



NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Premises licence number

NWL20109

Part 1 – Premises details**Postal address of premises, or if none, ordnance survey map reference or description**

Kegworth Service Station, 70 Derby Road, Kegworth

Post town Derbyshire

Post code DE74 2EN

Telephone number

Where the licence is time limited the dates**Licensable activities authorised by the licence**

The sale by retail of alcohol for consumption off the premises

The time the licence authorises the carrying out of licensable activities

On weekdays, other than Christmas day 8am to 11pm
 On Sundays, other than Christmas day 10am to 10.30pm
 On Christmas day, 12 noon to 3pm and 7pm until 10.30pm
 On Good Friday, 8am to 10.30pm

The opening hours of the premises**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

The sale by retail of alcohol for consumption off the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Harpinder Singh Sidhu and Jagdip Sidhu
8 Duchess Way
Chellaston
Derby
DE73 5WR

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

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

Mr Harpinder Singh Sidhu
8 Duchess Way
Chellaston
Derby
DE73 5WR

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

Personal Licence number of Designated Premises Supervisor: PA10551477

Issuing Authority: Derby City Council

Annex 1 – Mandatory conditions

The permitted hours set out above do not prohibit:

1. During the first twenty minutes after the above mentioned hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
2. The ordering of the alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
3. The sale of alcohol to a trader or club for the purposes of the trade or club;
4. 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.
5. Alcohol shall not be sold in an open container and shall not be consumed on the licensed premises.
6. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
7. No supply of alcohol may be made under the premises licence;
 - (a) at a time when 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.

Annex 2 – Conditions consistent with the operating schedule

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

1. The Crime Reduction Officer to visit the premises to inspect the CCTV system and the licensee shall implement any suggestions made by the Crime Reduction Officer to improve the system.
2. The licensee shall adopt the Challenge 21 policy. All members of staff shall be trained on the policy and documented evidence of that training to be kept, prior to the sale of alcohol by any member of staff.
3. No alcohol shall leave the premises unless it bears the mark of the premises.

Annex 4 - Plans

**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 Sean Moore Ps567

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 Kegworth Service Station, 70 Derby Road, Kegworth,	
Post town Derby	Post code (if known) DE74 2EN

Name of premises licence holder or club holding club premises certificate (if known) Harpinder Singh Sidhu and Jagdip Sidhu

Number of premises licence or club premises certificate (if known) NWL20109

Part 2 - Applicant details

I am

Please tick yes

- 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)

Please tick

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 PS567 Sean Moore, Leicestershire Constabulary Licensing Department, Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG
Telephone number (if any)
E-mail address (optional)

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

1. On the 19th May 2007 police conducted a test purchase operation at the premises. Mr Sidhu senior sold alcohol to the under age test purchaser. He was issued an £80 fixed penalty ticket and a warning letter as this was a first offence.

2. On the 10th November 2007 police conducted a further test purchase operation and again Mr Sidhu senior sold alcohol to the under age test purchaser. He has been reported with a view to prosecution for this offence.

3. On the 7th January 2008 the police applied for a review of the premises licence and the hearing took place on the 28th February 2008.

4. In the interim, on the 20th February 2008 Mr Sidhu senior had transferred the premises licence to his son Harpinder Singh Sidhu and his wife. Mr Sidhu junior also became the designated premises supervisor.

5. Mr Sidhu senior attended the hearing although his son, who was by then the premises licence holder, did not. The Committee made the determination described in the attached Record of Decision.

6. Mr Sidhu junior subsequently appealed the decision.

7. On the 14th March 2008 police conducted a test purchase operation at the premises and a sale was refused.

8. On the 13th June 2008 a further test purchase operation resulted in a refusal to sell.

Please provide as much information as possible to support the application
(please read guidance note 2)

9. On the 14th June 2008 a member of staff sold a bottle of Barcardi Breezer to a 15 year old test purchaser. He was issued with an £80 fixed penalty ticket and Mr Sidhu junior was interviewed regarding the sale.

