

Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	11 April 2024
Title of report:	AN APPLICATION FROM AN RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE OFF LICENCE, 146 TOTTINGTON ROAD, BURY, BL8 1RU
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	Elton

Executive Summary:

This report relates to an application pursuant to section 51 of the Licensing Act 2003 from a Responsible Authority for a review of the premises licence in respect of the Off Licence, 146 Tottington Road, Bury, BL8 1RU.

Recommendation(s)

That:

- To revoke the licence
- To suspend the licence for a period not exceeding three months
- To remove the Designated Premises Supervisor
- To exclude a licensable activity from the scope of the licence
- To modify the conditions of the licence

1.0 BACKGROUND

1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.

- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.
- 1.3 At the time of the submission of this review application on the 14 February 2024, the Premises Licence in respect of the Off Licence, 146 Tottington Road, Bury, BL8 1RU is held by Ms Guljeet Kaur, 68a Commercial Road, Newport, South Wales, NP202PF. Mr Surbir Singh Bhatia 15 Gilnow Gardens, Bolton, BL1 4LG is the Designated Premises Supervisor (DPS).

2.0 PROCEDURE

- 2.1 The Responsible Authority has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 As part of the statutory process the Responsible Bodies and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of the application by placing a Notice on the premises, at the Council Offices and on the Council web site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.
- 2.3 Representations must be relevant to the licensing objectives defined within the Act. The objectives are: -
- a) the prevention of crime and disorder
 - b) public safety
 - c) prevention of public nuisance and
 - d) protection of children from harm

3.0 CURRENT LICENSABLE ACTIVITIES

- 3.1 The current licensable activities are as follows:

a. The Supply of alcohol – For consumption off the premises:

Monday to Sunday 08.00 to 22.00

b. Opening Hours

Monday to Sunday 07.00 to 22.00

4.0 CURRENT CONDITIONS ATTACHED TO THE PREMISES LICENCE:

- 4.1 The conditions, consistent with the premises operating schedule are attached to the current premises licence are attached at appendix 6:

5.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITY

- 5.1 The Trading Standards Service will shortly expand upon the reason(s) for their application to review the Premises Licence in relation to these premises. The representation is attached at appendix 1 which contains a further 5 Appendices. The appendices are marked 2 to 5 respectively.

6.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITY

6.1 The Licensing Authority will shortly expand upon the reason(s) for their representation in relation to these premises. The representation is attached at appendix 6.

7.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITY

7.1 Greater Manchester Police will shortly expand upon the reason(s) for their representation in relation to these premises. The representation is attached at appendix 6.

8.0 SECTION 182 LICENSING ACT GUIDANCE (December 2023)

Section 3.7 states the following:-

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. 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>

Section 10.2 states the following:-

Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

Section 11.24 states the following:-

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.

Section 11.26 states the following: -

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.

Section 11.27 states the following: -

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 or storage of smuggled tobacco and alcohol.

Section 11.28 states the following: -

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.

9.0 OBSERVATIONS

- 9.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.</i>	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

Consultation:

Not Applicable

Legal Implications:

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Report Author and Contact Details:

For further information on the details of this report, please contact:

Mr M Bridge
Licensing Office
Town Hall
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

Background papers:

List of Background Papers: -
Application form
Representation received

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

Appendix One

**Review application for Off
Licence, 146 Tottington Road,
Bury, BL8 1RU**

**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 Kelly Halligan

(Insert name of applicant)

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, if none, ordnance survey map reference or description

Off Licence,
146 Tottington Road,

Post town Bury

Post code (if known) BL81RU

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

Guljeet Kaur

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

PL1004

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Kelly Halligan Unit Manger – Trading Standards Licensing – Bury Council 3 Knowsley Place Duke Street Bury BL9 0EJ
Telephone number (if any) 0161 253 5901
E-mail address (optional) k.j.halligan@bury.gov.uk

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

- | | |
|---|---------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> X |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> X |

Please state the ground(s) for review (please read guidance note 2)

The prevention of crime and disorder

- Illicit cigarettes and illegal vapes on the premises.

The protection of children from harm

- complaints about selling to children
- (close proximity to a children's home)

More information on the above is provided in the section below.

