

Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

**London Borough of Tower Hamlets,
Licensing Service, Mulberry Place (AH), PO BOX 55739,
5 Clove Crescent, London E14 1BY**

**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, Alex Brander, apply for the review of a premises licence under section 51 /
apply for the review of a club premises certificate under section 87 of the
Licensing Act 2003 for the premises described in Part 1 below (delete as
applicable)**

Part 1 – Premises or club premises details

| | |
|--|---------------------------------------|
| Postal address of premises or club premises, or if none, ordnance survey map reference or description | |
| Parnell Mini-Market 117a Parnell Road | |
| Post town: London | Post code (if known) E3 2RT |

Name of premises licence holder or club holding club premises certificate (if known)

Huq Neighbours Ltd

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

29086

Part 2 - Applicant details

Please tick yes

I am

- 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)

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

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

| | |
|----------------------|----------------------|
| Surname | First names |
| <input type="text"/> | <input type="text"/> |

I am 18 years old or over

Please tick yes

| | |
|--|----------------------|
| Current postal address if different from premises address | <input type="text"/> |
|--|----------------------|

| | | | |
|------------------|----------------------|-----------------|----------------------|
| Post Town | <input type="text"/> | Postcode | <input type="text"/> |
|------------------|----------------------|-----------------|----------------------|

| | |
|---|----------------------|
| Daytime contact telephone number | <input type="text"/> |
|---|----------------------|

| | |
|----------------------------------|----------------------|
| E-mail address (optional) | <input type="text"/> |
|----------------------------------|----------------------|

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--|
| Name and address Alex Brander London Borough of Tower Hamlets Mulberry Place 5 Clove Crescent London E14 2BG |
| Telephone number (if any) <input type="text"/> |
| E-mail (optional) <input type="text"/> |

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 note1)

The Trading Standards Service, as the Local Weights and Measures Authority, is designated a 'responsible authority' for the purposes of the Act and is making representations in relation to the prevention of crime & disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The grounds for the review concerns the sale of alcohol and other age-restricted products (namely tobacco) to people under the age of 18, contrary to the licensing objective of the protection of children from harm.

On the 1st December 2021 LB Tower Hamlets Trading Standards service received a complaint from a concerned parent that her 16 year old son was able to buy alcohol on a regular basis from Parnell Mini-Market, 117a Parnell Road, London, E3 2RT. The complaint also contained an allegation that the child was even provided with store credit when he did not have sufficient money on him to buy alcohol.

The premises was subsequently included in an age-restricted goods test purchase operation on 13th December 2021, carried out by LB Tower Hamlets Trading Standards, together with Metropolitan Police Officers and police cadets. On this occasion two cadets (a 16 year old female and a 15 year old male) were instructed to attempt to buy alcohol from the premises. The test purchase occurred at approximately 18:48. The test purchase was witnessed by Senior Trading Standards Officer Alex Brander. The cadets remained together throughout their time in the shop and managed to purchase a single can of Stella Artois lager. The 16 year old female cadet paid for the can of Stella Artois, costing £1.40. At no point during the transaction did the person serving challenge either cadet for proof of age. During the time of the sale there was only one person working on the shop floor / till area.

The sale of alcohol to a person under the age of 18 constitutes an offence under **Licensing Act 2003; section 146 (1)**.

Following the sale, at approximately 18:07 Trading Standards Officers Alex Brander and Audrey Dembinski entered the premises, together with a police officer. The person who sold the can of Stella Artois was still the only person on the shop floor. After the Trading Standards Officers introduced themselves the shop worker went to side room and came back with another male who identified himself as Md Al Mamunul Huq. He said he said he was the Designated Premises Supervisor. He confirmed that the premises licence was held by Huq Neighbours Ltd and that he is the director of the company. The person who sold the alcohol was identified as Mehedi Hasan; an employee of the business.

See **Appendix I – Statement of Alex Brander, Appendix II – Photograph of can of Stella Artois, Appendix III – Still image from CCTV footage, Appendix XI – Photograph of female cadet and Appendix XII – Photograph of male cadet.**

An investigation into the offence by LB Tower Hamlets Trading Standards is in progress and is running separately to this licence review application.

Annex 2 of the current premises licence stipulates that a recognised proof of ID is to be requested for any person appearing to be under the age of 21. It is this Responsible Authority's view that the cadets that were sold the alcohol on the 13th December 2021 clearly looked under 21 and as no proof of ID was requested the licence condition was breached on that occasion. See **Appendix IV – copy of premises licence for 117a Parnell Road.**

It is a requirement under section 57 (3) of the Licensing Act 2003 that the holder of the premises licence must secure that the summary of the licence (or a certified copy of it) be prominently displayed at the premises. It should be noted that the licence that was on display at Parnell Mini-Market on the 13th December 2021 was not the current and valid licence for the premises. See **Appendix IVa – photo of displayed licence (number 27385).**

The premises has a refusals register (which is a condition on the licence). This included four entries made in November and two in December up to the 13th December 2021. See **Appendix V – photographs of refusals book.** This suggests that the shop does have a problem with underage people attempting to purchase age-restricted products.