Please tick yes

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

If yes please state the date of that application

Day

Month

Year

7

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

See text above - copy of application attached.

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

Signature

Sean Hoare

Date

2.7.08

Capacity Licensing Officer

Contact name (where not previously given) and postal 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. 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.



Leicestershire
Constabulary

Licensing Act 2003 - Report to the Licensing Committee regarding the Police application to review the premises licence at Kegworth Service Station.

Background – why we have made the application:

Sir,

I report in my capacity as the licensing officer for the Leicestershire Constabulary

TWY - Trouble With Youths is the most common heading found on police incidents. Hardly an evening goes by without complaints being received about groups of noisy youths gathering in urban areas.

It is frequently the case that such behaviour is fuelled by alcohol and those that have consumed it are under 18 years of age. This is dangerous drinking because it is unsupervised and such young people do not understand the strength of different alcoholic drinks and the time it takes to have effect. Typically they will drink spirits such as vodka and rum as if they were orange squash or lemonade. Clearly this can have serious health implications and the antisocial behaviour that can result has to be seen to be believed.

Whether the sales to young people are the result of greed or simply through negligence makes no difference – the result is the same - problems for the police, the NHS and the community as a whole.

This unhappy state of affairs has been recognised at Government level resulting in both the police and trading standards officers being encouraged to tackle the problem by mounting test purchase operations.

Here in Leicestershire these operations have been run, since 2002. Sadly the results have been very disappointing with over half the premises visited selling to under age test purchasers.

Where possible premises that have sold have been re-visited in later operations and I am pleased to say, the majority have not re-offended. Unfortunately this premise is in the minority that have sold twice.

Those of us involved in the administration and enforcement of the Licensing Act are well aware of the difficulty in accurately assessing the age of young people.

In order to assist the trade the ACPO and DCMS have promoted the "Challenge 21" approach where staff are instructed to require identification from anyone who appears to be under that age.

There has been a massive amount publicity surrounding this issue in the media. The Leicestershire Constabulary produced over 2000 information packs, which were

distributed amongst retail outlets in the County prior to the commencement of the new Act. Information is readily available from the BII, the Portman Group and trading standards departments.

No doubt you have seen signs in supermarkets and elsewhere stating that it is company policy to operate this scheme.

Do you think it would have been possible for these sales to have taken place if the licensee and his staff really had embraced the challenge 21 policy?

Proposals.

I started this report by referring to the bigger social picture, which provides the background to these particular incidents. The Licensing Act 2003 is a liberalising piece of legislation but it is balanced by providing you with the power to prevent abuses of the law.

Paragraph 11.25 of the Guidance published under Section 182 of the Act states, in relation to reviews,

"There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously."

There follows a list which includes, "for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people."

The following paragraph includes, "it is expected that the revocation of the licence – even in the first instance – should be seriously considered."

This particular case is unusual in that the licence has already been reviewed once for the same reason. That process and the appeal which followed should have focused the mind of the current licence holders on the issue of under age sales especially as it has remained within the same family.

If you are not minded to take that course of action may I ask you to consider the following:

1. A condition that the Designated Premises Supervisor will obtain the Confederation of Professional Licensees National Diploma for Designated Premises Supervisors level 3 course. This focuses on the role and responsibilities of the DPS above and beyond the syllabus for the level 2 National Certificate for Personal Licence Holders. The DPS must provide the licensing authority with sight of the certificate within the next 3 months.

Sean Moore Ps567
020708



Environment Directorate

Environmental Health

Please ask for: Emma McHugh

Telephone: 01530 454838

Fax: 01530 454574

Our Ref:

Your Ref:

Date: 7 March 2008

Chief Officer of Police
Licensing Section
Mansfield House
74 Belgrave Gate
Leicester
LE1 3GG

Dear Sirs

**LICENSING ACT 2003 – REVIEW OF PREMISES LICENCE
KEGWORTH SERVICE STATION, DERBY ROAD, KEGWORTH, DE74 2EN**

I write further to the hearing held to determine an application for the review of a premises licence in relation to the above premises on 28th February 2008.

