

# 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**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>	
Denni's News 15 Swaton Road	
<b>Post town:</b> London	<b>Post code (if known)</b> E3 4ES

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

Mr Dinesh Kanzaria

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

14485

## 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**

I am 18 years old or over

Please tick  yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address  Alex Brander London Borough of Tower Hamlets Tower Hamlets Town Hall 160 Whitechapel Road London E1 1BJ
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 concern the sale of alcohol to people under the age of 18, contrary to the licensing objective of the protection of children from harm.

On 1<sup>st</sup> August 2022 LB Tower Hamlets Trading Standards carried out an underage sales test purchase operation. The operation involved visiting various food and drinks shops in the borough and instructing a person aged under the age of 18 to attempt to purchase age-restricted products, including alcohol.

Senior Trading Standards Officer Alex Brander led on the operation. Senior Trading Standards Officer Katalin Morath and Licensing Officer Lavine Miller-Johnson also participated in the operation.

Two child volunteers assisted with the operation; Volunteer A (14 year old female) and Volunteer B (12 year old female).

At approximately 11.05 am STSO Brander instructed Volunteer A to attempt to purchase alcohol from Denni's News, 15 Swaton Road, London, E3 4LS. STSO Morath entered the shop first to witness the test purchase. Volunteers A and B entered the shop soon after. On this occasion Volunteer A managed to purchase a 275 ml bottle of WKD Blue (ABV 4%) and a Bounty bar. The cost of the WKD Blue was £1.50. Volunteer A was not challenged for proof of age by the seller during the transaction. Volunteer B was alongside Volunteer A at the time of the purchase. Volunteer B was not challenged for proof of age either.

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 11.14 am STSO Brander and STSO Morath entered Denni's News. There was one man working behind the counter. STSO identified him as the man who sold the alcohol to Volunteer A.

The man was having a conversation on a mobile phone when the Trading Standards Officers entered the shop and approached the till counter. The handset was on the counter and the call was on

speakerphone. There were other customers in the shop at the time but no other members of staff.

The Trading Standards Officers introduced themselves to this man and explained that he had just sold the bottle of WKD Blue to an underage person. STSO Morath asked the man if he was the boss. He said he was not and called the boss on his phone. The man passed the phone to STSO Morath and she spoke with the person on the other end of the line. The man on the phone said he was the boss and gave his name as Dinesh Kanzaria, as well as the company details being Dennis Bow Ltd. During this phone conversation Dinesh Kanzaria told STSO Morath that he was the Premises Licence Holder and the Designated Premises supervisor for the shop. STSO Morath advised Mr Kanzaria of the underage sale and that he would be invited to an interview under caution in due course.

STSO Morath asked the shop worker to close the shop temporarily so that the Trading Standards Officers could speak with him without the distraction from customers. The man had keys for the entrance door and locked it. At 11.25 am STSO Morath cautioned the shop worker. The man gave his name as Raul Patel and date of birth as [REDACTED]. He said that Gujarati is his first language. There was an HMRC marked sealed envelope on the till counter containing a document addressed to Mr R Patel, [REDACTED]. STSO Morath asked Mr Patel if the letter was for him, he said it was. Mr Patel was asked if he would open the envelope for the Trading Standards Officers to see it, which he did. The document was a letter from HMRC that contained a tax rebate cheque.

During this conversation Mr Patel became short of breath and his hands started shaking. The Trading Standards Officers asked Mr Patel if he needed to pause to have some water but he said he could continue. STSO asked Mr Patel where he lived and he said he lives at [REDACTED]. He gave his telephone number as [REDACTED]. Mr Patel was still short of breath and was sweating. Mr Patel was asked if he needed some water and he then took a bottle from the shop floor and drank from it. STSO Morath asked Mr Patel if there was a refusals book. Mr Patel found a refusals/training booklet that was tucked away next to a National Lottery terminal.

The booklet was a LB Tower Hamlets issued Underage Sales & Responsible Retailer Trader Scheme Refusals & Incident Book for Age Restricted Products. The booklet was marked on the outside with the name and address of the shop as Best One, 20 Stroudley Walk, London, E3 3EW and the date from as 24/10/2021<sup>1</sup>.

Above the entrance door, inside of the premises, was a framed personal licence certificate in the name of Miss Manesha Kanzaria.

Behind the till counter is a covered tobacco gantry. On display above this were a number of

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<sup>1</sup> Underage sales Responsible Retailer packs were issued by Trading Standards to licensed premises across Tower Hamlets in October 2021. These included a refusals / staff training record book, as well as an information booklet and proof of age signage to display instore. One pack meant for another shop was given to Denni's News and vice versa).

signs, including a poster for acceptable forms of identification, a No ID No Sale poster, and a form headed "Licensing Act 2003 Designated Premises Supervisor Letter of Authorisation." This form detailed the Designated Premises Supervisor as Dinesh Kanzaria, personal licence number 07/00060/LAPER<sup>2</sup>. The form also listed names of people authorised to sell alcohol in the premises and was dated 15<sup>th</sup> April 2019. Mr Raul Patel's name was not on this list.

The Children and Young Persons Act (Protection from Tobacco) Act 1991 requires that a warning notice containing the statement "It is illegal to sell tobacco products to anyone under the age of 18" be exhibited in a prominent position where it is readily visible to persons at the point of sale of tobacco. Failing to do so is a criminal offence that carries a maximum £1000 fine. Whilst there was such a notice on display above the tobacco gantry, this was obscured by a No Credit notice stuck over it.

There was a CCTV screen showing multiple camera angles on display on the shopfloor in front of the counter.

The shop had an electronic till but this did not have Electronic Point of Sale functionality. There were no notices or signs by the till to prompt staff to ask for identification.

**See Appendix I – statement of Alex Brander, Appendix II – statement of Katalin Morath, Appendix III – photograph of Volunteer A, Appendix IV – photograph of Volunteer B, Appendix V – photograph of bottle of WKD, Appendix VI – photograph of seller, Appendix VII – photograph of Manesha Sookun's personal licence credentials, Appendix VIII – photograph of DPS authorisation, Appendix IX – photograph of tobacco gantry, Appendix X – photographs of the refusals / training book, Appendix XI – photograph of the till & Appendix XII – photographs of the alcohol displays.**

There was no summary of the premises licence on display, as required under section 57 (3) of the Licensing Act 2003. It is a criminal offence to fail to comply with the requirements of that section, which carries a maximum £500 fine.

The premises licence holder for 15 Swaton Road, E3 4ES (number 14485) is Mr Dinesh Kanzaria. Mr Kanzaria was granted the licence in February 2009 and was the Designated Premises Supervisor until April 2019. Mrs Manesha Sookun assumed the role of DPS from then on. **See Appendix XIII – copy of the premises licence.**

Annex 3 of the premises licence contains the following conditions:

- A Challenge 21 policy shall be implemented.
- CCTV shall be operated and maintained as per the requirements of the Metropolitan Police. The CCTV recordings shall be kept for a minimum period of 31 days and made available to an Authorised Officer or a Police Officer on request.

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<sup>2</sup> Newham Council Licensing has confirmed that Mr Dinesh Kanzaria's personal licence was issued by them.

- A refusals book and incidents book to be kept and maintained.

Later on 1<sup>st</sup> August 2022 STSO Brander sent a letter to Raul Patel to invite him to an interview under caution. On the 4<sup>th</sup> August 2022 STSO Brander received an email from someone giving their name as Rahulkumar Jayantibhai Patel. In that email Mr Rahulkumar Patel wrote that he had received the letter sent to [REDACTED] but that he did not work at the shop and had employment elsewhere. He wrote “My name may be given by mistakenly to investigate office, because I m Tennent and I m living at [REDACTED]”. He gave his mobile telephone number as [REDACTED]. Alex Brander recognised this number as being the same number given by the person claiming to be Raul Patel at Denni’s News on the 1<sup>st</sup> August 2022. The email had attached to it a copy of what appears to be a passport issued by the Republic of India for Mr Rahulkumar Jayantibhai Patel. This document showed a date of birth of [REDACTED] for Rahulkumar Jayantibhai Patel.

On the 5<sup>th</sup> August 2022 STSO Brander had a telephone conversation with Rahulkumar Jayantibhai Patel. Mr Patel told STSO Brander that he lives behind the shop but post for him gets sent to the shop and the shopkeeper calls him to collect it. He said he knows that shopkeeper as Swami. He said that he works as a social worker and not in the shop. STSO Brander asked him if he knew what his National Insurance number was told [REDACTED]

Later on the 5<sup>th</sup> August 2022 STSO Brander had a telephone conversation with Dinesh Kanzaria. STSO Brander asked Mr Kanzaria who was meant to be working at the shop at the time of the sale on the 1<sup>st</sup> August 2022. Mr Kanzaria said that his employee, Mr Ghanshyam Patel should have been working in the shop. Mr Kanzaria said that Ghanshyam Patel had asked a friend to cover the shop whilst he went to the toilet, which was outside the premises. Mr Kanzaria said that the friend of Ghanshyam Patel was not an employee of the business and that he did not know who he was. Mr Kanzaria also said that the CCTV equipment had not been recording for at least two months because of a water leak in the shop. This had not been reported to the Tower Hamlets Licensing team.

Mr Dinseh Kanzaria was interviewed under caution at Tower Hamlets Town Hall on 5<sup>th</sup> September 2022. In his interview Mr Kanzaria confirmed:

- That he is a director of Dennis Bow Ltd and that company owns the business at 15 Swaton Road.
- His wife, Rasilaben Kanzaria, and daughter, Manesha Sookun, are also directors of the company. He said that he and Manesha Sookun share responsibility for the business and training staff.
- He had heard of Challenge 21 but could not explain its meaning. He was not able to evidence that Challenge 21 was being used effectively in the store.
- He knew of the Refusals Register / Staff Training log book but had not used it as it had another shop’s name and address on it.
- He had not implemented any alternative ways of recording refusals or training.
- He acknowledged that refusals of sales of alcohol are made but had not kept any records of refusals.
- He claimed that he did not know who the person was that sold the bottle of WKD to the child volunteer on the 1<sup>st</sup> August 2022. He said that the man sometimes comes to the shop and just sits there. Mr Kanzaria did not appear to be that concerned that a stranger had full control of



the shop at the time of the sale.