The possession of non-duty paid tobacco is an offence contrary to Section 144 of the Licensing Act 2003. The maximum penalty for this offence is a fine of £1000. The possession of counterfeit tobacco and counterfeit cigarettes is a criminal offence under Section 92 of the Trade Marks Act 1994. Each item found is a separate offence, and the penalty for this offence is fine of up to £5000 or imprisonment. the possession of oversized, nicotine inhaling products is an offence under the Tobacco and Related Product Regulations 2016, and carries a penalty of on summary conviction to imprisonment for a term not exceeding three months, or a fine or both, or on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both.

Please provide as much information as possible to support the application (please read guidance note 3)

Off licence, 146 Tottington Road, Bury, BL81RU, is also known as Tottington Off Licence and Convenience, Best One and Sid's. The premises licence holder is Guljeet Kaur and the DPS is Surbir Singh Bhatia. The business is actually a limited Company called Rumney Value Food & wine Ltd, company number 11412837, the directors are Guljeet Kaur, who was a director from 13/6/18 to 1/4/23, and lives in Newport in Wales, Daljeet Singh Arorra, from 1/7/19 to 1/4/23, also resides in Newport in Wales, and Surbir Singh Bhatia, director from 1/1/22 who resides in Bolton.

Rumney Value Food & Wine Ltd is liable for the business rates for the Ground Floor, 146 Tottington Road, Bury BL8 1RU from 25/04/2019 to date.

Mrs Guljeet Kaur has been the Premises Licence Holder since June 2019, and Mr Subir Bhatia has been the DPS since June 2019.

On the 2nd July 2019, as a result of a complaint received, we visited the premises known as Tottington Off Licence with GMP and Licensing, and seized 117 blunts, 40 cyclones, 460 cigarettes and 100g of hand rolling tobacco, all of which didn't comply with the relevant legislation. We also advised on underage sales whilst at the premises. As this was a new Premises Licence, and our first contact with the trader we decided to issue a warning letter and have all items signed over to this authority. On 8 July 2019 I attended a meeting with the DPS and Laura Jones from Licensing regarding the visit on 2 July. The DPS was given a warning letter by myself to give to the owner and premises licence holder, and Laura Jones provided him with Challenge 21 signage for the shop. Mrs Kaur returned the letter signing the items over on the 29th July 2019.

In December 2021 a complaint was received that Sid's was selling illicit tobacco. As a result of this complaint and as part of a day of action, Sid's 146 Tottington road was visited on the 23/3/22, also on the visit was Greater Manchester Police and we also had the assistance of the tobacco dog, provided by Wagtail. Whilst on the premises, we found illicit tobacco hidden in the printer, and more illicit tobacco and counterfeit Viagra hidden with the crisps. We seized 59 packets of cigarettes and 12 packets of hand rolling tobacco, and 42 Viagra tablets. The cigarettes and tobacco have been examined and confirmed as either counterfeit or not for the UK market. The DPS told us that he sold them, but then he quickly said that he gives them to a friend, but stated he doesn't know where they came from.

At the beginning of August 2022, a further complaint was received that the shop was selling nitrous oxide to children. On the 17th August 2022 with colleagues from Licensing and Greater Manchester Police, another visit was carried out to the premises. Found and seized was 226x 3500 puff vapes and 15 x 7000 puff vapes, and 2x 20 B&H cigarettes. The cigarettes were sent off and confirmed as being counterfeit. The vapes were examined and confirmed not to comply with the Tobacco and Related Product Regulations 2016 due to exceeding maximum capacity permitted.

On the 6th October 2022, a further complaint was received alleging the shop was selling counterfeit vapes. The person who purchased the item had been hospitalised and had confirmed with the manufacturer that it wasn't a genuine item.

On the 20th March 2023 a further complaint was made that the shop was selling illegal cigarettes, alcohol, drugs to young people, and the shop was also selling balloons (nitrous oxide).

On the 23rd March 2023, the DPS, PL holder and Directors of the business were interviewed under caution at the Trading Standards Offices. Mrs Guljeet Kaur was interviewed first, she confirmed she was a director of the business as well as the Premises Licence holder, she also confirmed she lived in Newport and doesn't visit the shop very often she left the day to day running to her brother who was also a director Surbir Bhatia. She had no idea what the registered office address was or where it was, she said all director issues are dealt with by her husband. She had no idea about the stock, where it came from or who it was sold to, she knew nothing of the employees, and didn't visit the shop or have anything to do with the day to day running of the business. We suggested that she transferred the premises licence to her brother which she said she would do, but stated that it hadn't happened as he hadn't finished paying for the purchase of the business, to date that hasn't happened.