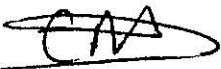
In reaching their decision the Sub-Committee had regard to the Licensing Act 2003, the Guidance of the Secretary of State and the Council's Statement of Licensing Policy.

I hereby enclose the decision notice.

An appeal against this decision may be made to the Magistrates' Court for the petty session area in which the premises concerned are situated within 21 days from the date of receipt of the notification of decision.

If you have any questions or queries about this letter, please contact **Emma McHugh** on telephone number **01530 454838** or by e-mailing emma.mchugh@nwleicestershire.gov.uk.

Yours sincerely



Emma McHugh
Licensing Enforcement Officer



LICENSING PANEL

Record of Decision

Re: Kegworth Service Station

28th February 2008 at 6.30 pm

Panel Members: Cllrs N Smith, Holland and Purver

CHAIRMAN: Cllr N Smith

Others Present:

Legal Advisor: Mrs S Roberts

Licensing Officer: Miss E McHugh

Panel Administrator: Miss R Levy
(if different from Licensing Officer)

Applicant for the Review:

Applicant - Leicestershire Constabulary

Applicant Representatives – Sgt. Sean Moore

Sgt John O' Brien

The Premises Licence Holder:

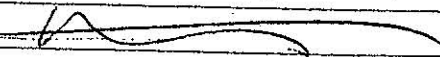
Premise Licence Holder – Mr Sidhu

Technical Officers (Environmental Health, Fire, etc officers):

N/A

Objectors (& Supporters):

N/A

Signature: 

Page 1 of 3

Councillor:

Cllr Smith

Date of Hearing:

28th February 2008

LICENSING PANEL

Record of Decision

Re: Kegworth Service Station

28th February 2008 at 6.30 pm

3 Reasons for Decision

The Panel had regard to the Licensing Act 2003, the guidance of the Secretary of State and the Statement of Licensing Policy.

The Panel imposed the conditions as requested by the Police and imposed a one month suspension of the Licence which would allow the implementation of the training required.

Signature: 

Councillor:

Cllr Smith

Date of Hearing:

28th February 2008

LICENSING PANEL

Record of Decision

Re: Kegworth Service Station

28th February 2008 at 6.30 pm

Documentation:

Report of Licensing Officer and annexed representations

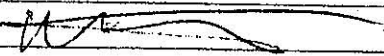
1 Findings of Facts *(ie. The relevant facts accepted from the evidence available)*

1. The review had been brought by Leicestershire Constabulary as a result of 2 failed test purchases at the store each sold by Mr Sidhu
2. The Premises Licence holder and the DPS had been changed since the application for the review, but Mr Sidhu was still the owner of the Premises.
3. The Police requested conditions be placed on the Licence as listed in the report. A further condition was requested by the Police with regards to the placing of labels on containers of alcohol that leave the premises. The label to identify the shop as the place of purchase.

2 Full text of the majority decision on the application

1. The Licence for the sale of alcohol be suspended for one month.
2. The conditions as requested by the Police be added to the Licence.
 - a) The Crime Reduction Officer to visit the Premises to inspect the CCTV system and for the Premises to implement any suggestions made by the Crime Reduction Officer to improve the system.
 - b) The adoption of the Challenge 21 Policy. All members of staff to be trained on the policy and documented evidence of that training be kept, prior to the sale of alcohol by any member of staff.
 - c) The DPS to undertake the B11 Level One award in Responsible Alcohol Retailing within the next 3 months.
 - d) No alcohol to leave the premises unless it bears the mark of the Premises.