- Mr Kanzaria gave no explanation as to why the person that sold the alcohol had his telephone number saved in his phone.
- When shown an image of the child volunteers Mr Kanzaria said they looked about 13 or 14 years old.
- Mr Kanzaria had no explanation as to why the tobacco age restriction notice was obscured by the no credit notice.
- Mr Kanzaria said the CCTV recording equipment was not working due to the ongoing water leak and building work on the flats above the shop. The cameras are operational though. The recording equipment had stopped working two or three months previously, but he had not replaced it as he was awaiting Tower Hamlets council insurance to pay out or replace it.

Mrs Manesha Sookun was also interviewed under caution on the 5<sup>th</sup> September 2022. In her interview she confirmed:

- She is a director of Dennis Bow Ltd.
- She is the Designated Premises Supervisor for Dennis News at 15 Swaton Road. She was unable to provide a satisfactory explanation for what the position entails.
- She shares responsibility for the business with Dinesh Kanzaria, including managing staff.
- There are no written procedures for underage sales.
- She knew of Challenge 21 but could not explain its meaning. She did not realise it was a condition on the premises licence.
- She had coronavirus some months before day of the underage sale and was still suffering the effects of it as well as recently having a baby. Her health had suffered and she was forgetting lots of things now.
- Staff should use a refusals book but she had not been checking to see if it was being completed.
- She had not seen the Tower Hamlets training / refusals log book before.
- She attends the shop twice a week for about an hour or two each time.
- Staff should have personal licences for alcohol but she does not know if they do or not.
- She or Dinesh Kanzaria are responsible for providing staff training.
- Ghanshyam Patel should have been working in the shop on the 1st August 2022.
- She did not recognise the person who sold the alcohol (when shown a photograph of the seller). Claimed she had never seen him before. He is not an employee of the business.
- She said the child volunteers looked about 14 or 15 years old.
- She was aware that it is a legal requirement to display a tobacco notice.
- Said the shop has gone downhill; her father has taken on too much responsibility.
- She did not know why a No Credit notice was stuck to the tobacco notice.
- She acknowledged there had been breaches of the premises licence; put it down to poor health.
- She said there's a flat at the back of the shop but no-one lives there. Staff can use it to rest in.
- She did not know why post for other people was being sent to the shop's address.

Immediately following these interviews Mr Ghanshyam Patel<sup>3</sup> was shown a photograph of the seller

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<sup>3</sup> Ghanshyam Patel had accompanied Dinesh Kanzaria and Manesha Sookun to Tower Hamlets Town Hall.

and was asked if he knew the person's true name. He said he did not.

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.

It is the opinion of this Responsible Authority that Mr Dinesh Kanzaria and Mrs Manesha Sookun have failed to uphold the licensing objective of the protection of children from harm. This Responsible Authority is deeply concerned that about the overall management of the business. Mr Kanzaria and Mrs Sookun either genuinely don't know who is working in the shop, which means they lack suitable control, or they are not being entirely honest, for whatever reason, about the identity of the person who sold the alcohol to the underage volunteers on the 1<sup>st</sup> August 2022.

By Mrs Sookun's own admittance there had been breaches of the conditions of the premises licence, including not adhering to a Challenge 21 Policy, not maintaining a refusals register and not keeping CCTV footage.

Furthermore, Dinesh Kanzaria has a history of failing to uphold the licensing objectives at another premises in Tower Hamlets where he is the premises licence holder for. Dinesh Kanzaria received a written warning (dated 2nd September 2009) following an underage sale of alcohol by a staff member at Dennis Off-Licence, 101-103 Brabazon Street, E14 6BL That sale occurred on 30th June 2009 (**see Appendix XIV – copy of written warning**). Dinesh Kanzaria and Rasilaben Kanzaria were both convicted for s.92 Trade Marks Act 1994 offences that occurred on 9<sup>th</sup> January 2012 at Dennis Off-Licence, 101-103 Brabazon Street. E14 6BL (they had in their possession for supply counterfeit Jacobs Creek wine bottles). Dinesh Kanzaria was fined £300 and Rasilaben Kanzaria was fined £200 (**see Appendix XV – copy of Court Attendance Note**). This Responsible Authority considers this to be failing to uphold the licensing objective of the prevention of crime and disorder.

In 2011 a Fixed Penalty Notice was issued to a staff member at Dennis Beckton, 2-6 East Ham Manor Way, E6 5NG following an underage sale of alcohol there. This is another shop, situated in Newham, that Mr Kanzaria is responsible for.

In more recent history, on the 21<sup>st</sup> December 2022 a bottle of alcohol was sold to a 14 year old during a Trading Standards test purchase at Dennis Off-Licence, 101-103 Brabazon Street. The sale was made by a member of staff and the investigation into that offence is ongoing. Mr Kanzaria was not present in that shop at the time of the sale.

Whilst there is some scope to add conditions to the premises licence at 15 Swaton Road, this Responsible Authority feels that this alone will not suffice to ensure that the licensing objectives are upheld. The true identity of the person that sold alcohol to the underage volunteer on the 1<sup>st</sup> August 2022 remains unknown. Coupled with the lack of confidence in the management of the business by Dinesh Kanzaria and Manesha Sookun this authority seeks 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**

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: 27/02/2023

.....  
Capacity: Senior Trading Standards Officer  
.....

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

## **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

**Dinesh Kanzaria / Denni's News  
15 Swaton Road, E3 4ES**

**List of Appendices**

**Appendix I – Statement of Alex Brander**

**Appendix II – Statement of Katalin Morath**

**Appendix III – Photograph of Volunteer A**

**Appendix IV – Photograph of Volunteer B**

**Appendix V – Photograph of bottle of WKD**

**Appendix VI – Photograph of seller**

**Appendix VII – Photograph of Manesha Sookun's personal licence**

**Appendix VIII – Photograph of DPS authorisation**

**Appendix IX – Photograph of tobacco gantry**

**Appendix X – Photographs of Refusals / Training log book**

**Appendix XI – Photograph of till**

**Appendix XII – Photographs of alcohol displays**

**Appendix XIII – Copy of premises licence**

**Appendix XIV – Copy of written warning sent to Dinesh Kanzaria**

**Appendix XV – Copy of Attendance Note**

Witness Statement

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

URN:

Four empty boxes for URN entry.

Statement of: Alex Brander

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

Over 18

Occupation:

Senior Trading Standards Officer

This statement (consisting of 8 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: 30/09/2022

Tick if witness evidence is visually recorded:

Empty box for tick mark

(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.

On 1st August 2022 I was involved 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 a specified product from the business. I was accompanied in the operation by Senior Trading Standards Officer Katalin MORATH and Licensing Officer Lavine MILLER-JOHNSON. At the start of the operation I briefed the officers on their roles. I assigned STSO MORATH a

Signed: ... (witness)

Date: ...30/09/2022

(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)

test purchase witnessing role, along with myself, and assigned LO MILLER-JOHNSON a chaperone role. We had two female volunteers assisting us with the operation. For the sake of anonymity I shall refer to them as Volunteer A (date of birth [REDACTED] 2008) and Volunteer B (date of birth [REDACTED] 2009). I produce a redacted copy of Volunteer A’s proof of age document as exhibit AB/VA/1 and a redacted copy of Volunteer B’s proof of age document as exhibit AB/VB/1. At the operation briefing I asked Trading Standards Officer Bridget RUSHMOOR to authorise the child volunteers to attempt to purchase alcohol during the operation. TSO RUSHMOOR did not participate in the operation any further. During the operation briefing I measured the height of Volunteer A; 168 cm and Volunteer B; 159 cm. I took photographs of the volunteers to show what they looked like on the day. I produce photographs of Volunteer A as exhibits AB/VA/2-3. I produce a photograph of Volunteer A alongside STSO MORATH as exhibit AB/VA/4. I produce photographs of Volunteer B as exhibits AB/VB/2-3. I produce a photograph of Volunteer B alongside STSO MORATH as exhibit AB/VB/4. I produce a photograph of Volunteer A and Volunteer B together as exhibit AB/VAVB/1.

At 11.05 am I instructed Volunteer A to enter Denni’s News, 15 Swaton Road, London, E3 4ES and attempt to purchase a bottle of WKD. I also instructed STSO MORATH to witness the test purchase. STSO MORATH entered the premises first, shortly followed by Volunteer A and B. At 11.06 am I saw Volunteers A and B exit the shop. They approached me and Volunteer A handed to me a 275 ml bottle of WKD and a dark chocolate Bounty Bar. The label on the bottle of WKD indicated that it contained 4% ABV. I took two photographs of the bottle of WKD and produce these as exhibits AB/DN/2-3. I placed the bottle of WKD and the Bounty Bar into an evidence bag, number N00078345. I produce the bottle of WKD and Bounty Bar as exhibit AB/DN/1.

At 11.14 am I entered Denni’s News, 15 Swaton Road, London, E3 4ES, together with STSO MORATH. There was one male of South Asian appearance working behind the counter. I describe this male as

Signed: ... [REDACTED] .....(witness)

Date: ...30/09/2022.....

