

Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

**London Borough of Tower Hamlets,
Licensing Section, 4th Floor Tower Hamlets Town Hall,
160 Whitechapel Road, London E1 1BJ**

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

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

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Denni's Off-Licence 103 Brabazon Street	
Post town: London	Post code (if known) E14 6BL

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

Miss Preti Kanzaria

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

6410

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 21st December 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. Trading Standards Officers Bridget Rushmoor and Audrey Dembinski also participated in the operation.

One child volunteer assisted with the operation; Volunteer A (14 year old female).

At approximately 12.33 pm STSO Brander instructed Volunteer A to attempt to purchase alcohol from Denni's Off-Licence, 103 Brabazon Street, London, E14 6BL. Officer Rushmoor entered the shop first to witness the test purchase. Volunteer A entered the shop soon after. On this occasion Volunteer A managed to purchase a 700 ml bottle of WKD Blue (ABV 4%). The cost of the WKD Blue was £3.39. Volunteer A was not challenged for proof of age by the seller during the transaction, or by anyone else working in the shop at that time.

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 12.44 pm Officers Brander and Rushmoor entered Denni's Off-Licence. There were two men working behind the counter. Officer Rushmoor identified one of the men, who was wearing a grey sweater, as the man that sold the WKD to Volunteer A.

The officers explained to this man that he had sold alcohol to an underage person. The man gave his name as Jignesh V Patel and his date of birth as [REDACTED] Mr Patel had a provisional driving licence on his person. This gave his full name as Jigneshkumar Vinubhai Patel and an address in [REDACTED]

Mr Patel told the officers that his current address is in [REDACTED] Mr Patel does not hold a personal licence for alcohol.

The other man standing behind the counter told the officers that he did not work there, then left the shop.

Mr Patel was asked by the officers if there was a refusals register behind the counter. Mr Patel found one, but no entries had been made in it.

There was a premises licence on display in a frame. The licence number was 6410.

There was also a Licensing Act 2003 notice on display that named the Designated Premises Supervisor as being Dinesh Kanzaria. This notice listed names of people authorised to sell alcohol at the premises. Jignesh Patel's name was not on the list.

Also on display above the tobacco gantry behind the till was a Challenge 25 poster, a No ID No Sale poster and the statutory tobacco age-restriction notice.

The shop uses a till that does not utilise an EPOS system. There were no signs or notices on or immediately beside the till to prompt staff to check for proof of age.

At 1:00 pm another male entered the shop and came behind the till. This man gave his name as Meed Patel and said he was the manager but not the owner. Meed Patel told the officers that the person who ran the business was Dinesh Kanzaria, but he was not present.

See Appendix I – photograph of Volunteer A, Appendix II – photograph of bottle of WKD, Appendix III – photograph of premises licence, Appendix IV – photograph of DPS authorisation, Appendix V – photographs of the refusals book, Appendix VI – photograph of tobacco gantry, Appendix VII – photograph of the till and surrounding area & Appendix VIII – photographs of the alcohol displays.

At the time of the sale the premises licence holders for 103 Brabazon Street, E14 6BL (number 6410) were Mr Dinesh Kanzaria and Mrs Rasila Kanzaria. They were granted the licence in July 2005. Dinesh Kanzaria assumed the position as the Designated Premises Supervisor in February 2007. **See Appendix IX – copy of the premises licence applicable on 21st December 2022.**

Annex 1 of the premises licence contains the mandatory conditions, including:

- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as appears in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- Every supply of alcohol under the premises licence must be made or authorised by a

person who holds a personal licence.

Mr Dinesh Kanzaria attended an interview under caution at Tower Hamlets Town Hall on 9th February 2023. In this interview, Mr Kanzaria, through his legal representation, provided a prepared statement:

My name is Dinesh Kanzaria and I am the licence holder and Designated Premises Supervisor for Denni's Off Licence, 103 Brabazon Street, London E14 6BL. I have owned and operated that shop since the 1980s. I am aware of a test purchase at the shop on 21st December 2022 and will state the following:

- 1) I have seen a photo of the female volunteer and accept that she does not look 18 or over.*
- 2) I accept the sale took place.*
- 3) I accept the sale should not have taken place.*
- 4) I was out of the country on 21st December 2022. I flew to India on 11th October and was due to return on 24th November, but I had heart problems whilst I was in India and had to stay until last week, when I returned to the UK.*
- 5) My premises licence has been held by me since November 2005, when it was transferred over when the Licencing Act 2003 was enacted. There are currently no enforceable non mandatory conditions on that licence and I accept there should be going forward, to include CCTV, staff training and a refusals book.*
- 6) As at the date of this interview, Jignengeshkumar Patel is not employed by me or the shop and I have no means of contacting him.*

I am 65 years of age and I have a chronic heart condition and high blood pressure. I have three stents and I have had this condition for the last three years. I am looking to wind down in the next three months and transfer the business and the licence to my daughter.

When questioned about what the shop's age-verification policy was, Mr Kanzaria responded with "no comment". Mr Kanzaria declined the opportunity to provide any explanation as to what the age-verification policy was.

Mr Kanzaria also made no comment as to why Jigneshkumar Patel's name was not on the DPS Letter of Authorisation. Trading Standards is not aware that Jigneshkumar Patel was authorised to sell alcohol by a personal licence holder. Merely working at the premises does not necessarily mean that someone has permission to sell alcohol.

As indicated in Mr Kanzaria's prepared statement, an application to transfer the premises licence was received by Tower Hamlets Licensing on the 6th March 2023. The application was to transfer the licence to Preti Kanzaria, whom would also become the DPS.

Jigneshkumar Patel has not responded to any letters sent to him about an interview under caution, so it has not been possible to obtain his full version of events. This has not been helped by Mr Kanzaria's claim that he has no means of contacting Mr Patel, which brings into question what records he keeps of his employees.

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 Rasila Kanzaria have failed to uphold the licensing objective of the protection of children from harm. Mr Kanzaria was unwilling to explain what his age-verification policy was, despite it being a mandatory condition on the licence.