Next, we interviewed Mr Daljeet Arorra, husband of Guljeet Kaur, also a director of the business. He admitted to being a director and stated that the lease for the premises was in his personal name. Again, he lives in Newport, so has no day today running of the business and leaves it all to Mr Bhatia, as he runs his own shop in Newport. He is not involved with the staff, the buying of stock, and is not involved with the books, his accountant does them. Neither he or his wife had any idea or knew of the items we had seized, where they had come from and or who bought them, as they do not visit the premises.

Finally, we interviewed Mr Bhatia, who is the DPS and has been a director since the 1/1/22 (so a directing mind for all 3 seizures). He gave a completely different address in interview to the one on the licence, so he was advised to get that changed. He stated he bought the infringing products off a man who came into the shop, who he has not got any details of. He said he was responsible for the day to day running, but he didn't know why the tobacco was hidden. He was asked about the licensing objectives, but he didn't know what they were.

On the 20th April 2023 as part of Operation Avro, the premises was visited again, with colleagues from GMP, Licensing, immigration, and Wagtail. Seized were 5 illicit vapes, 50g of hand rolling tobacco and 80 cigarettes, and a stripe of blue tablets (Viagra). The vapes exceeded maximum capacity and therefore didn't comply with the Tobacco and Related Product Regulations, the cigarettes and tobacco have been confirmed as either counterfeit or not for the UK market.

I produce as appendixes the following –

1. The details of the company
2. Typed transcript of interview with Guljeet Kaur
3. Typed transcript of interview with Daljeet Arorra
4. Typed transcript of interview with Surbir Bhatia
5. Witness statements from the Trade Mark holders

In section 11 of the Statutory guidance made under section 182 of the Licensing Act, it talks about certain criminal activity which should be treated as particularly serious. One of the items listed is the use of premises for the sale or storage of smuggled tobacco. Smuggled would include in this context, not duty paid, counterfeit and other grey market tobacco. These types of products have been found on the premises on 3 occasions.

Despite the number of visits to this premises and advice given on those visits to stop selling the illicit items, product was found again on a 3rd visit after all three responsible parties had been interviewed, showing that the people responsible are not listening to the advice being given. This premise has the business rates paid by a limited company Rumney Value Food & Wine Ltd, when the first 2 visits occurred all the people interviewed were directors. On the 1st April 2023, Daljeet Arorra and Guljeet Kaur both resigned as directors leaving Subir Bhatia to be the only director on the 3rd visit to the premises. To complicate matters further, Mr Bhatia is the DPS and Mrs Kaur the PL, despite at interview us asking her to change this as she has nothing to do with this business and lives and works in Newport in Wales. I would recommend due to the issues with this business and their lack of listening to advice, and the fact that the premises licence holder has nothing to do with the business, that the licence is revoked. If the panel is minded not to revoke the licence, then I would ask that the DPS is removed as he has been the one responsible for the day to day running on the 3 visits we have made, and I would also ask for the following conditions to safeguard for future events.

The conditions I would ask for are as follows.

The Prevention of Crime and Disorder

- A Personal Licence holder must be on the premises at all times when open to the public.

Or

A Personal Licence holder must be on the premises on Thursday, Friday and Saturday between 15.00 hrs and close of business and have a personal licence on their person which can be produced on request by police / authorised officers of the Licensing Authority.

- Staff training shall take place on the Licensing Act and Licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.

Protection of Children from Harm

- The premises will operate a “Challenge 25” proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold / supplied alcohol. Only a passport or photo-card driving licence should be accepted as proof of age.

A documented Challenge 25 scheme will be operated at the premises. The Challenge 25 scheme shall be actively promoted and advertised at the premises and will ensure that any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person.

Where a purchaser is asked for Identification, only the following forms of identification will be acceptable:-

- (a) Photo driving licence
- (b) Passport or
- (c) Her Majesty’s Forces Warrant Card

- The premises is to maintain a refusals book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police / authorised officers of the Licensing Authority on request.
- All individual alcohol containers (e.g. bottles/cans/cartons) before going on display for sale are to be uniquely and indelibly marked in a manner approved by the Greater Manchester Police and Bury Council.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

No

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 x
- I understand that if I do not comply with the above requirements my application will be rejected x

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

K. Horgan

Signature

.....