(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)

looking approximately 40 years old. He was wearing a green top and had dark, thinning hair. STSO MORATH identified him as the person who sold the bottle of WKD to Volunteer A. The man was having a conversation on a mobile phone when we entered the shop and approached the till counter. The handset was on the counter and the call was on speakerphone. STSO MORATH introduced us to the man behind the counter and explained to him that he had just sold the bottle of WKD to a person under the age of 18. There were other customers in the shop but there did not appear to be any other members of staff present. STSO MORATH asked the man if he was the boss. He said he was not and called the boss on his phone. He passed the phone to STSO MORATH and she spoke with him. I could was standing next to STSO MORATH and could hear the conversation. The boss gave his names as Dinesh KANZARIA and company details as Dennis Bow Ltd. Dinesh KANZARIA gave his telephone number as [REDACTED]. He said his date of birth is [REDACTED] and home address is [REDACTED]. He said he was the DPS and Premises Licence Holder. I heard STSO MORATH explain to Dinesh KANZARIA that a sale of alcohol to a person under the age of 18 had occurred, that we would speak with the staff member about it and that we would invite him into our office for an interview. After the call with Dinesh KANZARIA ended I took a photograph of the outside of the shop and produce this as exhibit AB/DN/4. Inside the premises above the entrance door was a framed personal licence certificate in the name of Miss Manesha KANZARIA. I took a photograph of this personal licence certificate and produce this image as exhibit AB/DN/5. I also noticed the statutory tobacco age restriction notice on display above the tobacco gantry had been obscured by a "No Credit. Please don't ask". The top of the tobacco notice had also been tucked under bottles of spirits. On either side of the tobacco notice was a poster about acceptable forms of ID and a small "No ID No Sale" poster. The front of the tobacco gantry displayed a price list for tobacco products. I took two photographs of the tobacco gantry which I produce as exhibits AB/DN/6 and AB/DN/7. Exhibit AB/DN/6 also shows the shop worker identified by STSO MORATH as the seller of

Signed: ... [REDACTED] .....(witness)

Date: ...30/09/2022.....

(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)

the alcohol. STSO MORATH asked the shop worker to close the shop temporarily so that we could speak with him without the distraction from customers. The man had keys for the entrance door and locked it. At 11.25 am STSO MORATH cautioned the shop worker. I heard the man giving his name as Raul PATEL. He said that Gujarti is his first language. There was an HMRC marked sealed envelope on the till counter containing a document addressed to Mr R PATEL, [REDACTED]. STSO MORATH asked Mr PATEL if the letter was for him, he said it was. Mr PATEL was asked if he would open the envelope for us to see it, which he did. The document was a letter from HMRC that contained a tax rebate cheque. There was a National Insurance number on the letter which read [REDACTED]. During the course of this conversation Mr PATEL became short of breath and his hands started shaking. We asked Mr PATEL if he needed to pause to have some water but he said he could continue. STSO asked Mr PATEL where he lived and he said he lives at [REDACTED]. He gave his telephone number as [REDACTED]. Mr PATEL was still short of breath and was sweating. We asked Mr PATEL if he needed some water and he then took a bottle from the shop floor and drank from it. STSO MORATH asked Mr PATEL if there was a refusals book. Mr PATEL found a refusals/training booklet that was tucked away next to a National Lottery terminal. I went behind the counter and took a photograph of the booklet in situ. I produce this photograph as exhibit AB/DNRB/1. The booklet was a LB Tower Hamlets issued Underage Sales & Responsible Retailer Trader Scheme Refusals & Incident Book for Age Restricted Products. The booklet was marked on the outside with the name and address of the shop as Best One, 20 Stroudley Walk, London, E3 3EW and the date from as 24/10/2021. The date to section was blank. I took a photo of this cover which I produce as exhibit AB/DNRB/2. I looked through the booklet and noticed that no entries had been made in it. I took a photo of the blank first page of the "Record of refusals" section and produce this as exhibit AB/DNRB/3. I made an entry on the first page of the "Record of refusals" section to indicate that I had seen it then took a photograph of it. I produce this

Signed: ... [REDACTED] .....(witness)

Date: ...30/09/2022.....

(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)

photograph as exhibit AB/DNRB/4. I took a photograph of the reverse side cover which I produce as exhibit AB/DNRB/5. I took a photograph of the blank first page of the "Record of Training" section and produce this as exhibit AB/DNRB/6. I made an entry on the first page of the "Record of Training" section then took a photograph of it. I produce this photograph as exhibit AB/DNRB/7. I then took a series of photographs of the other blanks pages in the booklet which I produce as exhibit AB/DNRB/8. I took photographs of the alcoholic products on display in the shop and produce these as exhibits AB/DN/8-11. Exhibits AB/DN/10 and AB/DN/11 show 275 ml bottles of WKD on display, price marked at £1.50. The shop had an electronic till but this did not have Electronic Point of Sale functionality. There were no notices or signs by the till to prompt staff to ask for identification. I took a photograph of the till and produce this as exhibit AB/DN/12. Also on display next to the tobacco age restriction notice was a document headed "Licensing Act 2003". This document listed the name of the DPS and their personal licence number; Dinesh KANZARIA and 070060/LAPER. The document states that the premises name is Dennis Bow Ltd and the premises licence number is 14485. The document is an authorisation for two members of staff, namely Tarun PATEL and Chirag PATEL, to sell alcohol. The document was signed by D KANZARIA and dated 15 APR 2019. I took a photograph of this document and produce this as exhibit AB/DN/13. I took a close up photograph of the "No ID No Sale" poster on display at the top of the tobacco gantry and produce this as exhibit AB/DN/14. I took a close up photograph of the valid form of ID poster that was on display at the top of the tobacco gantry and produce this as exhibit AB/DN/15; . The alcohol premises licence for the premises was not on display.

At 11:45 am Officer Morath and I left the premises.

Later that day at Tower Hamlets Town Hall I checked the premises license records for 15 Swaton Road, London, E3 4ES. The current premises licence is licence number 14485, for Denni's News. The holder of

Signed: ... [redacted] .....(witness)

Date: ...30/09/2022.....

(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)

the premises licence is Mr Dinesh Kanzaria. The Designated Premises Supervisor Mrs Manesha Sookun. I produce a copy of the licence as exhibit AB/PLH/1.

On this day I also interrogated the Companies House website and found a record for Dennis Bow Ltd, company number 08875612. The registered office address for the company is 15 Swaton Road, London, E3 4ES. The company directors were given as Dinesh Chandra Narendra KANZARIA, Rasilaben Dineshchandra KANZARIA and Manesha Dinesh SOOKUN. I produce a printout of the Companies House details for Dennis Bow Ltd as exhibit AB/DBL/1.

Also on the 1<sup>st</sup> August 2022 I sent separate invitation to an interview under caution letters to Dennis Bow Ltd, Mr Dinesh KANZARIA, Mrs Manesha SOOKUN and to Mr Raul PATEL. I produce a copy of the letter sent to Raul PATEL as exhibits AB/PI/1.

On the 4<sup>th</sup> August 2022 I received an email from someone giving their name as Rahulkumar Jayantibhai PATEL. In this email Mr Rahulkumar PATEL wrote that he had received the letter I sent to 15 Swaton Road, London, E3 4ES but that he did not work at the shop and had employment elsewhere. He wrote "My name may be given by mistakenly to investigate office, because I m Tennent and I m living at [REDACTED]". He gave his mobile telephone number as [REDACTED]. I recognise this number as being the same number given by the person claiming to be Raul PATEL at Denni's News on the 1<sup>st</sup> August 2022. I produce a printout of this email as exhibit AB/RKP/1. The email had attached to it a copy of what appears to be a passport issued by the Republic of India for Mr Rahulkumar Jayantibhai PATEL. This document provides a date of birth of [REDACTED] for Rahulkumar Jayantibhai PATEL. I produce a printout of this attachment as exhibit AB/RKP/2.

At 10:25 am on the 5<sup>th</sup> August 2022 I had a telephone conversation with Rahulkumar Jayantibhai PATEL. Mr PATEL told me that he lives behind the shop but post for him gets sent to the shop and the

Signed: ... [REDACTED] .....(witness)

Date: ...30/09/2022.....

(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)

shopkeeper calls him to collect it. He said he knows that shopkeeper as Swami. He told me he works as a social worker and not in the shop. I asked him if he knew what his National Insurance number was and he told me [REDACTED].

At 12:25 pm on the 5<sup>th</sup> August 2022 I had a telephone conversation with Dinesh KANZARIA. Mr KANZARIA confirmed receipt of the letter I had sent to him. I asked Mr KANZARIA who was meant to be working at the shop at the time of the sale on the 1<sup>st</sup> August 2022. Mr KANZARIA told me that his employee, Mr Ghanshyam PATEL should have been working in the shop. Mr KANZARIA told me that Ghanshyam PATEL had asked a friend to cover the shop whilst he went to the toilet which was outside the premises. Mr KANZARIA told me that the friend of Ghanshyam PATEL was not an employee of the business and that he did not know who he was. Mr KANZARIA also told me that the CCTV equipment had not been recording for at least two months because of a water leak in the shop. This had not been reported to the Tower Hamlets Licensing team.

On the 5<sup>th</sup> September 2022 I conducted an audio recorded interview under caution with Dinesh KANZARIA and Tower Hamlets Town Hall. The second officer in the interview was STSO Morath. Mr KANZARIA was assisted by a Gujarati interpreter. The interview began at 1:27 pm, there was a pause 2:41 pm to change discs, it commenced again at 2.47 pm and ended at 3:23 pm. I produce the master copy CD-R as exhibit AB/DK/1 and a transcript of the interview as exhibit AB/DK/1A. In his interview Mr KANZARIA produced a letter from Camelot dated 24/08/2022. The letter related to a mystery shopper visit to 15 Swaton Road on 17/08/2022. I produce this letter as exhibit AB/NL/1.

Also on the 5<sup>th</sup> September 2022 at Tower Hamlets Town Hall I conducted an audio recorded interview under caution with Manesha SOOKUN. The second officer in the interview was STSO Morath. The interview began at 3:37 pm and ended at 4:32 pm. I produce the master copy CD-R as exhibit AB/MS/1 and a transcript of the interview as exhibit AB/MS/1A.

Signed: ... [REDACTED] .....(witness)

Date: ...30/09/2022.....


(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)

Immediately after these interviews I spoke with Mr Ghanshyam PATEL in the Tower Hamlets Town Hall reception area. Mr Ghanshyam PATEL had accompanied Mr KANZARIA and Mrs SOOKUN to the Town Hall. I showed Mr Ghanshyam PATEL an image of the seller of the alcohol at Denni’s News on the 1<sup>st</sup> August (exhibit AB/DN/6) and asked if he knew the name and contact details of the man in the photo. Mr Ghanshyam PATEL said “No”. Mr Ghanshyam PATEL also said “He’s a customer. You can stay here so I can go to the toilet.” END.

