensively with Licensing Authority as a Responsible Authority, as the sole objector to this application.

We have a meeting scheduled with the Licensing Authority to discuss the operating schedule, hours and conditions within the operating schedule.

We believe we will offer a comprehensive suite of conditions within the operating schedule, which will fully uphold the licensing objectives, and rebut the presumption for the CIZ. We do not believe that this type of premises will add to any cumulative effect of any of the licensing objectives, and all bar one of the Responsible Authorities agreed this.

The following documents are being used in support of the application and for mediation:

- Premises Licence and Site Operations Training Manual
- Challenge 25
- Incident log book
- Refusals register
- Staff Training documentation
- Signage {consideration to neighbours & use of beer garden}

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**Crazy Gin Ltd
Wolverhampton
Premises Licence &
Site Operations
Training Manual**



This Premise Licence Operation and Training Manual contains instructions and guidance covering various policies and procedures for Crazy Gin Ltd. Wolverhampton.

The intention of this manual is to:

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

The Training Regime

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

You are at risk of prosecution for making unauthorised sales.

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

Due Diligence Measures

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

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

All staff training is to be properly recorded, as well as individual staff authorisations to sell alcohol, and retained in the premises licensing folder and kept on the premises. The DPS/Manager should complete both the alcohol training statement sheet and the authorisation

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

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

Premises licence – Licensable Activities

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

Staff Authorisation

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

Underage Sales

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

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

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

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

- A passport
- A photographic new style driving licence
- A PASS accredited Proof of Age ID card such as: The Citizen Card

Do not accept any other form of ID under any circumstances

Note: the penalty for the member of staff selling alcohol to an under aged person ranges from a fixed penalty notice to a criminal conviction and a substantial fine. You must ensure that you are completely satisfied as to the customer's age BEFORE you make the sale.

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

DUE DILIGENCE PROCEDURE

All staff are to be regularly briefed on the following topics:

- ii Test purchasing
- iii Age restricted products
- iv How to check proof of age
- v Follow the guidelines
- vi What the law says
- vii Due Diligence procedures

Protection of Children from Harm

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

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

Test purchasing

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

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

Age restricted products – age restrictions

Alcohol Products 18

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

How to check proof of age ?

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

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

• ***Always follow these checks***

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

• ***Acceptable proof of age includes***

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

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

REMEMBER – If in doubt Refuse the sale

- Don't try to judge ages. Only accept approved proof of age cards with photos and date of birth.
- Follow the 'Challenge 25 Rule' and ask for proof of age from anyone who does not look over 25. Remember, if you guess wrong you could end up in court!
- Know when dates of birth will be correct. Are they 18 yet? Just having today's date with the relevant year of birth will do!
- Fill in a 'refusals book' each time a refusal takes place. The DPS should check entries regularly to make sure all staff are using the register.
- Do not sell to an adult you suspect of buying for under age young people. It is an offence for an adult to buy alcohol on behalf of someone under 18. This is known as proxy selling.
- Support colleagues when they refuse sales. It can be difficult to say 'no.'

Alcohol

The age at which product alcohol can be legally served and bought is 18. Do not sell to over 18s who you think may be purchasing for under 18s. Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18. If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk. Under 18s cannot legally purchase alcohol. Always ask for proof of age before you serve and check the details. You can face prosecution and a criminal record or alternatively the police can issue on the spot fine if under age sales are made.

Checking Proof of age

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

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

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

Check that

i. Passport

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

ii. European style driving licence

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

iii. PASS cards

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

iv. The customer

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

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

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

Signs of Intoxication

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

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

i. Behaviour and Physical Signs

Becoming loud, boisterous and disorderly Dropping possessions, rambling conversation, becoming argumentative Fumbling and difficulty in picking up change Loss of train of thought e.g. forgot to pay for goods Annoying other customers and staff Swaying and staggering Difficulty in paying attention Becoming incoherent, slurring or making mistakes in speech Difficulty walking straight Not hearing or understanding what is being said Becoming physically violent Bumping into fixtures/other customers Drowsiness, dozing or sleeping while in premises becoming bad tempered or aggressive Glassy/bloodshot eyes and

lack of focus Observe customers in difficulty lighting cigarettes whilst outside the premises using offensive language. Falling, Vomiting Exhibiting inappropriate sexual behaviour Flushed Face Dishevelled Clothing Person smells of alcohol

DUTY TO REFUSE SERVICE

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

How to refuse a sale

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

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

Refuse politely. If necessary repeat your refusal clearly.

Keep calm. Do not get into an argument.

Explain briefly, why you cannot sell. Try saying

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

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

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

Call your supervisor or manager for support if necessary.

Record details in your premises' refusal register.

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

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

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

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

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

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

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

Training for Staff

Crazy Gin Ltd

Member of staff [Full name]	
DPS or Personal Licence Holder delivering training [Full name]	

A new checklist will be used to record when;

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

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

What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	
That the premises must hold a premises licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	
What the alcohol licence and conditions of the operating schedule require. EG: [i] ensuring alcohol is only sold during licensing hours, [ii] mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to our individual premises,	
Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	
What our policy is for challenging customers for proof of age?	
What our shop policy is, for the types of proof of age (ID) staff should accept?	
How to operate any 'till prompt' system installed?	
The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?	
What staff should do if they suspect the person they are serving is a 'proxy purchaser'?	

Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc.?			
Why it is important to record incidents/refusals to sell?			
The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?			
What the policy is for an under 18-year-old to get authorisation for sales involving alcohol?			
Full name of person trained	Signature	Position in shop	Date dd/mm/yy
Full name(s) of trainer(s)			
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			

Crazy Gin Ltd

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

Thank you for your cooperation.

The Management

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Incident Log Book

Crazy Gin Ltd

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

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

Staff should write an entry whenever an incident occurs.

Licence Leader
Alcohol Licensing Services
www.licence-leader.co.uk
Mobile. 07982917819

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

Incident Report Log

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Description of Incident			
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Final comments;			

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REFUSALS LOG BOOK

Crazy Gin Ltd - Wolverhampton

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

No ID - No Sale

Licence Leader Limited
Alcohol Licensing Services
www.licence-leader.co.uk
rob.edge@licence-leader.co.uk
07982917819

DATE	PRODUCT	TIME	NAME OF PERSON OR DESCRIPTION	OBSERVATIONS	STAFF MEMBER

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UNDER 25?



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

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



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