Page 2 of 3

Signature: 	
Councillor:	Clr Smith
Date of Hearing:	28 th February 2008

LEICESTERSHIRE CONSTABULARY



Date: 21st May 2007

Name: Mr S. Doherty

Premises: Lonsdale Express
Kegworth Service Station

On Saturday 19th May 2007 an Under Age Test Purchase Operation was conducted in Off-License premises in North West Leicestershire. This was conducted by the Leicestershire Police in partnership with Trading Standards. As part of the operation your premises *Lonsdale Express* was visited which resulted in a young person being served with an alcoholic drink. Those members of staff who served have been spoken to and issued with penalty notice fines and have therefore been dealt with for the offence of Selling Alcohol to a Person Under 18 which is Contrary to Section 146(1) and 7 of the Licensing Act 2003.

As I am sure you are aware you have a responsibility to ensure staff are suitably trained to prevent them serving under age people and are ultimately responsible for the premises. A DPS is a person who is both 'fit and proper' and the holder of this position should not take the responsibility lightly. On this occasion the Licensing Sergeant PS125 John O'Brien has interviewed you in order that a decision can be made with regards to how the incident may be dealt with in relation to yourself. The standard we apply is whether you have shown 'due diligence' in preventing the sale of alcohol by your staff to young people. You have been given advice with regards to training staff and the keeping of records with regards to this. You have been advised regarding the checking of Identity/ age of people who appear under 21 and the displaying of signage to this effect. All of this advice has been readily accepted by yourself and you have assured that it will be implemented, where possible, with immediate effect.

The decision I have taken on this occasion is that you should receive a written warning. This warning is issued on a once only basis. This will be kept on record by the Police and will be taken into account on any subsequent occasions licensing offences are committed on the premises.

PS125 O'Brien is committed to working with Licence holders to ensure 'Good Practice' and to make your area a safe place to visit. The essence of this is good communication between all parties and I would ask that this continue. Do not hesitate to contact me should you require any further advice.

Inspector Walls
North West Leicestershire
Local Policing Unit Commander.

A. S. SIDHAI

LEICESTERSHIRE CONSTABULARY
PENALTY NOTICE PENALTY AMOUNT £80

PART 6B STATEMENT OF WITNESS:

(C. 1967, S. 9; M.C. Act 1980, ss. 5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

IMPORTANT INFORMATION:
REMOVE PARTS 1-5 BEFORE WRITING ON THIS PAGE

STATEMENT OF (name) RICHARD PHILLIPS

Age 42 Occupation PC 102

This statement, signed by me, is true to the best of my knowledge and belief: I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

AT 1700 on the 14 June 2008 I was on plain duties duty when I was taking part in a foot patrol operation when I witnessed the accused serve a 17yr old girl with a bottle of Heineken Beer

LEICESTERSHIRE CONSTABULARY
PENALTY NOTICE

Keaton Science S

PN No. 33/A 6016410 7 £80

PART 4 CTO/COPY

TITLE MR SURNAME

FORENAMES

DATE OF BIRTH (dd/mm/yyyy)

ADDRESS

POST CODE

OFFENCE TIME

OFFENCE DATE

BEAT

1700 HRS 14062008 A14

AT (LOCATION)

LEASDA STORE

DEBY RD REGWORTH

OFFENCE CODE

DATE OF ISSUE

G099 20062008

YOU (offence particulars)

Sold Alcohol to Under 18 years of Age

CONTRARY TO (Act containing offence)

Sec 146(1)(a) Licensing Act 2003

PLACE OF ISSUE

Street

Custody

I acknowledge receipt of this Penalty Notice

Signature [Signature]

ISSUED BY:

PHILLIPS [Signature]

Collar No.

0152

LPU/Area

NW

Rank

PC

MUST BE COMPLETED
ADDITIONAL DETAILS OF RECIPIENT

Gender: M F IC Code 4 Self Defined Ethnicity A

Occupation: SHOP ASSISTANT

3rd Party Witness Statement: Particulars Obtained?