Signed: ...  .....(witness)

Date: ...30/09/2022.....

(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)

URN:

Four empty boxes for URN entry.

Statement of: Katalin Morath

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

Over 18

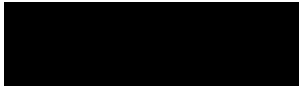
Occupation:

Senior Trading Standards 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:

Katalin Morath



Date:

6th September 2022

Tick if witness evidence is visually recorded:

Empty checkbox

(Supply witness details on last page)

Statement

My name is Katalin Morath and I am employed as a Senior Trading Standards officer at London Borough of Tower Hamlets Trading Standards Service. On 1st August 2022 I assisted my colleague Alex Brander a Senior Trading Standards Officer with an operation to test for the sale of age restricted products to our volunteers who were under the age of 18. On the day they attempted to purchase alcohol, cigarettes and vapes containing nicotine.

Assisting was Licencing Officer Lavine Miller and two volunteers who I shall refer to as Volunteer A and volunteer B. Volunteer A was age 14, date of birth [redacted] 2008 and Volunteer B was 12, date of birth [redacted] 2009. Alex Brander measured the volunteers' height before we went out and took photographs of them on their own and standing next to me.

Signed: ... [redacted] (witness)

Date: .....6th September 2022.....

(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)

At 11.05 am Alex Brander instructed the volunteers to go into Denni's News, 15 Swaton Road, London, E3 4ES and I was going to observe the test purchase. I went into the shop followed by the volunteers. I saw Volunteer A go over to the drinks and pick up a bottle of WKD Blue and a bounty chocolate and put it on the counter. I stood to the left hand side of the volunteers and observed them making the test purchase. When she put it down she said, 'just that'. Volunteer A handed the money over to pay and Volunteer B took the change. Volunteer A picked up the WKD and bounty after the sale. An Asian male wearing a green jumper served the volunteers. He did not ask the volunteers for their age or identification before making the sale. He was having a hands free conversation on his mobile phone throughout the transaction. The volunteers left the shop and I purchased some snacking seeds and left the premises. When I went over to where my colleagues and the volunteers were they had given Alex Brander their purchases. The WKD Blue they had purchased was a 275ml bottle 4% alc.

At 11.14 I went back into the shop with my colleague Alex Brander and I identified the same male behind the counter who had sold the WKD to our volunteers. He was still on the phone when we went back into the shop. I introduced us and explained that he had sold a bottle of WKD to our volunteer who was under eighteen. I asked if he was the DPS and he said he wasn't. He called the owner on his phone and when he handed me the phone it said 'Boss Man'. I spoke to a man who said he was the owner Dinesh Kanzaria, date of birth [REDACTED] and home address [REDACTED]. He said the business was a Limited Company, Dennis Bow Ltd. I explained to him that our volunteers who were under 18 had been sold a bottle of WKD. As there were lots of customers coming into the shop we asked the seller to close the shop. He locked the shop so that we could speak to him.

Signed: ... [REDACTED] (witness)

Date: .....6<sup>th</sup> September 2022.....

(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)

At 11.25 I cautioned the seller who had a panic attack as soon as he was asked for his personal details. He seemed unable to breathe and was shaking and sweating profusely. Eventually he advised that he was the person in a letter on the counter which was addressed to Raul Patel and wasn't opened. I asked him if he would open his letter and show it to us which he did. I noted the address on the letter down as [REDACTED] but now know that the address should have been [REDACTED]. The letter was from HMRC and I noted down some of the details. There was a tax reference No 120/AA67658 and a National Insurance number on the letter which was [REDACTED]. He also gave us his date of birth as [REDACTED].

Alex Brander took some photographs of the front of the shop and signage whilst we were there. There was no till prompt facility on the till as it was a type where you manually entered amounts rather than scanning products. I asked the man if he had a refusals book at the shop. He looked behind the counter and found a book refusals and Incident Book for Age Restricted Goods issued by London Borough of Tower Hamlets behind the counter. The date from was 24<sup>th</sup> October 2021 and the name and address on the front was Best One, 20 Stroudley Walk, London, E3 3EW. There were no entries in the book. My colleague Alex Brander took photographs of the book. The seller gave his phone number as [REDACTED]. We left the premise at 11.45.

On 5<sup>th</sup> September 2022 I assisted Alex Brander with two PACE interviews for Dinesh Kanzaria and Manesha Sookun. After the interviews Alex Brander spoke to a man called G Patel in the reception area of our office building. Alex Brander showed him a photograph of the seller (Exhibit AB/DN/6). He asked him if he recognised the person and he said 'He's a customer, you can stay here so I can go toilet'. When asked his name he said 'He told me Patel.'

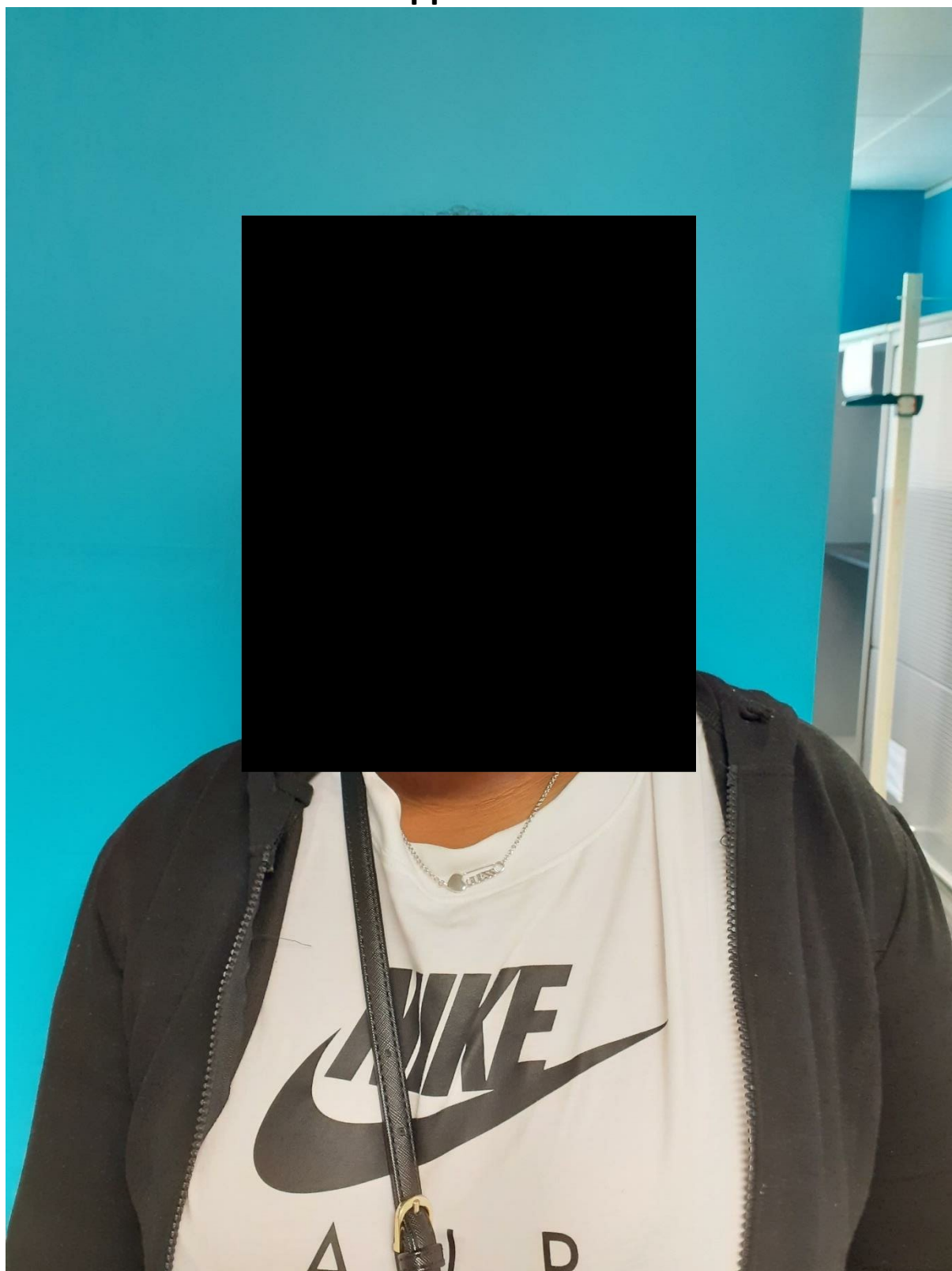
Signed: ..... [REDACTED] ..... (witness)

Date: .....6<sup>th</sup> September 2022.....

(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: ..... )

## Appendix III



# Appendix IX





## Appendix V





Wkd

SPARKLING FORTIFIED ALCOHOLIC  
PREMIX BLENDING MIXED FRUIT  
FLAVOURS. CONTAINS CAFFEINE.  
GLUTEN FREE. SUITABLE FOR VEGANS.  
BEST BEFORE: SEE BOTTLE NECK.  
STORE IN A COOL, DARK PLACE. SERVE CHILLED.

RM28181V4

275ML e Alc. 4% Vol.