Following the sale Mr Huq had provided to LB Tower Hamlets Trading Standards photographs of staff training records for the sale of age-restricted products. These photographs were received by email on 20th December 2021 – see **Appendix VI – email from Md Mamunal Huq.** These photographs indicate that staff were trained individually and on separate dates; 08/03/2021, 10/03/2021, 07/09/2021, 24/10/2021, 17/10/2021, 15/11/2021 and 29/11/2021. There does, however, appear to be some discrepancies with these training records. On the 12th November 2021 a LB Tower Hamlets Trading Standards Tobacco Enforcement Officer carried out an inspection at Parnell Mini-Market. On that occasion the officer took photographs of the training records. These photographs show entries for just three members of staff; on 08/03/2021, 10/03/2021 and 07/09/2021. – see **Appendix VII – witness statement of Kristian Dalley and photographs of training records.** It would appear that at least two of the other entries (the dates in October) were made after the 12th November 2021. Furthermore, additional entries had been made in the columns headed "Position Held" and "Products Covered" for the records dated 10/03/2021 and 07/09/2021. When interviewed about these records Mr Huq could not provide a satisfactory explanation for the additions. He said the staff were left to complete the records themselves and he did not check them. He did admit to filling in the blank boxes for "Position Held" and "Products Covered".

In his interview Mr Huq said that the shop operates a Challenge 25 policy and his staff should be aware of this. In an email sent to Trading Standards on the 6th January 2022 Mr Huq wrote *"On the actual incident Mr. Prince told me when both of those customers approached the boy on the image looks like under age and he was carrying the Beer and Mr. Prince* was approached to ask for ID . However finally according to Mr. Prince, the boy hand over the drink to the girl next to him looks adult as she looks physically over 20 years old."* See **Appendix VIII – email dated 6th January 2022.**

This suggests that even if there is a Challenge 25 policy in place then Mr Hasan failed to follow it by not challenging the purchaser for identification. It also raised concerns about the knowledge of staff regarding the sales of alcohol to minors by proxy. When interviewed Mr Hasan had no knowledge that it is illegal for an adult to buy alcohol on behalf of a child. Although a proxy purchase did not happen on this occasion (nor was it the intention) it does suggest the staff at the shop would not recognise when such an occurrence is taking place. Mr Huq has not trained his staff at all on sales by proxy.

* Mr Prince is Mr Mehedi Hasan.

In the email sent on 6th January 2022, Mr Huq provides an example of Mr Hasan challenging a customer for ID approximately an hour before the test purchase for alcohol on the 13th December. He included a video of CCTV footage. Whilst there is no audio to the video it does appear that Mr Hasan did ask the customer for identification. The customer showed Mr Hasan what appears to be a photo of some identification on a mobile phone, which Mr Hasan accepted. It is this Responsible Authority's view that images of identification on a mobile phone is not a suitable form of identification so should not be accepted as such.

Mr Huq also said that his till system utilises till-prompts for age-restricted goods; to remind staff to ask for identification. However, this system only works for products that he has programmed to go in it using barcodes on the packaging. There was no barcode on the can of Stella Artois that was sold on the 13th December 2021, so no prompt appeared. Mr Huq explained that the can came from a multipack that had been split by the staff to then be sold individually. There are no barcodes on the individual cans. He said other alcoholic products he sells have also been split from multipacks and would not carry barcodes so they would not flag a till prompt either.

The sale of alcohol to minors undermines the licensing objective of the protection of children from harm. Alcohol can have a serious detrimental effect on a child's psychological and physical development. It can also impair their decision-making ability, leaving them and others around them vulnerable to risk of harm through serious injury.

There is a persistent recent history of selling age-restricted goods to minors at this premises. Sales of cigarettes were made to underage people during Trading Standards test purchase operations on the 8th March 2020 and on the 29th July 2021. These constituted offences under **The Children and Young Persons Act 1933**. Mr Md Al Mamunul Huq sold the cigarettes to the underage person on the 8th March 2020. Mr Huq and Huq Neighbours Ltd (the owner of the goods is also liable) were prosecuted for the offence. Mr Huq and Huq Neighbours Ltd pled guilty for the offences. Both Mr Huq and the company were penalised by fines amounting to £440 each – see **Appendix IX – email confirming hearing outcome**.

The sale of cigarettes that occurred on the 29th July 2021 is currently under investigation. During the course of the investigation for that offence Mr Huq had shown Trading Standards Officers text messages he had sent to his staff about sales of age-restricted products. In one message sent on 9th April 2021 he wrote *"Parnell Team, please be careful about kids under age in terms of selling Chigarrate, alcohol, lighter or any Chigarrate products. If not sure please refuse. Thanks"*

After the sale of cigarettes occurred on the 29th July 2021 he sent another message to his staff (almost straight away). It read *"Parnell team, sorry to inform you we failed again with under age Chigarrate"*

sale. It may cause big problem to our license. Please be careful everyone with someone you think under age. Please ask photo ID before you serve any Chigarrate, alcohol, lighter, Chigarrate paper or any other restricted materials. When they come with underage they have some adult around them trying to buy some thing. Please take extra pro curation. They will one again within the next few days.” – see Appendix X – Photo of text message sent on 29/07/2021.

The last couple of sentences in that text message suggests that Mr Huq was more concerned with instructing his staff on how not to get caught out by a test purchase operation rather than he was with giving adequate training, or on operating an effective challenge policy, to avoid underage sales from taking place.