Date

.....13/2/24.....

...

Capacity Trading Standards – Unit Manger

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
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)	

Data Protection agreement

In this form, we may ask for some personal information (such as name, address, date of birth, etc.) in order to fulfil your request for information or services.

This information will be held securely and will be used to provide you with the service you have requested.


Any processing will be performed in line with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation.

Bury Council is the Data Controller for the information you give us. Further details about how we process personal data can be found in our privacy notice at:

<https://www.bury.gov.uk/privacy>

Consent

I consent to the Council capturing and storing the personal details in this form for providing the service requested. I understand that I can request for my details to be removed from your records



Signed Applicant _

Date ___13/2/24___

Notes for Guidance

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

Privacy Policy

Please visit www.bury.gov.uk/privacy to read our recently updated Privacy Policy which explains how Bury Council uses and shares your personal data to give you the best possible experience across our services.

**Appendices 2 to 5
respectively that
accompany the Review
Application from Trading
Standards in their capacity
as a Responsible Authority.**

- Appendix 1 – Company Information
- Appendix 2 – Typed Transcript – Kaur
- Appendix 3– Typed Transcript – Arorra
- Appendix 4– Typed Transcript – Bhatia
- Appendix 5 – Trademark Holders statements

Appendix 6

Conditions contained on the Premises Licence

LICENSING ACT 2003

CONDITIONS ATTACHED TO THE GRANT OF THIS LICENCE

This licence is granted subject to any Mandatory Conditions imposed by the Licensing Act 2003, and conditions volunteered on the application form to be undertaken by the applicant and where necessary, conditions imposed by the Licensing Authority in order to promote the Licensing Objectives.

Mandatory Conditions:

- a No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor (DPS) in respect of the Premises Licence OR at a time when the Designated Premises Supervisor does not hold a Personal Licence or his/her Personal Licence has been suspended.
- b Every supply of alcohol under the Premises Licence must be made or authorized by a person who holds a Personal Licence.

Mandatory Conditions pursuant to The Licensing Act 2003 Mandatory Licensing Conditions (Amendment) Order 2014

- (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.

Definition:

Responsible person - as defined by section 153 (4) Licensing Act 2003 -

(a) In relation to a licensed premises -

- (i) The holder of a premises licence in relation to a premise
- (ii) The designated premises supervisor (if any) under such a licence.
- (iii) Any individual aged 18 or over who is authorized for the purposes of this section by such a holder or supervisor.

(b) 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 him to prevent the supply in question.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where-

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member 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.
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. 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.

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.

Conditions consistent with the Operating Schedule

1. The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The recording medium (e.g. discs / tapes / hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / Authorised Officers of the Licensing Authority upon reasonable request in line with data protection.
2. The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least one member of staff (or other person(s) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.
3. The premises licence holder or the Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
4. On an annual basis the premises licence holder or the DPS is ensure the system has been checked, maintained to any recognised specification and is in working order. An action plan to be agreed to rectify any recorded malfunction or planned alterations.
5. A written record shall be kept every time images are recorded of any incidents by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him / her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc). A secure storage system to store those recording mediums shall be provided.
6. Staff training shall take place on the licensing Act and Licensing objectives when employment commences and / or every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the council for inspection on request.
7. No person in possession of an alcoholic drink in an unsealed container shall be allowed to enter the premises.
8. No alcoholic drink shall be removed from the premises in an unsealed container.
9. The management or DPS/ Licence holder or trusted members of staff must be adequately trained with regard to the full operation of the CCTV system at the premises.

10. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of the local residents and to leave the premises and area quietly.
11. No refuse shall be disposed of or collected from the premises between the hours of 9pm and 7am daily, where such disposal or collection is likely to cause disturbance to the local residents and community.
12. Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises, if it is safe to do so.
13. The premises will operate a "Challenge 21" proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 21 must produce for thorough scrutiny, proof of identity / age before being sold / supplied alcohol.
14. Only a passport or photo card driving licence or a proof of age card bearing the official "PASS" accreditation hologram should be accepted as proof of age.
15. The premises is to maintain a refusals book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being underage of 18. The book must be made available to the police / authorised officers of the Licensing Authority on request.
16. That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff namely
17. :- All Spirits.
18. The front and rear exterior of the premises are to be kept free of litter. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.