THE UK CHIEF MEDICAL OFFICERS  
RECOMMEND ADULTS DO NOT  
REGULARLY DRINK MORE THAN  
14 UNITS PER WEEK.  
DRINKAWARE.CO.UK



18+

BEVERAGE BRANDS (UK) LTD.  
ADMAL 4219, GLOUCESTER,  
GL3 1FD. UK. SHS SALES  
& MARKETING LTD.  
UNIT Q1 AERODROME BUS  
PARK, RATHCOOLE, IRELAND.  
PRODUCED IN THE UK.  
WWW.WKD.CO.UK

NOT FOR INDIVIDUAL RESALE



# Appendix VI



# Appendix VII

**PERSONAL LICENCE**  
LICENSING ACT 2003

Newham Council under the provisions of the Licensing Act 2003 hereby Licences:

Name: Miss Manesha Kanaria  
Address: [REDACTED]

to be the holder of a Personal Licence. The holder is authorised under the Licensing Act 2003 to:

- sell or supply alcohol, and
- to authorise the sale or supply of alcohol

Licence Number: 09/00245/LAPER  
Date of issue: 24.02.2009  
Date of expiry: 23.02.2019


Relevant Offences/ Foreign Offences	Date of Conviction	Sentence

Newham Council  
Licensing Team  
Alice Billings House  
2-12 West Ham Lane  
Stratford  
London E15 4SF  
Tel No: 020 8430 6509

Sheila Roberts  
Operational Manager  
Health Safety & Licensing  
[REDACTED]

Signed: 24th February 2009

**Newham**  
PERSONAL LICENCE  
Name: KANARIA, Manesha  
[REDACTED]  
Ref No: 0900245/LAPER Expiry: 23.02.2019





# Appendix VIII

**Licensing Act 2003**  
Designated Premises Supervisor (DPS) Letter of Authorisation

Full Name of DPS:	ANAND KANZARIA
Personal License No:	03060 / L080

being the Designated Premises Supervisor (DPS) for the premises known as:

Premises Name:	Dennis Road 177
Premises License No:	17485

hereby authorise the following named person(s) to sell and supply alcohol in compliance with the Licensing Act 2003 in my absence from the premises.

I can always be contacted on the following telephone number(s):  
[REDACTED] - DINESH [REDACTED]

Name(s) of Authorised Person(s):

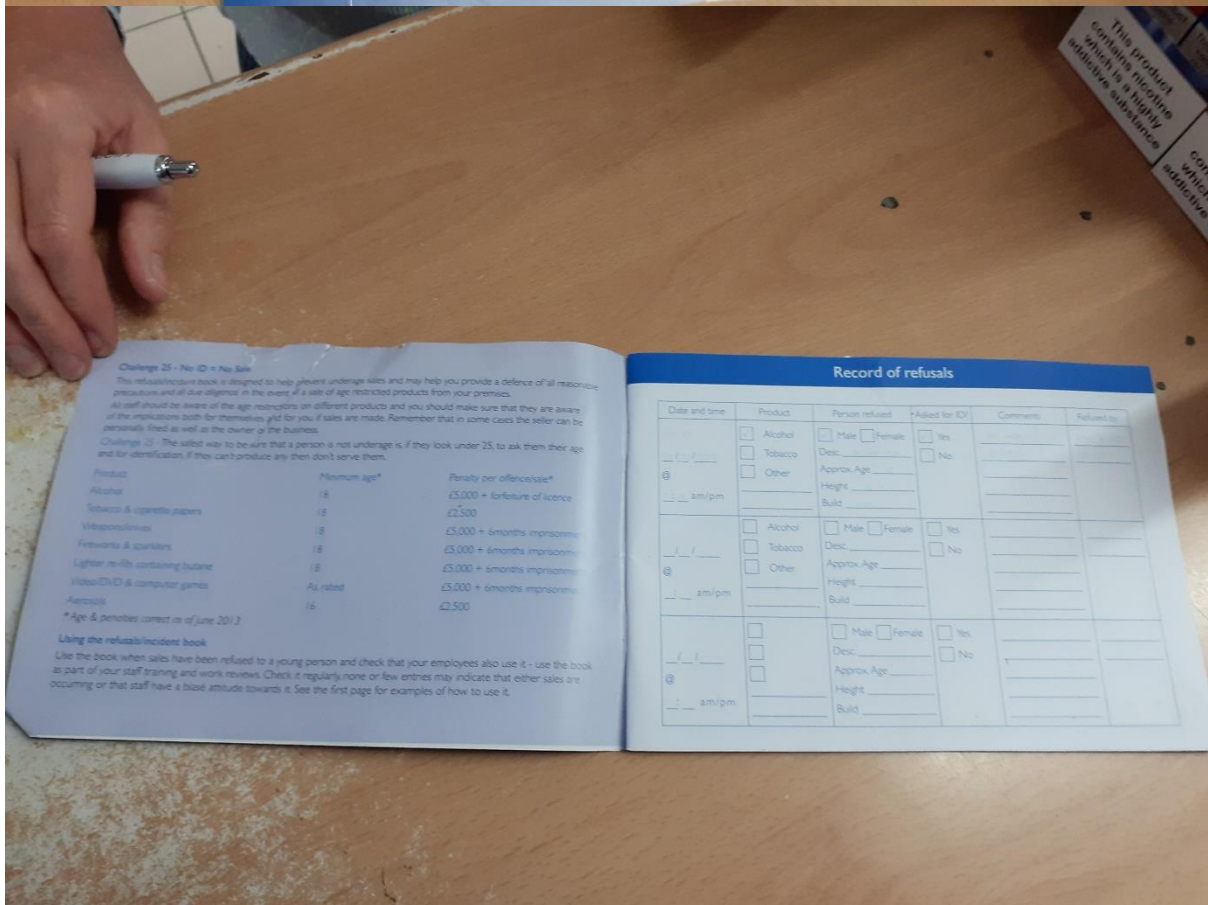
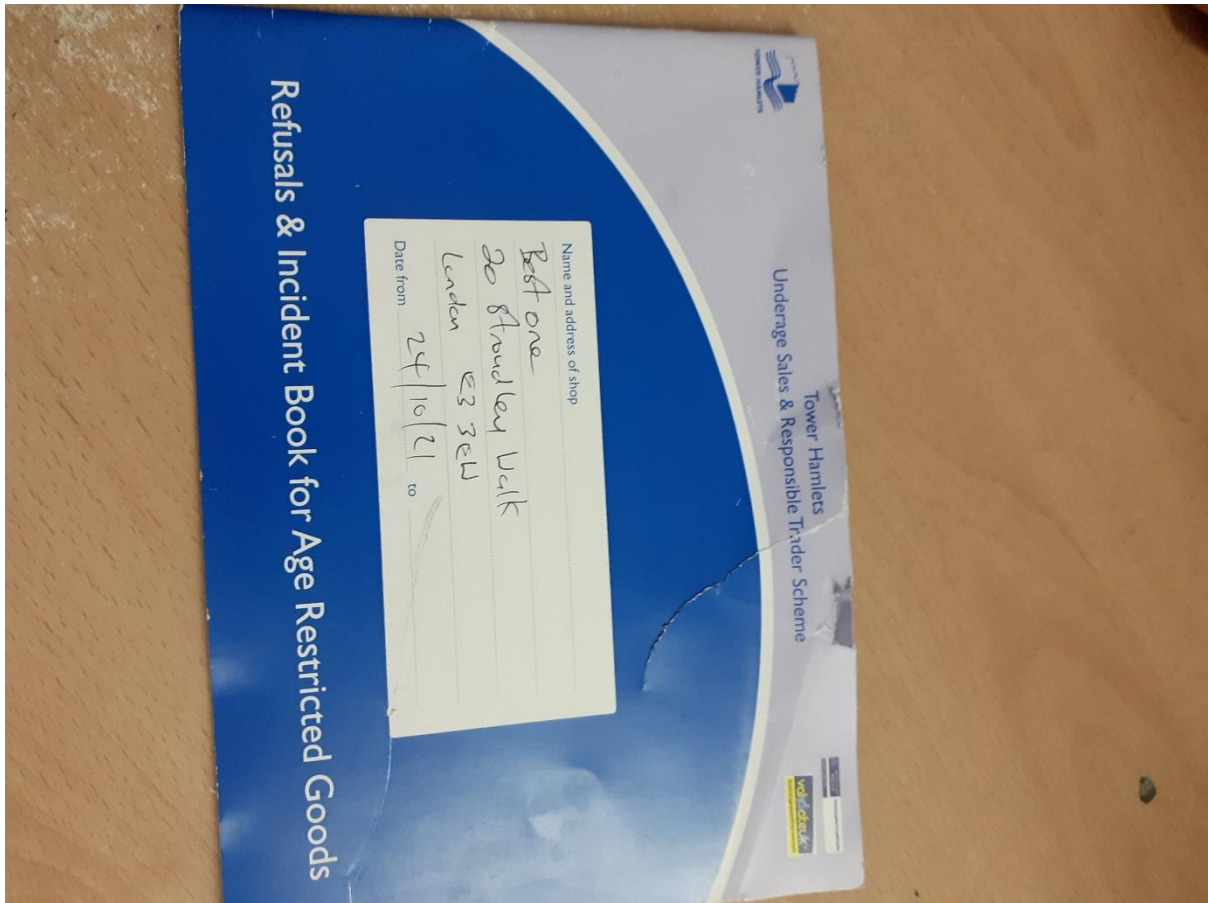
Full Name(s):	Personal License No: (if applicable)	Non Personal License Holder (please tick)
TARUN PATEL		<input checked="" type="checkbox"/>
CHIRAG PATEL		<input checked="" type="checkbox"/>

Designated Premises Supervisor to sign:

Signed: (DPS)	[REDACTED]	Date:	15 - APR - 2019
---------------	------------	-------	-----------------

Please ensure that this form is kept at the premises and can easily be made available for inspection by Officers of all Relevant Authorities.

# Appendix X



# Appendix X

The image shows an open notebook with two pages of 'Record of refusals' forms. Each page contains a table with the following columns: Date and time, Product, Person refused, Asked for ID, Comments, and Refused by. The forms are blank and ready for use.