The sale of tobacco products at licensed premises to children would also undermine the licensing objective of the **protection of children from harm** as smoking can cause serious detriment to a child’s physical development and is likely to affect their long-term health and wellbeing.

This Responsible Authority believes that the current conditions on the premises licence are inadequate to prevent the sale of alcohol or other age-restricted products to underage people. There is provision to add conditions to the licence, such as implementing a Challenge 25 policy, implementing an EPOS system that utilises till-prompts, carrying out staff training on a regular basis or designating a personal licence holder to provide written authorisation to non-personal licence holders to sell alcohol. There is also scope to remove the Designated Premises Supervisor.

It is, however, this Responsible Authority’s view that given the recent history of this premises (as mentioned in this application) any additional conditions and/or the removal of the Designated Premises Supervisor will not be sufficient to ensure that the licensing objectives, particularly the protection of children from harm, are adhered to. It is apparent that the current licensee has a blatant disregard for the law and upholding the principles contained within the Licensing Act 2003. This Responsible Authority has no confidence in the current management of the business upholding the licensing protection of children from harm objective and is, therefore, seeking a revocation of the premises licence.

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

. N/A

Please tick yes

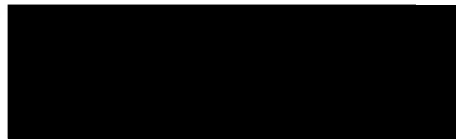
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

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 (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature
.....
Date: 25/01/2022
.....
Capacity:Senior Trading Standards Officer
.....

| | |
|--|------------------|
| Contact name (where not previously given) and 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 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.

Appendix 2

**Huq Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT**

List of Appendices

Appendix I – Statement of Alex Brander

Appendix II – Photo of Stella Artois can

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Appendix IV – 117a Parnell Road Premises Licence (29086)

Appendix IVa – Photo of displayed licence (27385)

Appendix V – Photo of Refusals Book

Appendix VI – Email containing photos of training records (dated 20/12/2021)

Appendix VII – Statement of Kristian Dalley and photographs of training records

Appendix VIII – Email from Mr Huq (dated 06/01/2022)

Appendix IX – Email confirming hearing outcome (dated 19/05/2021)

Appendix X – Photo of text message

Appendix XI – Photo of Female Cadet

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Hug Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

Appendix I – Statement of Alex Brander

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Statement of:
ALEX BRANDER

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

Over 18

Occupation:

Senior Trading Standards
Officer

This statement (consisting of Pages(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.

Name / Signature:

Alex Brander

Date:

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

Statement

I am employed by London Borough of Tower Hamlets as a Senior Trading Standards Officer, based at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG. I have held this position since September 2021. In the afternoon and evening of 13th December 2021 I participated in an underage sales test purchase operation. The operation involved visiting various premises in the borough that sell age-restricted products and instructing a person under the age of 18 to attempt to purchase an age-restricted product from them. I was accompanied in the operation by Trading Standards Officer Audrey DEMBINSKI and two Metropolitan Police Officers. We were assisted by four police cadets; three

Signed: (witness)

Date: ...20/12/2021.....

(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.

Signed: Date:)


Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

of whom were 16 years old and one was 15 years old. They were designated names Cadet A (16 year old male), Cadet B (16 year old male), Cadet C (16 year old female) and Cadet D (15 year old male). At the start of the operation I took photographs of the cadets to show their appearance on the day. I produce two photographs of Cadet C as exhibit AB/CC/1 and two photographs of Cadet D as exhibit AB/CD/1.

At approximately 18:47 I instructed Cadets C and D to attempt to purchase an alcoholic drink from Parnell Mini-Market, 117a Parnell Road, London Road, E3 2RT. I entered the shop first to witness the test purchase. When I entered the premises there was one male of South Asian appearance, wearing a button up shirt, that appeared to be re-stocking shelves on the shopfloor. There were no other people on the shopfloor or behind the till. A few seconds later Cadets C and D entered the shop. I saw them go to the drinks chiller cabinet and Cadet D selected a single can of Stella Artois and handed it to Cadet C. The cadets then went towards the till area and the male in the button up shirt went behind the counter. I stood behind and to the right of the cadets so I could witness the test purchase. The male then rang up the sale on the till and asked for £1.40. Cadet C handed him a £10 note and he gave her the change. Cadet C then picked up the can of Stella Artois and left the store with Cadet D. At no point during that transaction did the shop worker ask for any proof of age from the cadets. I then paid for an item and left the shop. I met with the cadets, Audrey Dembinski and the police vehicles at our vehicle that was parked nearby. Cadet C handed to me the can of Stella Artois. I took two photographs of the can which I produce as exhibit AB/SA/1. I then bagged and sealed the can in seal tag number N00078162. I produce this can of Stella Artois as exhibit AB/PMM/1.

At approximately 19:07 I re-entered Parnell Mini-Market with Audrey Dembinski and a police officer. The male that served the cadets was still the only person that appeared to be working in the shop. I



Signed: (witness)

Date: ...20/12/2021.....

(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.