Furthermore, Dinesh Kanzaria has a history of failing to uphold the licensing objectives at this premises. 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 X – copy of written warning)**. Dinesh Kanzaria and Rasilaben Kanzaria were both convicted for s.92 Trade Marks Act 1994 offences that occurred on 9th 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 XI – 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 1st August 2022 a bottle of alcohol was sold to a 14 year old during a Trading Standards test purchase at Denni's News, 15 Swaton Road, London, E3 4ES. Dinesh Kanzaria is the premises licence holder for that store too. On that occasion the alcohol was sold by someone working in the shop that Mr Kanzaria denied knowing. This was despite the seller having Mr Kanzaria's telephone number on his phone. Mr Kanzaria was not present in that shop at the time of the sale. A court hearing is pending for this case, as well as a separate licence review hearing at Tower Hamlets.

This Responsible Authority lacks confidence that the licensing objectives will be upheld at this premises in the future, despite the licence having already been transferred to Preti Kanzaria. It is unclear as to how much involvement Preti Kanzaria has with the business and day to day control of it. Whilst there is scope to add conditions to the licence concerning the prevention of alcohol sales to minors, the recent and historical failings to uphold the licensing objectives would warrant a revocation, for which this Responsible Authority seeks.

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: 24/05/2023

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

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

Notes for Guidance

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

Appendix 2

Appendix I



Appendix II



Appendix III



Appendix IV

Licensing Act 2003

Designated Premises Supervisor (DPS) Letter of Authorisation

Full Name of DPS:	DINESH KANZARIA
Personal License No:	[REDACTED]

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

Premises Name:	DENNIS POPPERS LTD
Premises License No:	6410

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]

Name(s) of Authorised Person(s):

Full Name(s):	Personal License No: (if applicable)	Non Personal License Holder (please tick)
VIREN DASHI		<input checked="" type="checkbox"/>
Shakuntalaben	[REDACTED]	<input checked="" type="checkbox"/>

Designated Premises Supervisor to sign:

Signed: (DPS)	[REDACTED]	Date:	17- APR - 2019
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Please ensure that this form is kept at the premises and can easily be made available for inspection Officers of all Relevant Authorities.

Postal Address

**(Dennis Off Licence)
103 Brabazon Street
London
E14 6BL**

Licensable Activities authorised by the licence

Sale by retail of alcohol.

See the attached licence for the licence conditions

Signed by

**John Cruse _____
Team Leader Licensing**

Date: 18th July 2005



Part A - Format of premises licence

Premises licence number

6410

Part 1 - Premises details

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

**(Dennis Off Licence)
103 Brabazon Street**

Post town
London

Post code
E14 6BL

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

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

see mandatory conditions.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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 and Mrs. Rasila Kanzaria
(Dennis Off Licence)
103 Brabazon Street
London
E14 6BL

[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

Dinesh Narendra Kanzaria

[REDACTED]

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

[REDACTED]

Annex 1 - Mandatory conditions

4.

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

- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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

Alcohol shall not be sold in an open container or be consumed in the licensed premises