Date and time	Product	Person refused	Asked for ID	Comments	Refused by
____/____/____ @ _____ am/pm	<input type="checkbox"/> Alcohol <input type="checkbox"/> Desc <input type="checkbox"/> Tobacco <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		
____/____/____ @ _____ am/pm	<input type="checkbox"/> Alcohol <input type="checkbox"/> Desc <input type="checkbox"/> Tobacco <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		
____/____/____ @ _____ am/pm	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		

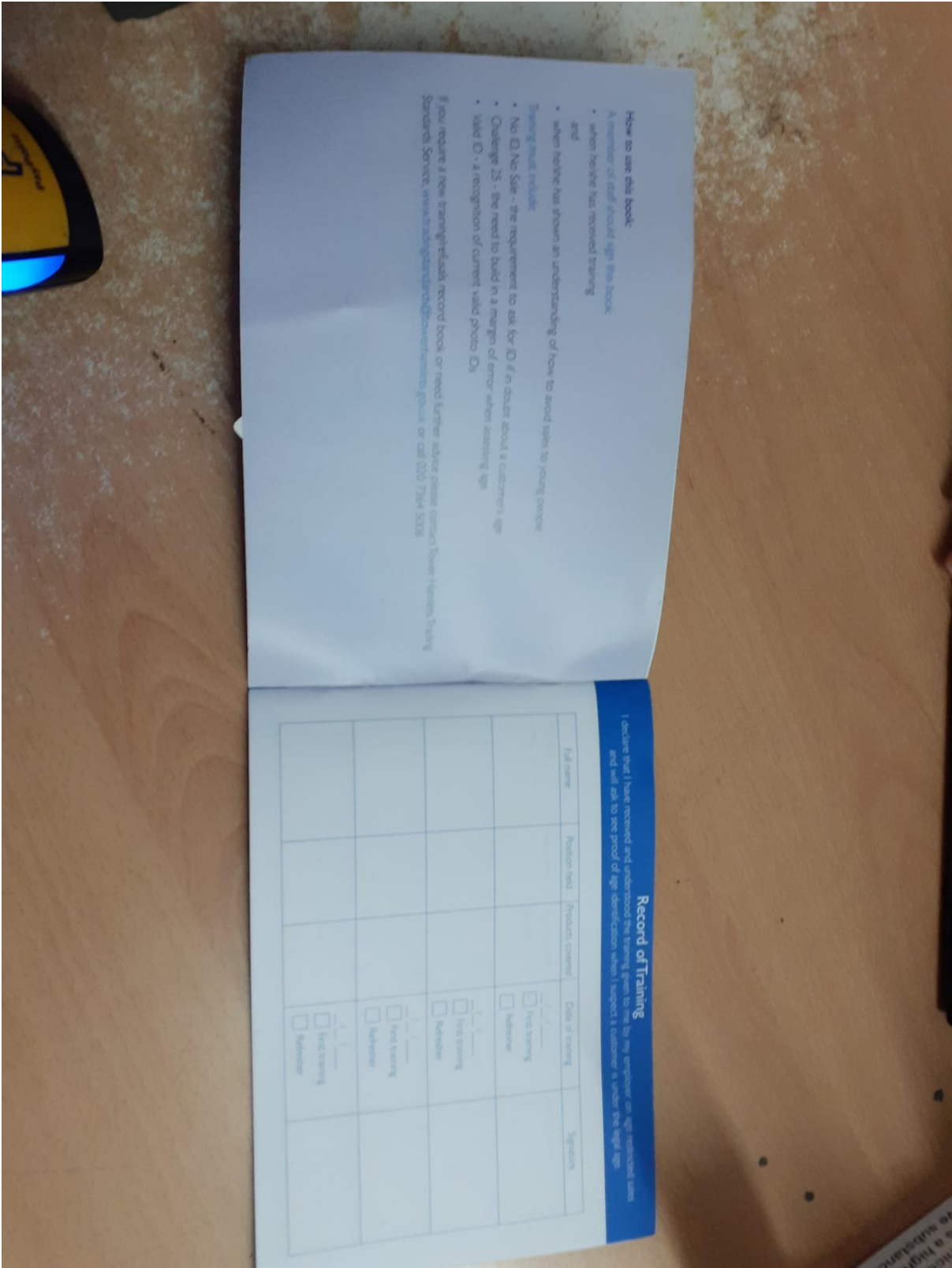
Date and time	Product	Person refused	Asked for ID	Comments	Refused by
____/____/____ @ _____ am/pm	<input type="checkbox"/> Alcohol <input type="checkbox"/> Desc <input type="checkbox"/> Tobacco <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		
____/____/____ @ _____ am/pm	<input type="checkbox"/> Alcohol <input type="checkbox"/> Desc <input type="checkbox"/> Tobacco <input type="checkbox"/> Other	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		
____/____/____ @ _____ am/pm	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female Desc _____ Approx Age _____ Height _____ Build _____	<input type="checkbox"/> Yes <input type="checkbox"/> No		

# Appendix X





# Appendix X



**How to use this book:**  
 A number of staff should sign the book:  
 • when they've had received training  
 and  
 • when they've had shown an understanding of how to avoid sales to young people

**Training must include:**

- No ID No Sale - the requirement to ask for ID if in doubt about a customer's age
- Challenge 25 - the need to build in a margin of error when assessing age
- Valid ID - a recognition of current valid photo IDs

If you require a new training kit/s, record book or need further advice please contact Your Helpline Training Standards Service: [www.trainingstandards@bournemouth.gov.uk](mailto:www.trainingstandards@bournemouth.gov.uk) or call 020 7344 5004

## Record of Training

I declare that I have received and undertaken the training given to me by my employer or sign mentioned name and will act to see proof of age derivations when I suspect a customer is under the legal age

Full name	Position held	Products covered	Date of training	Signature
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

# Appendix X

**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
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<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
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<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
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<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
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

# Appendix X

**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
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<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
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	

**Record of refusals review**

Full name	Position held	Products covered	Date of training / /	Signature
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			<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.



# Appendix X

**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 / / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	Signature
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <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.

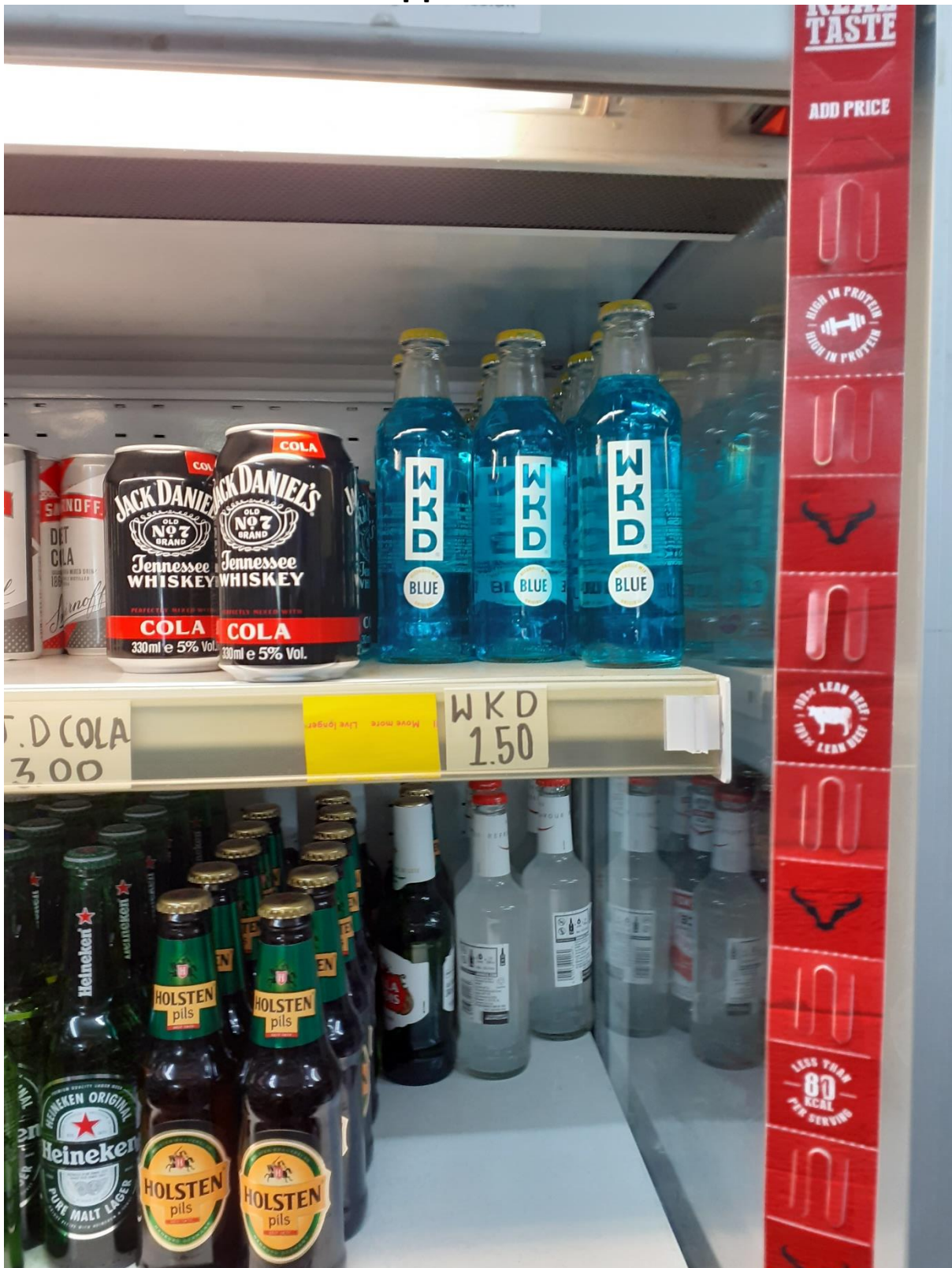
Full name	Position held	Products covered	Date of training / / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	Signature
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	
			/ / <input type="checkbox"/> First training <input type="checkbox"/> Refresher	



# Appendix XI



# Appendix XII













**(Denni's News)**  
15 Swaton Road  
London  
E3 4ES

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

**See the attached licence for the licence conditions**

**Signed by**

**Jacqueline Randall** \_\_\_\_\_  
**Licensing Services Manager**

**Date: 3<sup>rd</sup> February 2009**

- Licence varied following the licensing sub-committee hearing on 21<sup>st</sup> September 2010



**Part A - Format of premises licence**

Premises licence number

14485

**Part 1 - Premises details**

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

**(Denni's News)**  
15 Swaton Road

**Post town**  
London

**Post code**  
E3 4ES

**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**

The sale by retail of alcohol

- Monday to Sunday, from 09:00 hours to 23:00 hours

**The opening hours of the premises**

- Monday to Sunday, from 07:00 hours to 23:00 hours

**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**

Mr Dinesh Kanzaria

[REDACTED]

[REDACTED]

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

N/A



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

Mrs Manesha Sookun



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

**Personal Licence Number:**

**Issuing Authority:**



## **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.
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$
 where —
      - (i) **P** is the permitted price
      - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
      - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
    - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
      - (i) the holder of the premises licence
      - (ii) the designated premises supervisor (if any) in respect of such a licence, or
      - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
    - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member prevent the supply in question; and
    - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
  3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  4.
    - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
    - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

## **Annex 2 - Conditions consistent with the operating Schedule**

1. No nudity or semi nudity permitted.
2. All deliveries and the collection of refuse will take place during the day time hours.
3. Staff shall ask any persons who appear to be under the age of 18 for PASS approved Identifications, passport or photo driving licences.
4. No employee under the age of 18 years of age will be responsible for the sale of intoxicating liquor.