Signed: Date:)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

identified myself and introduced us. I explained that we had just carried out a test purchase and that I witnessed him sell the can of Stella Artois to a 16 year old. He then went to a side room and re-emerged with another male who identified himself as the shop owner. The male that sold the can identified himself as Mehedi HASAN and gave his date of birth as [REDACTED] he shop owner identified himself as Md Al Mamunul HUQ. Mr HUQ said he was the Designated Premises Supervisor and director of Huq Neighbours Ltd. The premises licence holder is Huq Neighbours Ltd. I explained to Mr Huq that we had carried out a test purchase and that Mr HASAN had sold the can of Stella Artois to a 16 year old female. The can of Stella Artois does not have a barcode. Mr HUQ demonstrated to me how a sale would be made through the till; the price is entered and there is an option to select a product type as alcohol but no prompt appears to remind a shop worker to perform an age verification check. Mr HUQ also showed to me a refusals log. Audrey Dembinski took photographs of the till and the refusals log. I asked Mr HUQ to provide to me within seven days a copy of CCTV footage that covered the time of the sale as well as copies of training records for staff. At approximately 19:25 I left the premises.

On 20th December 2021 I received an email from Mr HUQ. The email contained two images of staff training records embedded in it as well as a copy of the CCTV footage as a video attachment. I produce this email as exhibit AB/PMM/2 as well as the CCTV footage separately as exhibit AB/PMM/3. END.

[REDACTED]

Signed:(witness)

Date: ...20/12/2021.....

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: Date:)

Hug Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

Appendix II – Photo of Stella Artois can



Huq Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

**Appendix III – CCTV image still – SENSITIVE
DOCUMENT**

Hug Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

Appendix IV – 117a Parnell Road Premises Licence (29086)

**(Parnell Mini Market)
117a Parnell Road
London
E3 2RT**

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley

Head of Environmental Health & Trading Standards

**Date: 5th December 2007
(Amended 7th September 2010).**



Part A - Format of premises licence

Premises licence number

29086

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Parnell Mini Market)
117a Parnell Road

Post town

London

Post code

E3 2RT

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 08:00 hrs to 23:00 hrs

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 07:00m hrs to 23:00 hrs

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off sales only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Huq Neighbours Ltd
117a Parnell Road
London
E3 2RT

Registered number of holder, for example company number, charity number (where applicable)

11858525

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

MD Al Mamunul Huq

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Annex 1 - Mandatory conditions

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

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

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV shall be installed and maintained in order to be fully operational at all times. Recordings to be kept for minimum of 30 days.
2. A recognised proof of ID to be requested for any person appearing to be under the age of 21.
3. Signage to be displayed at the point of sale stating “No proof of Age – No Sale”
4. Refusal book to be maintained and kept at the premises at all times.

Annex 3 - Conditions attached after a hearing by the licensing authority

(Conditions added by the Licensing Sub Committee following a review of the licence on 7th September 2010).

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers unless a valid receipt is supplied at the time of the purchase.
- 2) If stock is purchased from a door-to-door seller the premises licence holder shall ensure that a record is kept of the seller's vehicle registration number.
- 3) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - a. Seller's name and address
 - b. Seller's company details, if applicable
 - c. Seller's VAT details, if applicable
- 4) Copies of the documents referred to in 3) shall be made available to officers on request.
- 5) An appropriate device for checking the authenticity of duty stamps (such as an ultra-violet lamp) shall be installed on the premises and retained in working order.
- 6) The authenticity of the duty stamp on any goods shall be checked on receipt of those goods.
- 7) The premises licence holder shall inform the police in the event that they are sold counterfeit goods or goods with a fake duty stamp.

In addition the licence is suspended for one weekend.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

3rd October 2007



Part B - Premises licence summary

Premises licence number

29086

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Parnell Mini Market)
117a Parnell Road

Post town

London

Post code

E3 2RT

Telephone number

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

| | |
|--|--|
| The times the licence authorises the carrying out of licensable activities | Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 08:00 hrs to 23:00 hrs |
| The opening hours of the premises | Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 07:00m hrs to 23:00 hrs |
| Name, (registered) address of holder of premises licence | Huq Neighbours Ltd 117a Parnell Road London E3 2RT |
| Where the licence authorises supplies of alcohol whether these are on and / or off supplies | Off sales only |
| Registered number of holder, for example company number, charity number (where applicable) | 11858525 |
| Name of designated premises supervisor where the premises licence authorises for the supply of alcohol | MD Al Mamunul Huq |
| State whether access to the premises by children is restricted or prohibited | No restrictions |

Hug Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

Appendix IVa – Photo of displayed licence (27385)

Part A - Format of premises licence

Premises licence number

27385

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Parnell Mini Market)
117a Parnell Road

Post town

London

Post code

E3 2RT

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

Huq Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

Appendix V – Photo of Refusals Book



DATE - GENDER - TIME - DESCRIPTION

06/10/21 - BOY - 18:40 - Asked for VAPE, looks like 17 years and Refused.

9-11-21 - Boy 12:43 ~~Null~~ White boy looks like 16/5

15-11-21 - GIRL 13:20 Asked for GODRAT; looks like 14-16 and Refused.

20-11-21 GIRL 13:50 Asked for ~~ANON~~ ELF BAR; looks like 16 Refused. ~~ANON~~

27-11-21; GIRL 12:51; Asked for BSH Blue. looks like 17. Refused. ~~ANON~~.