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

Annex 2 - Conditions consistent with the operating Schedule

None

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

N/A

Annex 4 - Plans

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

2nd June 2005



Part B - Premises licence summary

Premises licence number

6410

Premises details

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

**(Dennis Off Licence)
103 Brabazon Street**

**Post town
London**

**Post code
E2 0HU**

Tele hone number

Where the licence is time limited the dates

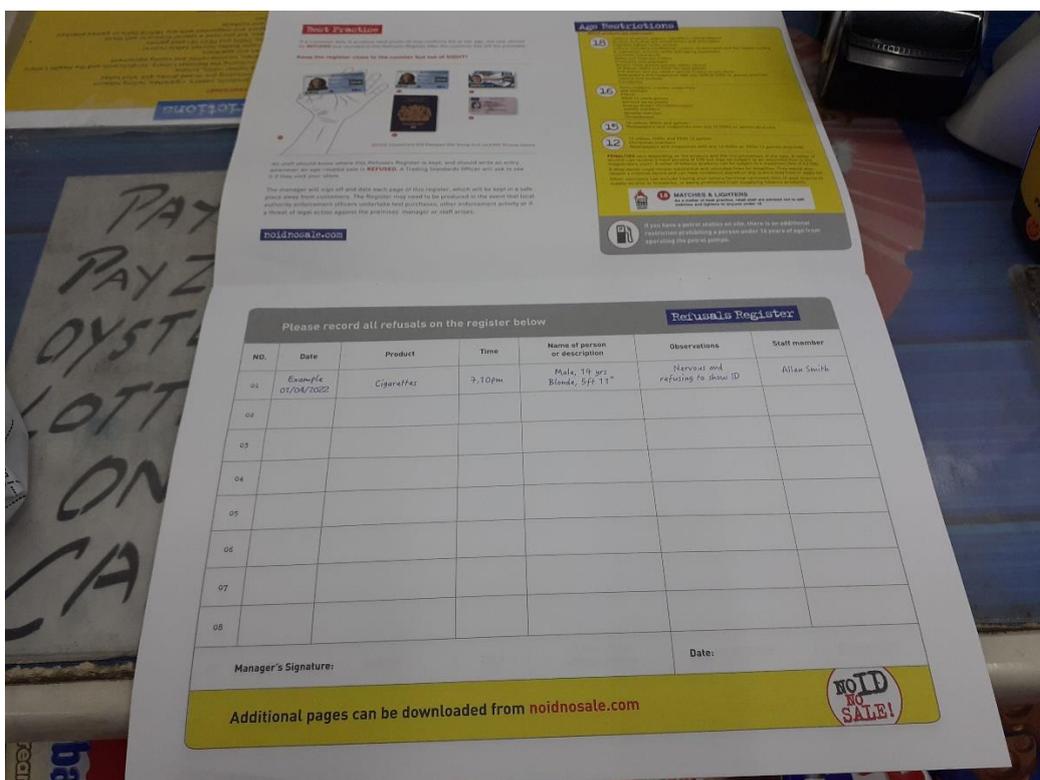
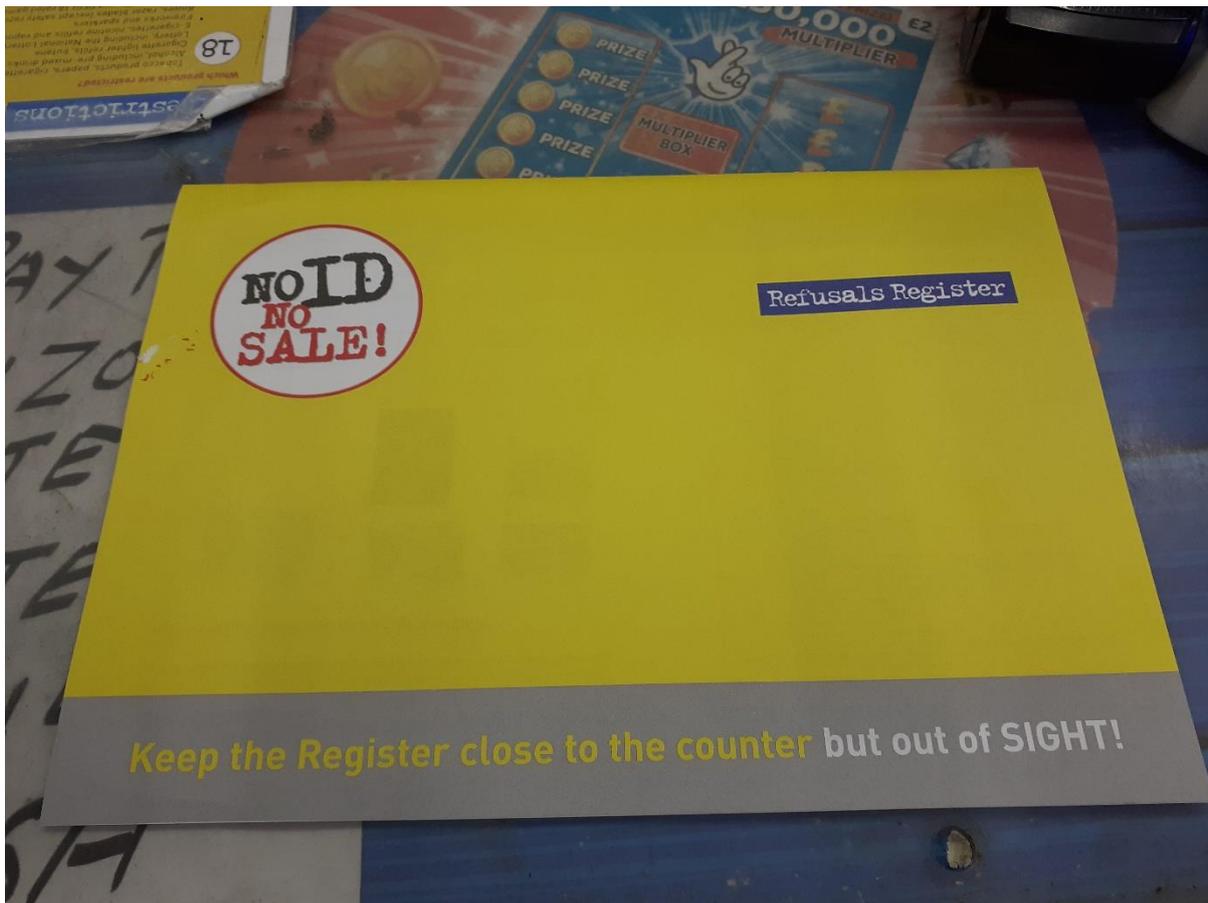
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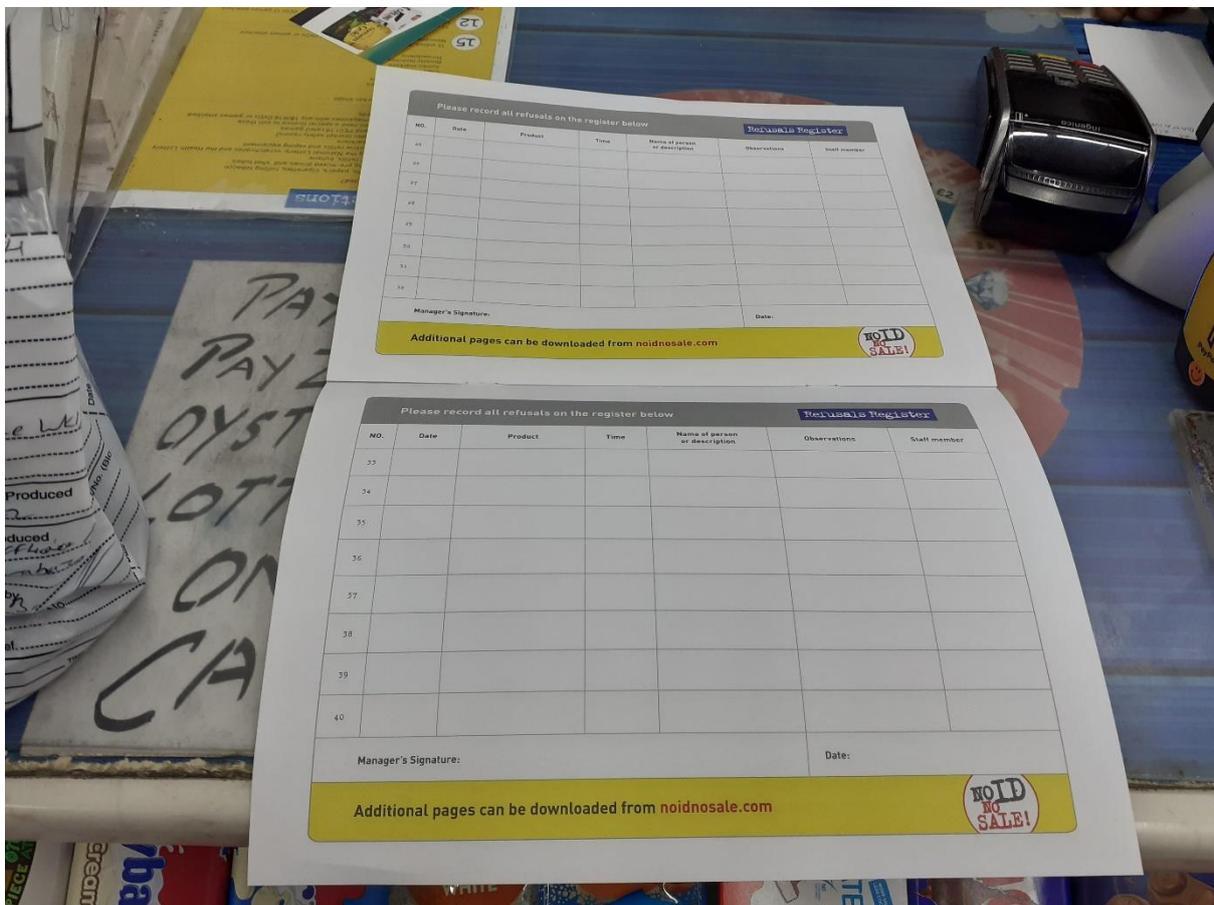
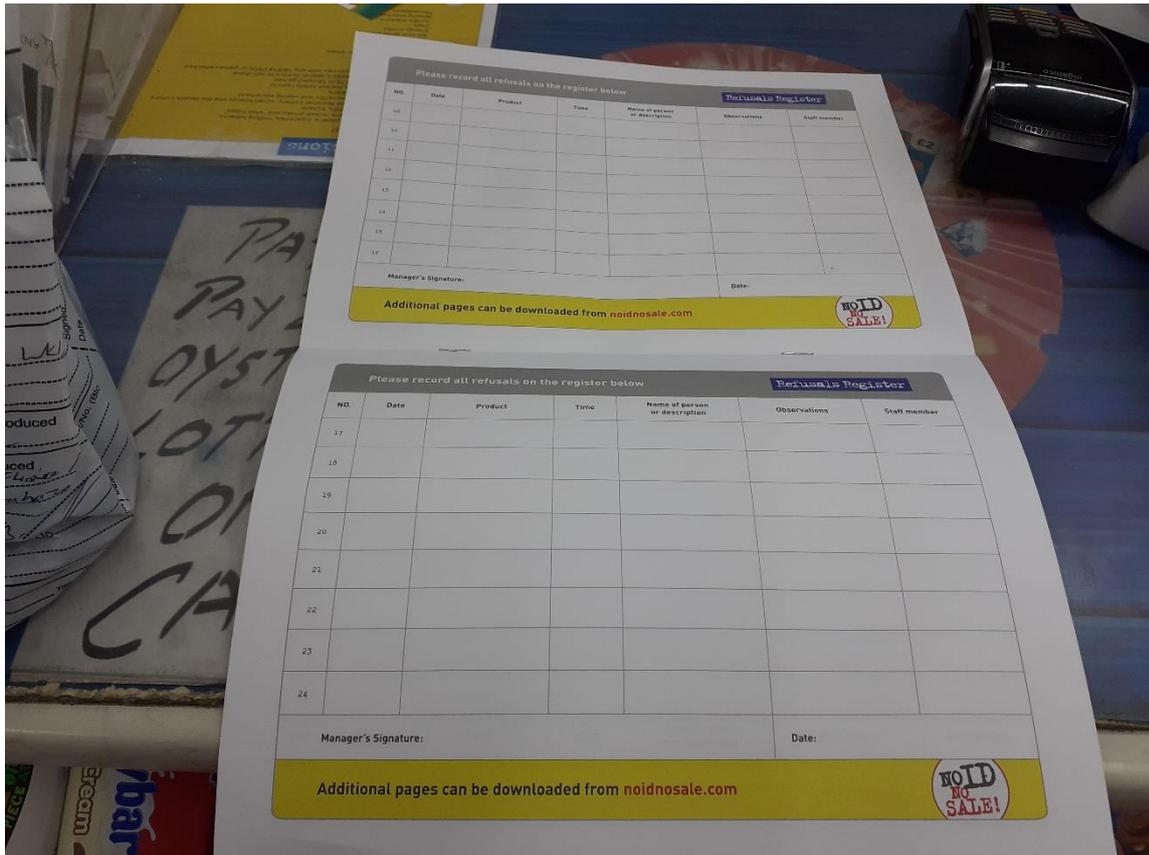
Licensable activities authorised by the licence