Y N

Notebook No.

Local Authority Code NW

A/S No.

Custody (Cor) No.

C.I.S. No.

PNC ID No.

(Continue on MG11 if necessary and affix firmly to PND)

SIGNED [Signature] COLLAR No. 152

LPU/AREA NW DATE 20062008

DETAILS OF OFFICER CORROBORATING EVIDENCE

NAME JOHN O'BRIEN

COLLAR No. 25

SIGNED (sig) [Signature]

NOTEBOOK No.

DATE 20062008

SUPERVISOR DETAILS

COLLAR No. 22

SIGNATURE [Signature]

Licensing Act 2003 - Test Purchase - Interview
Notes with DPS - Not Under Caution.

Name: HARPINDER SIDHU
 Date of birth: 30/10/72
 Address: 8 DUCHESS WAY
CHELSEA
LONDON

1. I am investigating an incident which occurred on 14 June 08 where a person entered the LORDS STONE NARY RD KETWICK which is a premise subject to the Licensing Act 2003 and was sold A BICARDI BREWER, an alcoholic based drink. This person was 15 years old at the time of the sale and therefore under the legal age of 18 to be sold alcohol. Are you aware of the incident?

R. YES

2. How are you aware of the incident?

R. STAFF TOLD ME

3. Are you the DPS?

R. YES

4. Who is the premises licence holder?

R. I AM

5. What involvement do they have regarding licensing issues at the premises?

R. ENSURE THEY ARE ADHERED TO

6. Are you in day to day control of running the premises?

R. YES

7. On average how often and at what times are you on the premises?

R... EVERY DAY AT MOST TIMES.....

8. How long have you been the DPS?

R... SINCE MARCH THIS YEAR.....

9. Can you tell me your personal licence number and issuing authority?

R... PA10551477 - DERRY CITY.....

10. How long have you worked in the licensing trade?

R... 8 YEARS.....

11. Who employs staff at the premises?

R... I DO.....

12. How many staff are there?

R... TWO BUT ONLY ONE WORKS SETTING THE COUNTER (MR SINCH)

13. How many staff have personal licences?

R... ONLY MYSELF.....

14. Who provides the training for the staff?

R... I DO.....

15. What training do you give to the staff regarding under age sales?

R... I ONLY HAVE MR SINCH TO TRAIN - HE HAS BEEN TRAINED BY ME IN ALL ASPECTS OF UNDER AGE SALES AND CHALLENGE 21

16. Are the details of the training given, written down anywhere?

R... YES IN A FOLDER - SIGNED BY MK SINGH...

17. Who trained ..CHAREN SINGH.....with regards to under age sales?

R... I DID AND STILL DO BY REMINDING HIM OF CHALLENGE 21

18. Did you authorise him/her to sell alcohol on the day of the test purchase?

R... YES

19. Do you train staff regarding the Challenge 21 policy?

R... YES

20. Do you consider the training given to the staff at your premises regarding under age sales adequate?

R... I DID UNTIL HE SPOKE THE GIRL ON SATURDAY

21. Do you have record of staff working at the time of this incident?

R... YES

22. Were there any door staff on duty?

R... N/A

23. Can you think of a reason why the volunteer was sold alcohol?

R... NO OTHER THAN SHE WAS BIGGER BUILT THAN THE GIRL HE REFUSED ON THE FRIDAY
HE KEEPS A LIST OF HIS REFUSALS

24. Is there anything you wish to add to this interview?

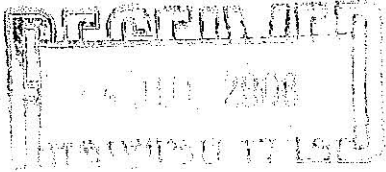
R. Mr SINGH. A. GOING ON A LEVEL 1 COURSE
ON THE 15/7/08 AT PRIDE PARK GIVEN BY
TAYLOR HALL. I HAVE ALSO PUT STICKERS ON ALL
MY ALCOHOL WITH THE STORE NAME ON IT SO I CAN
MONITOR THE SITUATION IF CANS ARE LEFT AROUND OF
Time, date and place of interview: TO PROVE TO THE POLICE THAT I DID
NOT SELL TO UNDER AGE
1450 20/06/08 LEADS STORE