01-12-21; BOY 12:15; Asked for ELF BAR Refused. looks like 12 years. ~~ANON~~

03/12/21 - TWO BOY - 18:30, TALL Age 17 Ask for VAPE - ~~Null~~

Huq Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

**Appendix VI – Email containing photos of training records
(dated 20/12/2021)**

Corinne Holland

From: rikto huq [redacted]
Sent: 20 December 2021 02:38
To: Alex Brander
Subject: Video footage and training records
Attachments: f45cf0ac-82f1-47fd-83d0-eb8c894808a0.MP4



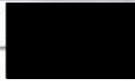

Good morning Sir, please find the video footage of the incident on 13th December and training records of our staff. Many thanks.

Record of Training
I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

| Full name | Position held | Products covered | Date of training | Signature |
|------------------------|----------------|----------------------------------|--|------------|
| Mahed Hassan Dontay | Team member | cigarettes Alcohol Lottery | 17/10/2021 <input type="checkbox"/> First training <input checked="" type="checkbox"/> Refresher | [redacted] |
| Prince HASSAN | Team member | Cigarettes Alcohol Lottery | 15/11/2021 <input type="checkbox"/> First training <input checked="" type="checkbox"/> Refresher | [redacted] |
| Julian | Team member | Cigarettes Alcohol Lottery | 29/11/2021 <input type="checkbox"/> First training <input checked="" type="checkbox"/> Refresher | [redacted] |
| | | | _/_/_/ <input type="checkbox"/> First training <input type="checkbox"/> Refresher | |

Record of Training

I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

| Full name | Position held | Products covered | Date of training | Signature |
|------------------------|---------------|-----------------------------------|--|---|
| Julius | Team member | Cigarettes, Alcohol | 8/3/2021 <input checked="" type="checkbox"/> First training <input type="checkbox"/> Refresher |  |
| Pierre HASAN | Team Member | CHIGARETTE ALCOHOLE LOTERRY | 10/3/2021 <input checked="" type="checkbox"/> First training <input type="checkbox"/> Refresher |  |
| Saitun Rabin | TEAM MEMBER | LOTERRY CHIGARRATE ALCOHOLE | 7/9/2021 <input checked="" type="checkbox"/> First training <input type="checkbox"/> Refresher |  |
| Mahedi Hasan Lontan | Team member | LOTTERY ALCOHOL CHIGERETTE | 24/10/2021 <input checked="" type="checkbox"/> First training <input type="checkbox"/> Refresher |  |

Regards
Md Al Mamunul Huq
Parnell Mini Market
117A Parnell road
E3 2RT

Huq Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

**Appendix VII – Statement of Kristian Dalley and photographs
of training records**

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

URN: [] [] [] []

Statement of: KRISTIAN DALLEY

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

Occupation: CONSUMER SERVICES OFFICER

This statement (consisting of 3 Pages(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.

Name / Signature: [Redacted]

Date: 24/11/2021

Tick if witness evidence is visually recorded: [] (Supply witness details on last page)

Statement

I am a Consumer Services Officer employed by the London Borough of Tower Hamlets. I am authorised to enforce various pieces of legislation including the Consumer Protection Act 1987, the Tobacco and Related Products Regulations 2016 and the Children and Young Persons Act 1933.

On Friday November 12th 2021, I visited the premises of Parnell Mini Market, 117a Parnell Road, E3 2RT. As I was about to enter the premises I took a picture of the outside of the store. I produce a print out of this as KD/01.

I entered the premises at 14:00pm and introduced myself, provided my identification and explained the purpose of my visit to a gentleman who was behind the sales counter. The gentleman advised me he was a sales assistant and that his name was Mr Julius Tulip.

As part of the inspection I was tasked by one of my colleagues to take pictures of the 'underage sales

Signed: [Redacted] (witness)

Date: 24/11/2021

(To be completed if applicable: being unable to read the above statement I, of read it to him/her before he/she signed it.

Signed: [Redacted] Date:)

Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

refusals book' for the premises and to take photographs of any 'Challenge 21' or 'Challenge 25' signage on display around the premises. No prior notice was given to the trader for this visit as this would have defeated the purpose of inspecting the premises in its normal trading environment.

Firstly, I took a picture of the tobacco display area behind the sales counter. I became aware that the curtain was not fully closed which meant you were able to clearly see some tobacco stock on the right hand side of the display unit. Also, from where I took the picture, the left-hand side of the statutory notice was slightly blocked by the 'vape e-liquid' advertising stand. I produce a print out of the tobacco display area as **KD/02**. I explained these issues I noticed to Mr Tulip and advised that the notice cannot be blocked from the consumer's view and that the curtain in the tobacco display unit needs to be fully closed at all times.

I then asked Mr Tulip to provide me with staff training records and any current 'refusals register' for the store. I took pictures of the staff training book which consisted of the cover and one page of entries. I produce a print out of the 'staff training book front cover' as **KD/03** and a print out of the 'staff training book page 1 entries' as **KD/04**.

Following this I took pictures of the 'refusals register' which Mr Tulip provided me with. This consisted of the 'refusals register front cover' which I produce a printout of as **KD/05** and three separate pages of entries which I produce print outs of as **KD/06, KD/07 and KD/08**.

On inspection there was a 'Challenge 25' notice above the tobacco display unit but there were no further 'Challenge 21' or 'Challenge 25' signage in the refrigerator unit where alcohol was stocked. I produce a picture of the refrigerator unit containing alcohol stock as **KD/09**.