Off sales of alcohol

The times the licence authorises the carrying out of licensable activities	<p>Alcohol shall not be sold or supplied except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.</p> <p>b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.</p> <p>c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</p> <p>d. On Good Friday, 8 a.m. to 10.30 p.m.</p>
The opening hours of the premises	Not restricted
Name, (registered) address of holder of premises licence	<p>Mr. Dinesh Kanzaria and Mrs. Rasila Kanzaria (Dennis Off Licence) 103 Brabazon Street London E14 6BL</p>
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	Dinesh Narendra Kanzaria
State whether access to the premises by children is restricted or prohibited	No restriction

Appendix V



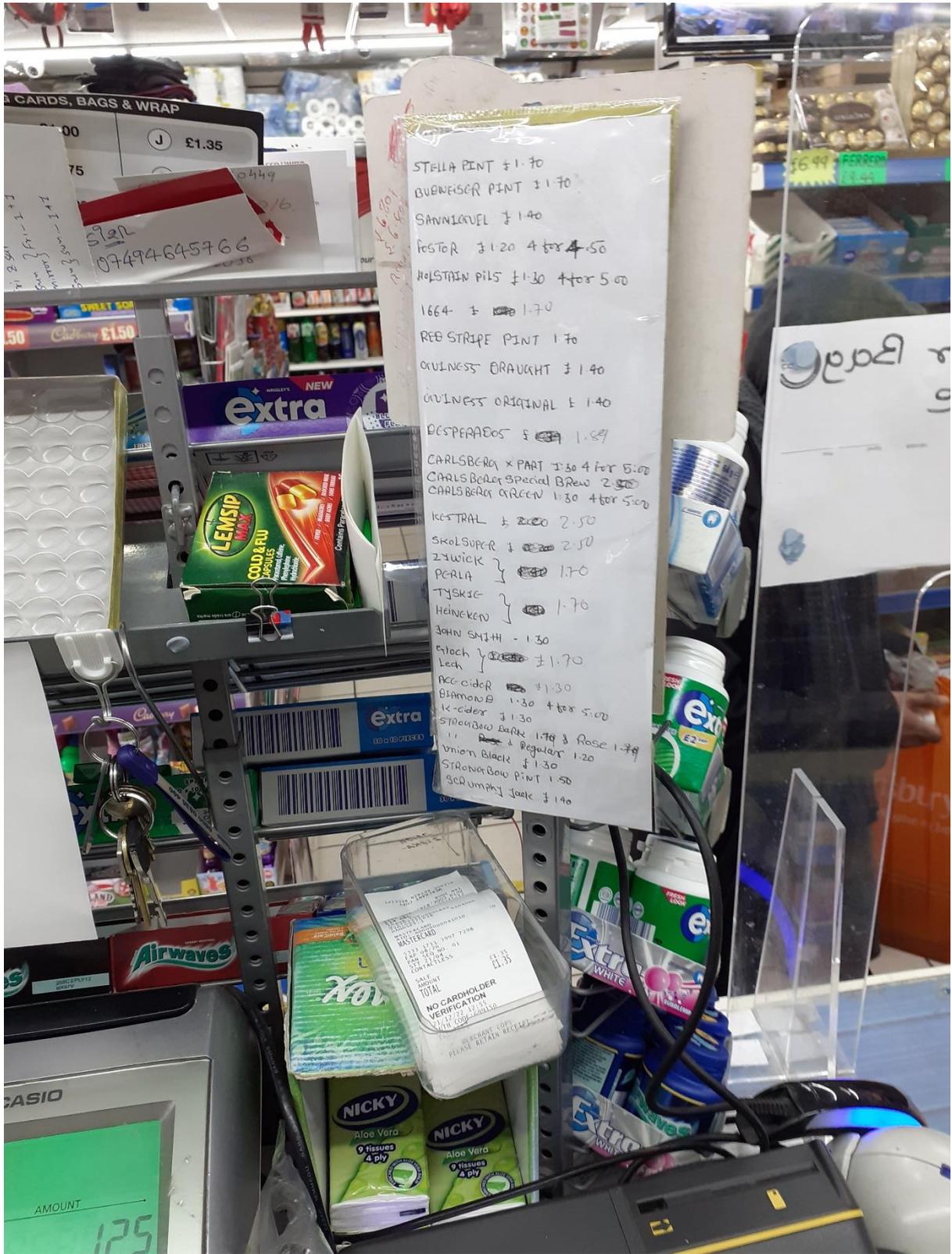


Appendix VI



Appendix VII





STELLA PINT £1.70
BUDWEISER PINT £1.70
SANNIKAVEL £1.40
POSTER £1.20 4 for £4.50
HOLSTEIN PILS £1.30 4 for £5.00
1664 £1.70
REB STRIPE PINT 1.70
OULNESS DRAUGHT £1.40
OULNESS ORIGINAL £1.40
DESPERADOS £1.89
CARLSBERG X PAAT 1.30 4 for 5.00
CARLSBERG SPECIAL BREW 2.30
CARLSBERG GREEN 1.30 4 for 5.00
KESTRAL £2.00 2.50
SKOL SUPER £2.50
ZWIICK } 1.70
PERLA }
TYSKE } 1.70
Heineken }
JOHN SMITH - 1.30
Cytloch } 1.70
Lech }
ACE cider £1.30
Blomend 1.30 4 for 5.00
K-cider £1.30
STOCCARD Dark 1.79 & Rose 1.79
Union Black £1.30 & Regular 1.20
STRONABOW PINT 1.50
SCRAMPLY Juice £1.40

CARDS, BAGS & WRAP
£1.35
0449
07494645766

NO CARDHOLDER
VERIFICATION
PLEASE RETAIN RECEIPT

CASIO
AMOUNT
125



Appendix VIII





Appendix X



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

Date 2nd 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 **020 7364 5008**

Fax **020 7364 6901**

Enquiries to **Nazir Ali**

Email [REDACTED]

www.towerhamlets.gov.uk

Dear Mr Kanzaria,

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

On the 30th 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,

[REDACTED]
Nazir Ali

Senior Trading Standards Officer

Cc – zaria – home address: 18 Derby Road, London, E7 8NJ
Kath – 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

File Name(s):	Dinesh and Rasila Kanzaria
Datetime Number(s):	33370
Client Ref(s):	
Offence(s):	1 x Section 92 (1) (b) and 1 x section 92 (1) (c) of the Trade Marks Act 1994
Advocate at court :	Michelle Terry
Date:	18 th April 2013
Place:	Thames Magistrates Court
Courtroom:	5
Coram:	DJ Comyns
Defendant(s):	Both defendants attended jointly represented by Mr Sandhu of Sandhu and Shah solicitors [REDACTED] [REDACTED]
Outcome:	<p>Matters put and both defendants plead guilty to both charges. I mention previous matter of underage sale of alcohol. Costs application for £1904.61 made and schedule handed up – Defence and DJ say amount is high. 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 & D of the seized wine</p>

Appendix 3



Postal Address

**(Dennis Off Licence)
103 Brabazon Street
London
E14 6BL**

**Licence Number
157793**

Licensable Activities authorised by the licence

Sale by retail of alcohol.

See the attached licence for the licence conditions

Signed by

David Tolley 
**Head of Environmental Health & Trading
Standards**

Date: 18th July 2005



Part A - Format of premises licence

Premises licence number

157793

Part 1 - Premises details

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

**(Dennis Off Licence)
103 Brabazon Street**

Post town
London

Post code
E14 6BL

Telephone 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

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

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- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

see mandatory conditions.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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

Preti Kanzaria

[Redacted]
[Redacted]
[Redacted]

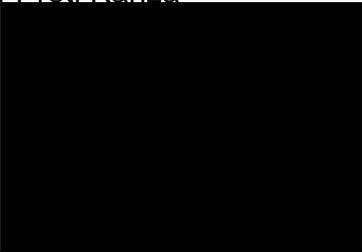
[Redacted]

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

Preti Kanza



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



Annex 1 - Mandatory conditions

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(1);
 - (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 or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(2)
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

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

Annex 2 - Conditions consistent with the operating Schedule

Alcohol shall not be sold in an open container or be consumed in the licensed premises

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

N/A

Annex 4 - Plans

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

2nd June 2005

Part B - Premises licence summary

Premises licence number

157793

Premises details

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

**(Dennis Off Licence)
103 Brabazon Street**

Post town
London

Post code
E2 0HU

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Off sales of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
d. On Good Friday, 8 a.m. to 10.30 p.m.