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

Conditions attached following the licensing subcommittee hearing of 21<sup>st</sup> September 2010:

1. A 'Challenge 21' policy shall be implemented
2. The alcoholic beverages shall be only sold from the racks and coolers as per the plans submitted with the application the 26<sup>th</sup> July 2010 and the alcohol on sale shall constitute no more than 10% of the stock on display in the shop.

Conditions attached following the licensing subcommittee hearing of 3<sup>rd</sup> February 2009:

1. CCTV shall be operated and maintained as the requirements of the Metropolitan Police. The CCTV recordings shall be kept for a minimum period of 31 days and made available to an Authorised Officer or a Police Officer on request.
2. A refusals book and incidents book to be kept and maintained.

## **Annex 4 - Plans**

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

26<sup>th</sup> July 2010 – Ground floor only (Ref. AD42/805120/P4/14072010)



**Part B - Premises licence summary**

**Premises licence number**

14485

**Premises details**

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

**(Denni's News)**  
15 Swaton Road

**Post town**  
London

**Post code**  
E3 4ES

**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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

- Monday to Sunday, from 09:00 hours to 23:00 hours

The opening hours of the premises

- Monday to Sunday, from 07:00 hours to 23:00 hours

Name, (registered) address of holder of premises licence

Mr Dinesh Kanzaria



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)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mrs Manesha Sookun

State whether access to the premises by children is restricted or prohibited

No restrictions



TOWER HAMLETS

Mr Dinesh Kanzaria  
Premises Licence Holder  
Designated Premises Supervisor  
Dennis T/A Best One  
103 Brabazon Street  
London E14 6BL

Date 2<sup>nd</sup> September 2009

Your reference  
My reference P2544

**Environment & Culture  
Trading Standards and  
Environmental Health  
(Commercial)**

Head of Service     **Colin Perrins**

Council Offices  
Southern Grove  
London E3 4PN

Tel

Fax

Enquiries to     **Nazir Ali**

Email

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Mr Kanzaria,

**Licensing Act 2003,  
Section 146 - Sale of Alcohol to children**

On the 30<sup>th</sup> June 2009, a 15-year-old volunteer entered the premises of Dennis (Best One), 103 Brabazon Street, London E14 6BL, where your employee sold her a bottle of 275ml Smirnoff Ice.

The sale of alcohol to children is a serious offence under the provisions of Section 146 of the Licensing Act 2003, which may lead to prosecution of both the seller and the owner of the premises, and may result in penalties up to level 5 on the standard scale, currently £5000, as well as loss of licence.

We have considered the circumstances of this particular sale and taken into consideration the fact that this appears to be a first offence, the Council will be taking no further action on this occasion however, if any further offences of this nature occur, the matter will be reported for prosecution.

You must exercise all due diligence and take all reasonable precautions to avoid committing offences of this nature. I am advised that some sections of the licensed trade have adopted policies of requiring IDs from customers who appear under 21 or, in some cases, under 25.

Yours sincerely,

**Nazir Ali**  
**Senior Trading Standards Officer**

Cc - Nazir Ali - home address: 18 Derby Road, London, E7 8NJ  
Kathleen - Senior Licensing Officer - LB Tower Hamlets



2003 - 2008  
Winner of 6 previous  
Beacon Awards

INVESTOR IN PEOPLE



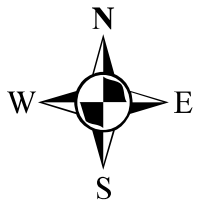
Corporate Director  
Environment & Culture  
**Alex Cosgrave**

**COURT ATTENDANCE NOTE**

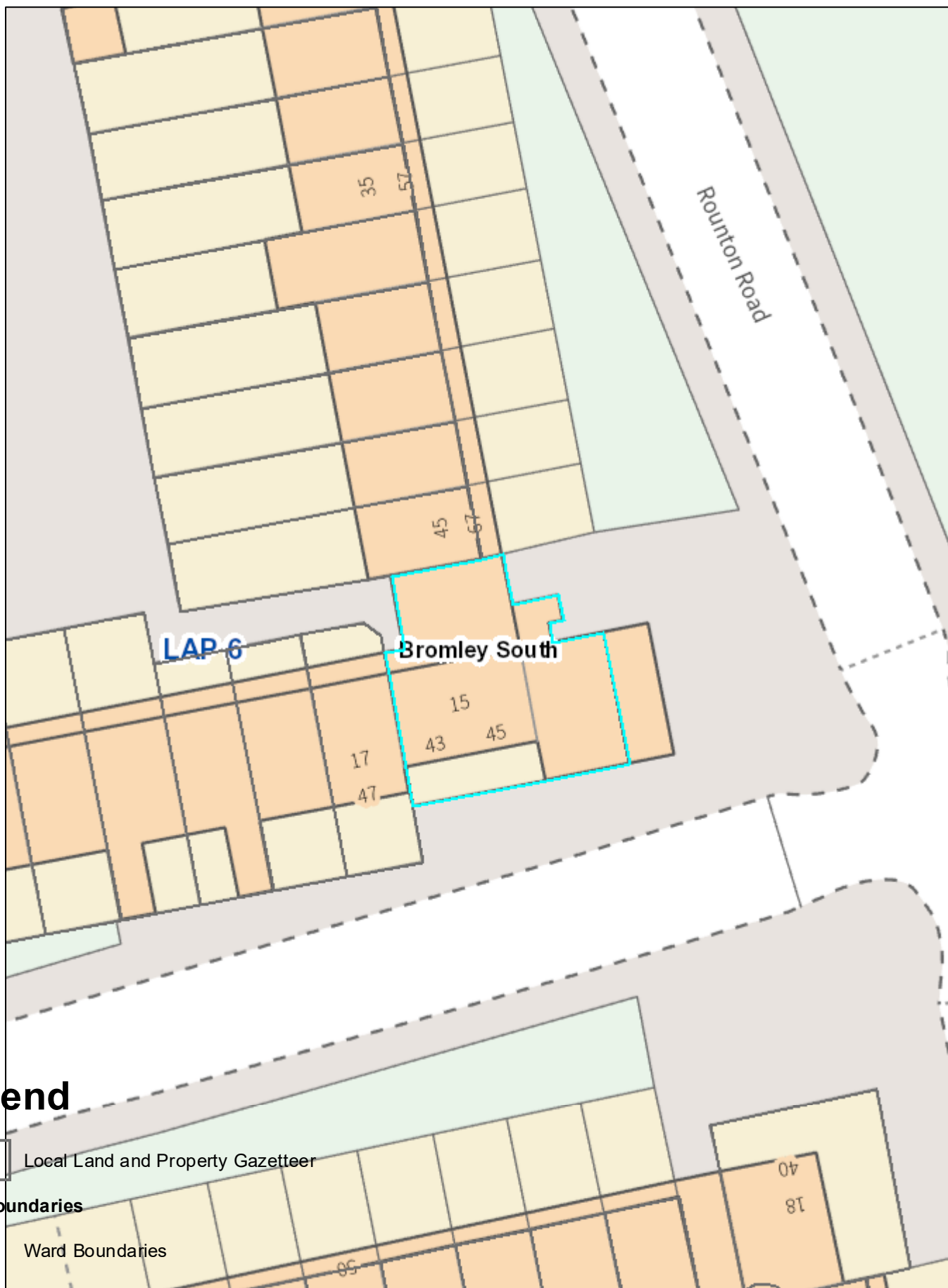
<b>File Name(s):</b>	Dinesh and Rasila Kanzaria
<b>Datetime Number(s):</b>	33370
<b>Client Ref(s):</b>	
<b>Offence(s):</b>	1 x Section 92 (1) (b) and 1 x section 92 (1) (c) of the Trade Marks Act 1994
<b>Advocate at court :</b>	Michelle Terry
<b>Date:</b>	18 <sup>th</sup> April 2013
<b>Place:</b>	Thames Magistrates Court
<b>Courtroom:</b>	5
<b>Coram:</b>	DJ Comyns
<b>Defendant(s):</b>	Both defendants attended jointly represented by Mr Sandhu of Sandhu and Shah solicitors (0208 552 4100)
<b>Outcome:</b>	<p>Matters put and both defendants plead guilty to both charges.</p> <p>I mention previous matter of underage sale of alcohol.</p> <p>Costs application for £1904.61 made and schedule handed up – Defence and DJ say amount is high.</p> <p>Mr and Mrs Kanzaria accept responsibility for purchase of wine on the basis that even though they say they were not at the shop at the time of the purchase, but as owners did nothing when they found out their manager had bought 'cheap wine' from a white van man.</p> <p>Mr Kanzaria – Fine £300 Costs £300 V/S £15</p> <p>Mrs Kanzaria (said she only works at the shop part-time) – Fine £200 Costs £200 V/S £15 14 days to pay and collection order F &amp; D of the seized wine</p>