Signed: [Redacted](witness)

Date: 24/11/2021

(To be completed if applicable: being unable to read the above statement I, of read it to him/her before he/she signed it.

Signed: [Redacted] Date:)

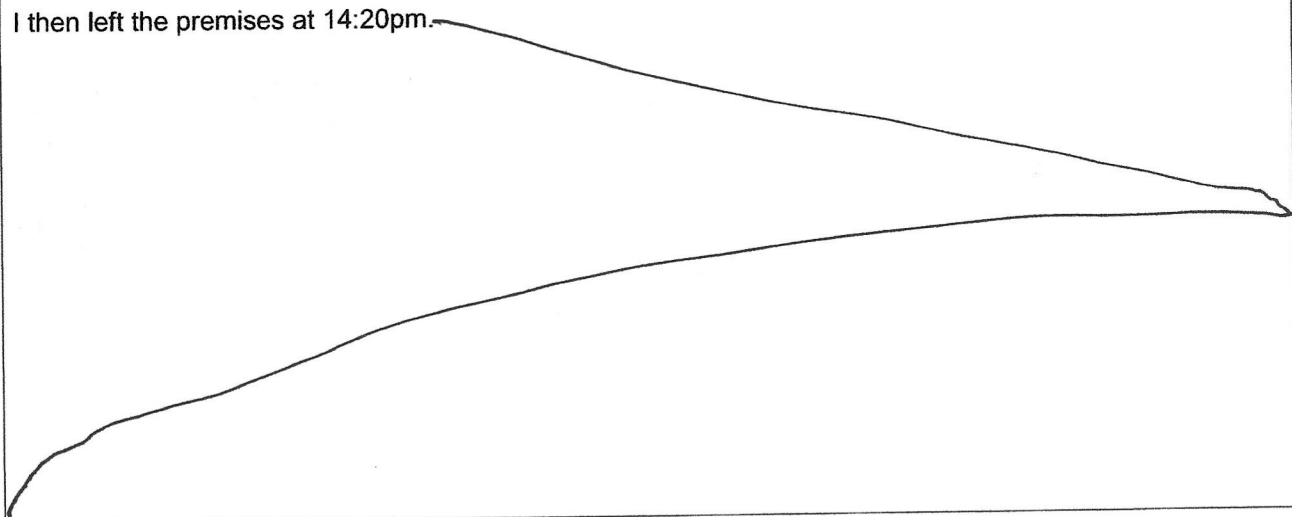
Witness Statement

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

I explained to Mr Tulip that it would be good practice to display 'Challenge 25' signage in all areas where alcohol is stocked. Following this I then carried out a routine tobacco control inspection.

Finally, on completion of my tobacco inspection I wrote out a tobacco inspection report which Mr Tulip signed. I produce this form as exhibit **KD/10**. I also got Mr Tulip to sign a Code B notice of powers form: No (B1509) which I had provided him with at the start of the visit. I produce a copy of this notice as **KD/11**.

I then left the premises at 14:20pm.



Signed: [Redacted](witness)

Date: 24/11/2021

(To be completed if applicable: being unable to read the above statement I, of, read it to him/her before he/she signed it.

Signed: [Redacted] Date:)



Tower Hamlets
Underage Sales & Responsible Trader Scheme



Name and address of shop

PARNELL MINI MARKET

117 A PARNELL ROAD

E3 2RT

Date from 08/03/20 to

Staff Training Record For Age Restricted Goods

Record of Training

I declare that I have received and understood the training given to me by my employer on age restricted sales and will ask to see proof of age identification when I suspect a customer is under the legal age.

| Full name | Position held | Products covered | Date of training | Signature |
|-------------------------------------|---------------|------------------------|---|------------|
| Julius <small>John Smith</small> | Team member | Cigarettes, Alcohol | 8/31/2021 <input checked="" type="checkbox"/> First training <input type="checkbox"/> Refresher | [Redacted] |
| Prience | | | 10/31/2021 <input type="checkbox"/> First training <input type="checkbox"/> Refresher | [Redacted] |
| Saiton Rabin | | | 7/9/2021 <input type="checkbox"/> First training <input type="checkbox"/> Refresher | [Redacted] |
| | | | __/__/____ <input type="checkbox"/> First training <input type="checkbox"/> Refresher | |

Huq Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

Appendix VIII – Email from Mr Huq (dated 06/01/2022)

Corinne Holland

From: rikto huq [REDACTED]
Sent: 06 January 2022 16:05
To: Alex Brander
Subject: Fwd: CCTV footage of challenging a customer by Mehdi Hassan Prince on 13th December 2021
Attachments: 8d34007f-aae6-4333-b788-7c4c1f2cc9ae.MOV

Regards
Md Al Mamunul Huq

Begin forwarded message:

From: rikto huq [REDACTED]
Date: 6 January 2022 at 15:59:37 GMT
To: Katalin Morath [REDACTED]
Subject: CCTV footage of challenging a customer by Mehdi Hassan Prince on 13th December 2021