The opening hours of the premises

Not restricted

Name, (registered) address of holder of premises licence

Preti 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

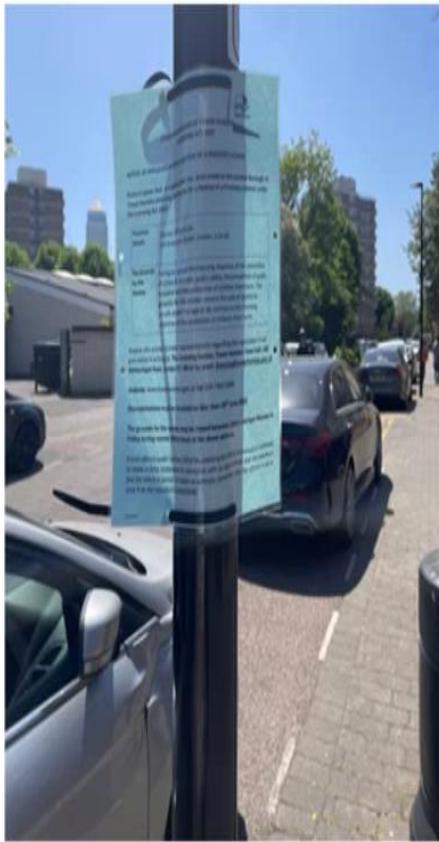
Preti Kanzaria

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

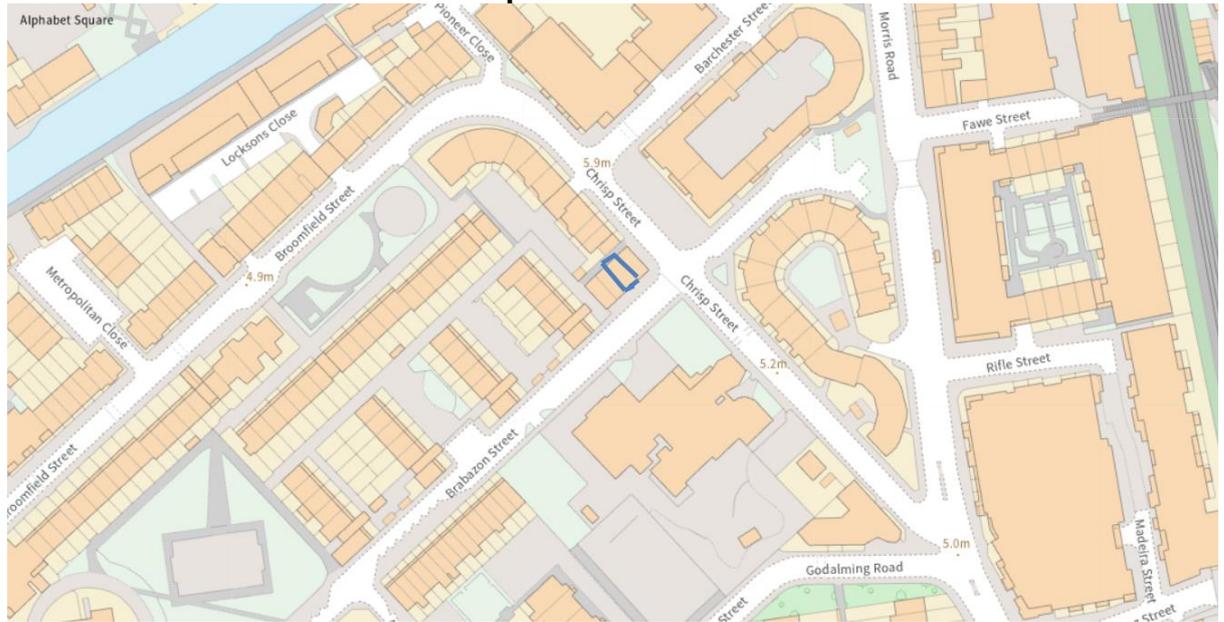
No restriction

Appendix 4

103 Brabazon Street - Surrounding area & map



103 Brabazon Street location map



Appendix 5



TOWER HAMLETS

Licensing Authority
Environmental Health & Trading Standards
Licensing & Safety Team
4th Floor,
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

licensing@towerhamlets.gov.uk

PLACE Directorate
Public Realm

Head of Environmental Health
& Trading Standards: David
Tolley

Enquiries to: Mohshin Ali

Tel: [REDACTED]

Email: [REDACTED]

www.towerhamlets.gov.uk

22nd June 2023

Your reference

My reference: LIC/1599180/MA

Dear Licensing Authority,

Licensing Act 2003

Review of premises licence application: Denni's Off-Licence, 103 Brabazon Street, London E14 6BL

The Licensing Authority (acting a Responsible Authority) is making a representation in relation to the above application under the following licensing objectives:

- *the protection of children from harm*

The Licensing Authority (RA) supports the review triggered by Trading Standards on the 25th May 2023 as the licensing objectives have been undermined. In addition, I have looked at the history of the premises and the following are registered on the Council's system Civica Authority Protection (APP)

- **28/ 9/2015** - LA visit due to failure to pay the annual fee Suspension notice left with staff member. Advice and notice left in regard to having Licence on premises and summary on display.
- **18/08/2016** - LA visit due to failure to pay the annual fee on time and the suspension notice was left with staff.
- **13/09/2017** - LA visit due to failure to pay the annual fee on time and the fee was paid immediately.
- **18/07/2018** (EVU:073869) – Premises failed a Challenge 25 compliance visit and Test Purchase by the Licensing working along with Community Alcohol Partnerships. A warning letter was then



The best of London in one borough

Tower Hamlets Council
Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

sent to all the premises that had failed and a copy of the letter (dated 08/02/2019) is attached. The results are as follows:

The visit to **Dennis Poplar Ltd** at 14:50 on 18th July 2018 was a **FAIL**.

Site Review

Premises Details

Premises Name	Dennis Poplar Ltd
Address 1	101-103 Brabazon Street
Premises City	London
Post Code	E14 6BL

Site Details

Store Code	E14 6BL
------------	---------

Visit Details

Actual Date of Visit	18/07/2018
Actual Time of Visit	14:50
Visit Result	FAIL

Report

Question	Response
What type of alcohol did you purchase?	Spirit
Please give details of the alcohol purchased (brand and size):	A can of Flare Cocktails 250ml
Did you make the purchase on its own or as part of a larger shop?	On its own
Did the person who served you ask your age?	No

Did the person who served you (or their supervisor) ask you for ID?	No
Was a supervisor called at any time during the transaction?	No
Was the person who served you working entirely alone?	No
Did the person who served you make eye contact with you?	No
If eye contact was made, when was it FIRST made?	No eye contact made
In your opinion, did the person who served you make an assessment of your age?	No
How many people were waiting in the queue (if there was no queue, enter 0)?	0
What was the gender of the person who served you?	Female
What was the approximate age of the person who served you?	In their 40's
Please accurately describe the person who served you (include hair colour and style, height and any distinguishing features):	The server was a mixed race female, with long black hair and earrings.
What was the name of the person who served you (from the receipt or name badge):	N/A
Were "Think 21" or "Think 25" posters next to, hanging above, or visible from the till?	No
Were "Think 21" or "Think 25" posters visible in the aisles where alcohol is stocked	No
If you were given a receipt, please enter any number codes or staff names shown on the receipt:	N/A
Please describe the location of the store (i.e. names of the stores on either side):	On the right is a side street and on the left is a Fish and Chips shop.
Please use this space to explain anything unusual about your visit or to clarify any detail of your report:	