# Appendix 3







# Map1



## Legend

 Local Land and Property Gazetteer


### Ward Boundaries

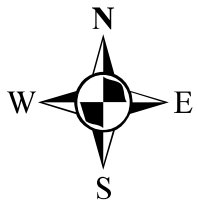
 Ward Boundaries

### LAP Boundaries

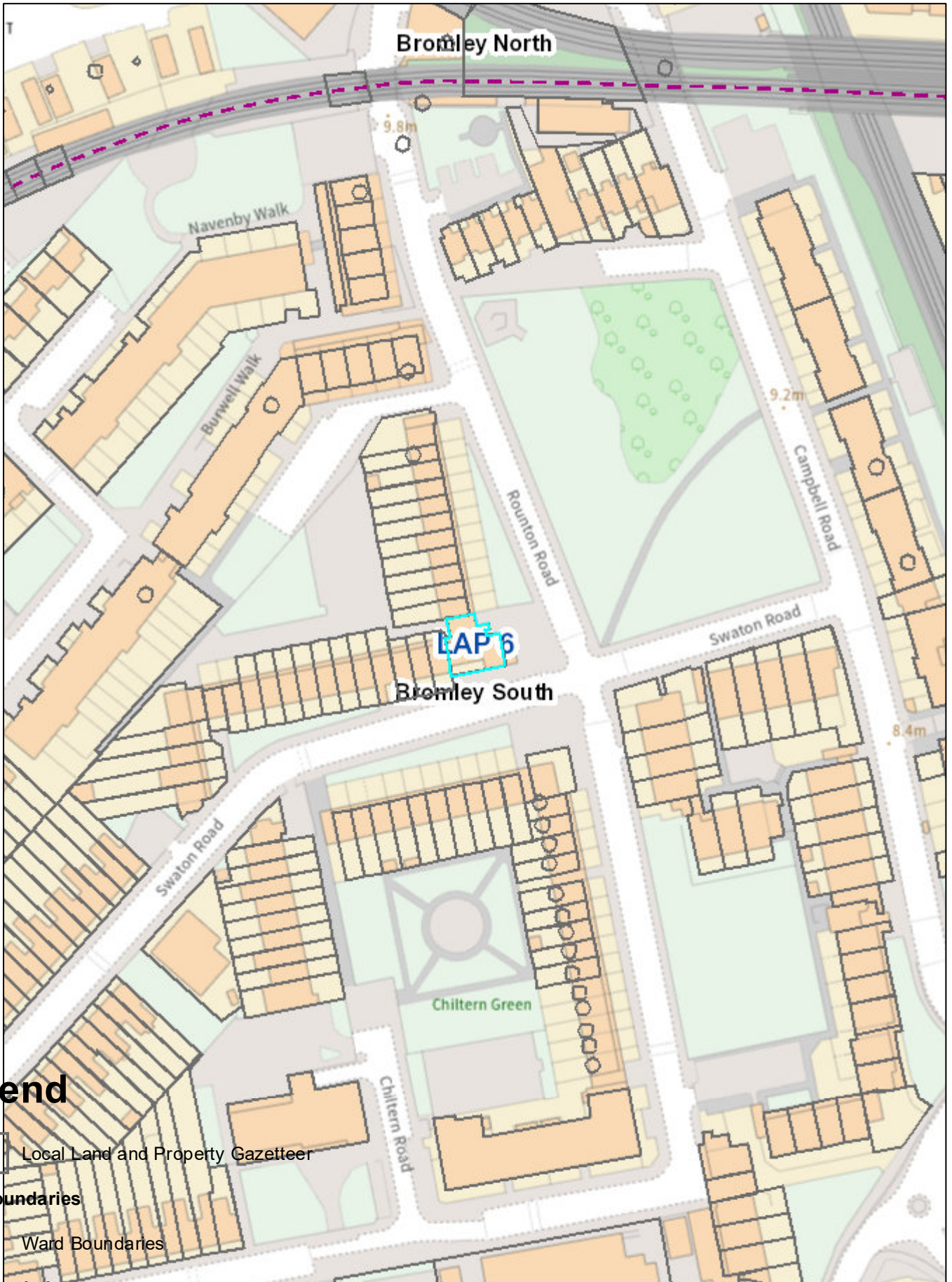
 LAP Boundaries

0.00375 0.0075 0.015 0.0225 0.03 km









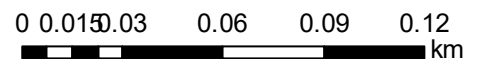
# Map2



## Legend

-  Local Land and Property Gazetteer
-  Ward Boundaries
-  Ward Boundaries
-  LAP Boundaries

 LAP Boundaries



# Appendix 4



Licensing Authority

By email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

27<sup>th</sup> March 2023

Reference: CLC/LIC/157620

PLACE Directorate  
Public Realm

Environmental Health & Trading  
Standards

Licensing & Safety Team

4<sup>th</sup> Floor Tower Hamlets Town Hall

160 Whitechapel Road

London E1 1BU

Tel: 020 7364 5008

Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sir/Madam,

### **Licensing Act 2003**

Review of premises licence S51: Denni's News, 15 Swaton Road,  
London, E3 4ES

I am the Licensing Officer acting as Responsible Authority making comment on this review application, submitted by Tower Hamlets Trading Standard officer Alex Brander, for the premises licence of, Denni's News, 15 Swaton Road, London, E3 4ES (Licence number 14485).

Having observed the content of the review application and evidence submitted by the Trading Standards officer, I am in full support of the review application on the grounds of, the licence holder not upholding the licensing objective for the ***protection of children from harm and the prevention of crime and disorder***

As stated in the application, on 1st August 2022, Tower Hamlets Trading Standards and Licensing Officers carried out an underage test purchase operation where two underage volunteers (one aged 14 and one aged 12 years) entered various shops and attempted to purchase age restricted products.

The two volunteers entered Denni's news and purchased a 275ml bottle of WKD blue (ABV 4 %). No challenge was made of the underage volunteers by the seller despite there being a Challenge 21 condition on their licence.

The age of the volunteers are of particular concern as they are only 14 and 12 years old. It is incomprehensible that anyone selling alcohol should not even challenge youths of this age for ID verification.

There are two different conditions on the Premise Licence relating to age verifications:

**Annex 2 / Condition 2 states:**

- Staff shall ask any persons who appear to be under the age of 18 for PASS approved Identifications, passport or photo driving licences.

**Annex 3 / condition 1 (from 21/09/10) states**

- A 'Challenge 21' policy shall be implemented

Both these conditions have been breached as a result of this underage sale of alcohol.

Mr Dinesh Kanzaria, the Premise Licence Holder admitted that the CCTV equipment had not worked for at least two months following a water leak. Therefore by his own admission he was breaching the following condition on his licence.

**Annex 3 / condition 1 (from 03/02/09) states**

- CCTV shall be operated and maintained as the requirements of the Metropolitan Police. The CCTV recordings shall be kept for a minimum period of 31 days and made available to an Authorised Officer or a Police Officer on request.

Both Mr Dinesh Kanzaria and the Designated Premises Supervisor, Mrs Manesha Sookun, also admitted they didn't utilise a refusal book on the premises. This is therefore a breach of the following condition on his licence:

**Annex 3 / condition 2 (from 03/02/09) states**

- A refusals book and incidents book to be kept and maintained.

Mr Dinesh Kanzaria, stated that he didn't know who was serving in the shop. This person telephoned him whilst the Trading Standards officers were present. Surely he must have know who this person was? Clearly he is either being evasive to the truth to protect the seller, or he runs his shop in such a poor shoddy manner that he is totally unconcerned that someone he doesn't know is working in his shop, having access to his stock and tills and selling to underage persons.

During the formal PACE interviews of both Mr Dinesh Kanzaria, and Mrs Manesha Sookun, they both showed an total lack of knowledge regarding licensing issues and the conditions on their licence. They both denied knowing who the gentlemen working in their shop was on the 1<sup>st</sup> August 2022.

The Licensing Authority is concerned that both the Premises Licence Holder and Designated Premises Supervisor have no sound knowledge of the Licensing Act 2003 and has no faith in the management of this premises. If further conditions are added to the licence the Licensing Authority doubt they will be abided by considering they have breached most of the conditions they already have.

The Licensing Authority fully supports the revocation of this Premise Licence

Yours faithfully

A solid black rectangular box used to redact the signature of Corinne Holland.

Corinne Holland  
**Licensing Officer**

# Appendix 5





# Immigration Enforcement

## Immigration representation in support of an application for the review of a premises Licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
<b>Premises Licence Holder:</b>			
Mr Dinesh Kanzaria			
<b>Name and Address of Premises:</b>			
Denni's News 15, Swaton Road			
<b>Post Town:</b>	London	<b>Post Code:</b>	E3 4ES

### Representations are being made for the following reasons:

On 06 March 2020 Officers from East London Immigration Compliance and Enforcement (ICE) visited Denni's Newsagent, 15, Swaton Road, London, E3 4ES as part of a Multi-Agency visit targeting illegal working within the retail industry.

The team arrived at approximately 17:55 and entered the premises under Section 179 of the Licensing Act 2003. The Section 179 paperwork was served to the person in charge.

On entering the premises Officers encountered two individuals, one was cleared as having valid LTR (leave to remain), the other was arrested for working in breach of employment conditions.

It is to be noted that Officers in the shop stated that the person in charge of the shop became hostile due to their presence and other people gathered outside the shop, so the arrested individual was moved to the cell van for further questioning.

A Civil Penalty Referral Notice was issued via post.

The team left the premises at approximately 19:00.



## Signatures

### Signature of Responsible Authority

Home Office Immigration Enforcement

Date:

27/02/23

Capacity:

Responsible  
Authority

## Details of Responsible Authority

Name and Address:

Home Office Immigration Enforcement  
The Alcohol and LNR Licensing Team  
40 Wellesley Road  
Croydon  
CR9 2BY

Email address  
(optional):

[alcohol@homeoffice.gov.uk](mailto:alcohol@homeoffice.gov.uk)

# Appendix 6

# 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. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise the review application.
- 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 relevant 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, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. 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
- Revised Guidance issued under section 182 of the Licensing Act 2003 | 91

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 or illegal working compliance 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](http://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)<sup>10</sup>;
  - 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 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.

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<sup>10</sup> See chapter 16 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 7

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

Updated December 2022

## 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 cooperate 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 evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

# Appendix 8

## 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 9

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

Updated December 2022

## 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.

<b>Table of relevant offences under the 2003 Act Section</b>	<b>Offence</b>	<b>Prosecuting Authority</b>
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 10

## 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.