Good afternoon dear Sir/ Madam , I would like to provide you a CCTV footage of 13/12/2021 at 18:00 as my employee Mr. Mehdi Hasan Prince is challenging a customer just 1 hour before the incident happened on 19:00 (The cctv time is 1 hour+ as due to hour gone ahead this year). The customer asked a Vape and he asked for photo ID , even the customer was wearing a mask and customer also said she is over 30 years old . However Mr. Prince was not convinced and have seen the Photo ID and also politely requested to remove her Marks to varying the face and her age. As of my knowledge, I have trained Mr Prince several time and also monitors him while he serve many customers and I have seen many occasions he verified the ID and also refused many customers due to unable to show ID . He also recorded accordingly on the refusal book. On the actual incident Mr. Prince told me when both of those customers approached the boy on the image looks like under age and he was carrying the Beer and Mr. Prince was approached to ask for ID . However finally according to Mr. Prince , the the boy hand over the drink to the girl next to him looks adult as she looks physically over 20 years old. However, they left the premises and the police came back and spoken to us both , we was shocked and surprised as I was asking mr Alex several times , is it in this shop? as we do not serve any under age. However , mr Alex said the girl was under age. Anyway, we are happy to see you on 20th January . Many thanks .

Regards
Md Al Mamunul Huq
Parnell Mini Market
117A Parnell Road
E3 2RT

Huq Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

**Appendix IX – Email confirming hearing outcome (dated
19/05/2021)**

Corinne Holland

From: Katalin Morath
Sent: 06 January 2022 11:02
To: Alex Brander
Subject: FW: Huq Neighbours Ltd and HUQ, Mr. Mohammed-underage tobacco sale (CEHCRS.2774)

From: David Wong <[REDACTED]>
Sent: 19 May 2021 16:44
To: Sean Rovai <[REDACTED]> Katalin Morath <[REDACTED]>
Audrey Dembinski <[REDACTED]>; Kevin Maple <[REDACTED]>
Nazir Ali <[REDACTED]>
Cc: David Tolley <[REDACTED]>
Subject: Huq Neighbours Ltd and HUQ, Mr. Mohammed-underage tobacco sale (CEHCRS.2774)

Dear Trading Standards Service

Just to update the SJP results for this case. The company and Mr. Huq were both found guilty within the SJP process, in the absence of any response by either to the prosecution, and each was fined £440 and ordered to pay £150 towards Prosecution costs by 19.4.2021, collection orders also being made in respect of each.

Kind regards

David

David Wong
Senior Enforcement Lawyer
Enforcement Team
Governance
Legal Services
Town Hall Mulberry Place 5 Clove Crescent, London E14 2BG DX: 42656 Isle Of Dogs
[REDACTED]



Hug Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

Appendix X – Photo of text message

time set up at 8:00 . Please
any customer ask for newspaper tell
them for next week starting. I will
update you further information after .
Thanks

Wed 28 Jul, 14:07

Dear Parnell Team , please do not
refuse anyone coming with £50
notes . Just be careful with kids and
check it properly. If you think is fake
just refuse politely. Thanks

Thu 29 Jul, 12:32

Parnell team , sorry to inform you we
failed again with under age Chigarrate
sale . It may cause big problem to our
license. Please be careful everyone
with someone you think under age .
Please ask photo ID before you serve
any Chigarrate, alcohol, lighter ,
Chigarrate paper or any other
restricted materials. When they come
with underage they have some adult
around them trying to buy some
thing . Please take extra pro curation .
They will one again within next few
days .

Text Message

Huq Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

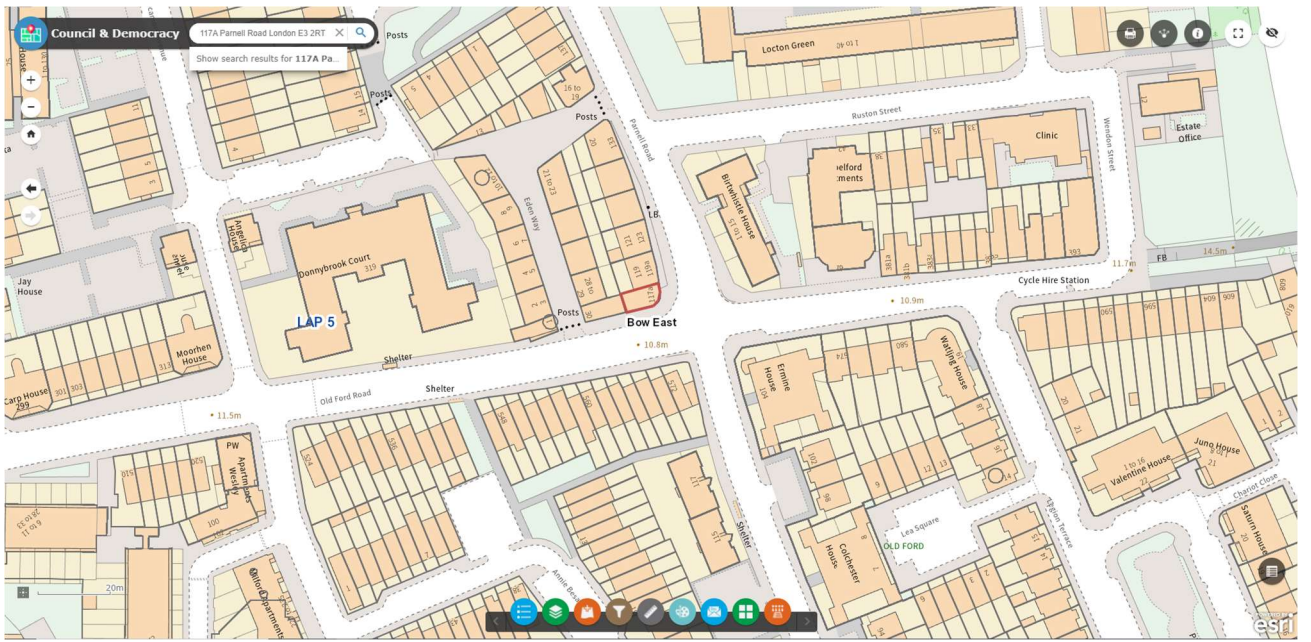
Appendix XI – Photo of Female Cadet – SENSITIVE DOCUMENT