- **07/09/2018** - LA visit due to failure to pay the annual fee on time. Suspension notice was posted by hand.
- **26/10/2018** - LA visit due to failure to pay the annual fee on time. The premises was closed at the time of visit so the suspension notice was posted by hand.
- **15/04/2019** – LA compliance visit reveals premises selling alcohol with no authorisation from theDPS. See attached Record of Contact form. Advised to ensure a letter of authorisation signed by the DPS is on the premises.
- **17/10/2022** – LA received information from Police Licensing of underage sale at the premises as follows:

"INFT - I am at a shop the Off Licence in BRABAZON STREET E14 and they won't give me a refund for a bottle of Alcohol I bought from them. They also sold it to me and I am 17 years old and Under Age"

The male informant sounded intoxicated during the call to Police and later claimed that he had left the shop now and had sorted the problem out and that it was a mistake to have called the Police

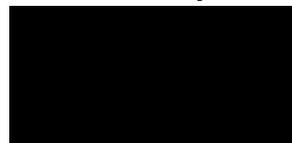
It is possible that this Off Licence at DENNIS OFF LICENCE, 101 - 103 BRABAZON STREET E14 6BL is selling Alcohol to Under Age Customers and should be flagged to the Licensing Team for observation”.

- **21/12/2022** - Trading Standards carried out an underage sales test purchase operation which has led them to trigger the review.
- **06/03/2023** – LA received applications to transfer the licence and vary the DPS to Preti Kanzaria.
- **22/06/2023** – Business Rates confirmed their records show the current rate payer (since 31.7.2005) is Mr Dinesh Chandra Narendra Kumar Kanzaria.

The Home Office Guidance issued under section 182 of the Licensing Act 2003 states (11.29) *“...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”.*

Going by the surname, it is assumed the management has been artificially changed to another family member. Mr Dinesh Kanzaria still remains the business rates payer. Having seen the Trading Standards review, the Licensing Authority is concerned about consistent failures at the premises despite previous advice and reminders. In order to promote that licensing objectives, Trading Standards are requesting the revocation of the licence and the Licensing Authority is in support of this.

Yours sincerely



**Mohshin Ali - Senior Licensing Officer
(Acting as a Responsible Authority)
Licensing & Safety Team
Environmental Health & Trading Standards**

**Communities, Localities & Culture
Safer Communities**

Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BG

08/02/2019

Email
[REDACTED]

www.towerhamlets.gov.uk

Dear ,

LPH &DPS and the Community Alcohol Partnership (CAP)

My name is Vincent Fajilagmago and I have written to you premises and have visited it over the last 12 months, conducting research and Challenge25 Test purchases and have discovered many facts some of them listed below:

- Off Licenses in the local area are alleged to be providing Young People which is illegal.
- Failure to uphold Challenge 25 by shop staff in the local area.
- Communication breakdown between DPS and Local Authority.

As we have local premises recorded as failing a Challenge 25 we are concerned about your premises, staff and the young people which your licence requires you to protect. We have therefore been tasked to ensure everything possible can take place to protect young people and your Off License.

The DPS is the single point of accountability, therefore we are making efforts to meet your acquaintance and address these issues. Please be aware that we will be visiting your Off Licence to meet you, check you have everything in order, and insure staffs are responsive and communicable in English. Together with you it is our hope to discuss these issues, find and agree ways to overcome them.



2009-2010
Positive engagement of older people
2009-2010
Preventing and tackling child poverty
2003-2009
Winner of 7 previous
Beacon Awards



Also, we shall be holding further Challenge 25 compliance visits and Test Purchases in your area. All activities shall be kept on our record to prove your Off License has done its due diligence thereby protecting your License, staff and your local area.

If you have any questions or comments, please email me and I shall answer as best possible.

Thank you in advance for your consideration and I await in hope for your reply.

Faithfully,

Vincent Fajilagmago
Licensing Officer

Innovation Award 2017 Community Alcohol Partnership
Twitter: @BBNTowerHamlets

John Onslow House
1 Ewart Place
London
E3 5EQ

By Post and personal callers:
Licensing Team
Environmental Health & Trading Standards
John Onslow House
1 Ewart Place
London
E3 5EQ

Please note:
Meetings with Licensing Officers are by prearranged appointment only.

Tel: 020 7364 2286
Fax: 020 7364 0863

General email: licensing@towerhamlets.gov.uk

See our regular licensing news pages at www.towerhamlets.gov.uk (Business/Alcohol and Street Trading)

LONDON BOROUGH OF TOWER HAMLETS:
LICENSING ACT 2003 RECORD OF CONTACT



Licensing and Safety Team, Environmental Health and Trading Standards
John Onslow House, Ewart Place, London E3 5EQ

Premises / Business Name:
DENNIS OFF LICENCE

Licence Holder/DPS (where known):

Address: **105 BRABAZON ST.
LONDON
E14 6BL**

Tel. No:

Email:

Intelligence Lead Visit (1L)
 Compliance Visit (Proactive 1L)
 Revisit (1R)
 Notice Check (1N)
Visiting Officer: **VINCENT FAJFZAGMAGO**
App Officer Initials: **VF**
Position: **LICENSING OFFICER**
Signature: 
Tel: 020 7364 500  Email: licensing@towerhamlets.gov.uk