Huq Neighbours Ltd t/a Parnell Mini-Market
117a Parnell Road, London, E3 2RT

Appendix XII – Photo of Male Cadet - SENSITIVE DOCUMENT

Appendix 3

Map showing location of 117a Parnell Road



Appendix 4

Kathy Driver

From: MARK.J.Perry [REDACTED]
Sent: 07 February 2022 14:33
To: Licensing; Alex Brander
Cc: Tom Lewis; Simmi Yesmin
Subject: [REDACTED]
Attachments: Review Parnell Mini Market.doc

Follow Up Flag: Follow up
Flag Status: Completed

Dear all,

Please see Central East Police Licensing's submission in support of the review of Parnell Mini Market.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email [REDACTED]
A: Licensing Office, 1st Floor Stoke Newington Police Station



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Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Stoke Newington Police Station
33 Stoke Newington High St

Email: [REDACTED]
www.met.police.uk

07/02/2022

Dear Sir,

Central East Police Licensing formally support the review of Parnell Mini-Market, 117a Parnell Road E3 2RT, by Tower Hamlets Council's Trading Standards Department.

The premises has over a period of time demonstrated that they are incapable of upholding the licensing objective of Protecting Children from Harm. They have sold both alcohol and cigarettes to underage people.

In December 2021 initial allegations from a member of the public that her 16 year old son was able to regularly buy alcohol from the premises. A successful test purchase by two Police Cadets has validated the initial complaint from a member of the public. This validation is strengthened by the premises having sold cigarettes to children, on at least two occasions.

Annex 2, Condition 2 of the premises license requires the premises to check the ID of all those who look under the age of 21, yet the premises has failed consistently to do this. The premises management have shown that they are incapable of abiding by any conditions placed upon the license. We therefore request that this license is revoked.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email: [REDACTED]
A: Licensing Office, 1st Floor Stoke Newington Police Station

Appendix 5

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 6

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Appendix 7

Licensing Policy, updated November 2018

Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

7.8 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

7.9 **Criminal Activity** - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

Smuggled goods

7.12 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery to provide traceability.
- 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - i. Seller's name and address
 - ii. Seller's company details, if applicable
 - iii. Seller's VAT details, if applicable
 - iv. Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

Olympic Park – Football Ground

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
 - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
 - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Appendix 8

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

| Table of relevant offences under the 2003 Act Section | Offence | Prosecuting Authority |
|--|--|---|
| Section 145 | Unaccompanied children prohibited from certain premises | Police and/or Licensing Authority |
| Section 146 | Sale of alcohol to children | Police, Licensing Authority and/or Local Weights and Measures Authority |
| Section 147 | Allowing the sale of alcohol to children | Police, Licensing Authority and/or Local Weights and Measures Authority |
| Section 147A | Persistently selling alcohol to children | Police and/or Local Weights and Measures Authority |
| Section 148 | Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015). | Police and/or Licensing Authority |
| Section 149 | Purchase of alcohol by or on behalf of children | Police and/or Licensing Authority |
| Section 150 | Consumption of alcohol by children | Police and/or Licensing Authority |
| Section 151 | Delivering alcohol to children | Police and/or Licensing Authority |
| Section 152 | Sending a child to obtain alcohol | Police and/or Licensing Authority |
| Section 153 | Prohibition of unsupervised sales by children | Police and/or Licensing Authority |

Appendix 9

Protection of children from harm

- 10.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
 - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
 - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 10.5 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions, Fixed Penalty Notices (FPNs) or formal cautions for serving alcohol to minors or with a reputation for underage drinking

- With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted.
- 10.6 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present,
 - Limitations on ages below 18,
 - Limitations or exclusion when certain activities are taking place,
 - Requirements for an accompanying adult,
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 10.7 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 10.8 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 10.10 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there is significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the "Challenge 25 Scheme". The rationale for this is because it can often be difficult to judge how old teenagers are and "Challenge 25 age verification system" would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
 - 2) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record

shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

11 Access to Cinemas

- 11.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 11.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 11.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

12 Children and Public Entertainment

- 12.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 12.2 Where 10.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
 - An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof,
 - No child unless accompanied by an adult to be permitted in the front row of any balcony,
 - No standing to be permitted in any part of the auditorium during the Performance.
- 12.3 Where children are taking part in any regulated entertainment, and its

discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.

- 12.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of. Conditions that can be found in the Secretary of State's Guidance.