Offence of Licensing Act 2003	Section	Action Required
<input type="checkbox"/> Unauthorised sale of alcohol [no licence] [suspended licence] *strikeout as appropriate	136	<input type="checkbox"/> Cease sale by retail of alcohol with immediate effect
<input type="checkbox"/> Unauthorised provision of late night refreshment (hot food or drink between 23:00 and 05:00 hours) [no licence] [suspended licence] *strikeout as appropriate	136	<input type="checkbox"/> Cease the provision of late night refreshment with immediate effect
<input type="checkbox"/> Unauthorised regulated entertainment [no licence] [suspended licence] *strikeout as appropriate	136	<input type="checkbox"/> Cease regulated entertainment with immediate effect
<input type="checkbox"/> Sale of alcohol outside licensed hours	136	<input type="checkbox"/> Remove all alcohol from sale
<input type="checkbox"/> Provision of late night refreshment (hot food or drink between 23:00 and 05:00 hours) outside licence hours	136	<input type="checkbox"/> Display part 2 summary of the premises licence
<input type="checkbox"/> Alcohol displayed for unauthorised sale [no licence] [suspended licence] [outside licensed hours] *strikeout as appropriate	137	<input type="checkbox"/> Ensure a copy of the full premises licence is available for inspection on the premises
<input type="checkbox"/> Keeping alcohol on the premises for unauthorised sale [no licence] [suspended licence] [outside licensed hours] *strikeout as appropriate	138	<input checked="" type="checkbox"/> Ensure a letter of authorisation signed by the DPS is on the premises to enable staff to sell alcohol on their behalf
<input type="checkbox"/> Breach of licence condition(s) (specify condition text box below)	136	<input type="checkbox"/> Licensable activity must only be carried out within the hours detailed on your premises licence
<input checked="" type="checkbox"/> Selling alcohol with no authorisation from DPS/no DPS present	136	<input type="checkbox"/> Alcohol must only be displayed for sale within the licence hours detailed on your premises licence
<input type="checkbox"/> Failure to display premises licence summary	57	<input type="checkbox"/> Cease the sale by retail of alcohol until a DPS is in place and named on the premises licence
<input type="checkbox"/> Failure to produce the full premises licence	57	<input type="checkbox"/> Comply with all conditions stated on the premises licence, in particular ones found to be in breach detailed on second sheet
<input type="checkbox"/> Sale of alcohol to a person who is drunk	141	<input type="checkbox"/> See action detailed on second sheet
<input type="checkbox"/> Allowing disorderly conduct on licensed premises	140	
Other offences not Licensing Act 2003 (please insert legislation here)		

Action taken by LBTH

No further action Advice Warning issued by way of this report Revisit needed Alcohol seized

Licence holder/DPS cautioned

Person seen: **SAGAR JOSHI**

Position in business: **HELPER**

Signature: 

Date: **15/4/19**

This report only covers those areas checked at the time of the visit. It does not indicate compliance with any provision of the Licensing Act 2003 or any associated legislation. If you have any queries regarding this report, please contact the Licensing and Safety Team or write to Environmental Health and Trading Standards, John Onslow House, Ewart Place, London E3 5EQ or visit www.towerhamlets.gov.uk/licensing.

Premises Business Name/Address:



If you feel the action is not justified you should contact the Team Leader of the Licensing and Safety Team within 14 days of this report.

Action:

MR KANZARIA TO COMPLETE AND
DISPLAY LETTER OF AUTHORISATION.

- WHEN DAUGHTER RETURNS FROM
HOLIDAY MR KANZARIA SHALL
WRITE TO LICENSING TO CHANGE
DPS.

- DAUGHTER WILL SIGN AS DPS

BOTH WILL WRITE TO LICENSING EMAIL

This visit report is to inform you of any offences under the Licensing Act 2003, or any associated legislation, and what action must be taken in light of the offences. You must take steps to ensure these offence(s) do not reoccur. The absence of any comments on this report does not indicate compliance with the Licensing Act 2003 and any associated legislation. Failure to comply with the Licensing Act 2003, which includes the conditions and hours detailed on any licence, may result in prosecution.

Visiting Officer:

VINCENT FAJILAGUMBO

Date: 15/4/19

Signature of Licensee/ DPS Person Seen

*Circle as appropriate

* [Redacted Signature]
Date: 15/4/19

ACTION TAKEN BY LBTH:

No further action Advice Warning issued by way of this report Revisit needed Alcohol seized
Licence holder/DPS cautioned

Appendix 6

Lavine Miller-Johnson

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 07 June 2023 14:27
To: Lavine Miller-Johnson
Subject: FW: Review of Denni's Off-Licence, 103 Brabazon Street, E14

From: MARK.J.Perry <[REDACTED]>
Sent: Monday, June 5, 2023 2:24 PM
To: Alex Brander <[REDACTED]>; Sean Rovai <[REDACTED]>; Licensing <Licensing@towerhamlets.gov.uk>
Subject: Review of Denni's Off-Licence, 103 Brabazon Street, E14

Dear Licensing,

Central East Police Licensing formally support the review of Denni's Off-Licence at 103 Brabazon St E4, although we have no new evidence to offer having checked our records, we are very concerned that not only has the venue sold alcohol to under 18's, but also has demonstrated little remorse and gives Police no confidence that the premises has either the policies put in place to prevent the sale of alcohol to under the age of 18, nor the will to do this.

We know that from a health, academic and well-being standpoint that those under 18 who consume alcohol are far more likely to have poorer life chances. The reason that the legislation requires licensed premises selling alcohol to not sell alcohol to those under 18 and that Tower Hamlets Council has a Challenge 25 stipulation in its licensing policy is to protect the youngest members of our society. Indeed it is why Protecting Children from Harm is one of the Licensing Objectives.

The owners of Denni's Off-Licence had a refusal log at the premises but this was blank with no entry's, it is simply not credible that an off- licence has operated for several years and had no cause to refuse the sale of alcohol to anyone who might be underage or even intoxicated. We believe on the balance of probabilities that the venue simply sells alcohol to anyone who can afford to buy it including children.

If the owners of Denni's new had any intention of obeying the law and not selling alcohol to those under 18, then we would of expected the owner to have put a detailed and effective policy, including training in place to prevent such sales happening again. Yet during the in interview with Tower Hamlets Trading Standards Mr Kanzaria was unwilling to describe what the shops policy was. To us this demonstrates that the premises license holder is not able or willing to ensure the licensing objectives are upheld, nor that any conditions imposed on the license would be adhered to. We therefore have no choice but to support the application that the Licensing Sub- Committee revokes the license.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)



Email [REDACTED]
A: Licensing Office, [REDACTED]



**I stand for Professionalism,
Compassion, Integrity,
Courage and Respect**

NOT IN MY *Met* CTRL+CLICK TO REPORT WRONGDOING

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Appendix 7

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). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

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

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 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 8

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

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that 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 9

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 10

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.

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

Appendix 11

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.