Rank, name and number of Officer conducting:

PC 152 PHILLIPS

A report will be submitted to our licensing department. This may lead to an application to review the premises licence.

Questionnaire prepared by the Leicestershire Constabulary Licensing Department 20th June 2008. Extension 4330.



Kegworth Service Station
70 Derby Road
Kegworth
Derby
DE74 2EN

21st July 2008

Licensing Section, NWLDC
Council Offices, Whitwick Road
Coalville
Leics.
LE67 3FJ

Review of Premises Licence, Kegworth Service Station

Dear Licensing Section

Please see enclosed a copy letter sent today to Sergeant Moore of Leicestershire Constabulary outlining action I have taken with regards the Premises Licence for the above.

I took your referral for a Training Company, Taylor Hall Associates of Derby and attended a BII Designated Premises Supervisor's Course and passed the exam on July 15th.

I ask that this letter to Sgt Moore outlining actions taken be presented to your Licensing Committee for consideration when reviewing my own responsibilities for the above Premises Licence.

Yours sincerely

Mr H S Sidhu

Enc:

Copy letter sent to Sergeant Moore

Kegworth Service Station
70 Derby Road
Kegworth
Derby
DE74 2EN

21st July 2008

Leicestershire Constabulary
Licensing Section, Mansfield House
74 Belgrave Gate
Leicester
LE1 3GG

Review of Premises Licence, Kegworth Service Station

Dear Sergeant Moore

I wish to put on record some facts regards the above and the sale of alcohol to an under-age test purchaser in my shop on the 14th June.

Two previous test purchases(14th March and 13th June) by the authorities were attempted and failed when the same person was on duty, which suggests that he is not consistent with his duties.


I can't condone this behaviour, I have adopted the Challenge 21 Policy and trained my staff accordingly. It is obvious that more vigilance is required to cover this eventuality.

As I needed more expertise, I attended a BII Designated Premises Supervisor's Course and passed the exam with Taylor Hall Associates in Derby on July 15th.

With this extra knowledge gained in the training and control of staff and the introduction of a legal disciplinary procedure we intend to stop any possible misdemeanours in the future.

I ask that these actions taken be considered when reviewing my own responsibilities for the above Premises Licence.

Yours sincerely



Mr H S Sidhu

Copy:
Licensing Section, N.W.Leics District Council



CHALLENGE 21

A POLICY TO PREVENT UNDER-AGE SALES / DRINKING

Dear Licensee

We have arranged for this pack to be delivered to help you and your staff deal with people who attempt to buy age restricted products when they are not old enough to do so. I should point out that this information has been designed to help PROTECT YOU. Please take time to read and use the enclosed documentation. If you decide to adopt the scheme or already have such a scheme in operation please return the enclosed registration form.

This pack should contain the following:

Guidance note
Specimen Refusals Register sheet
Challenge 21 and Prove It posters/window stickers.
Registration form
Specimen Training Log

So what is the problem?

The purchase and consumption of alcohol by people under 18 years of age has become an increasing concern in recent times, which has resulted in a necessary increase in test purchase operations within this area by ourselves.

Underage sales have undeniably contributed to an increase in violence and anti social behaviour in our society, and must not be tolerated.

What is Challenge 21?

Challenge 21 is a scheme that has been developed by the industry itself and is currently being adopted as best practice.

Put simply: If a customer appears to be under 21 they must prove they are over the legal age for that product, for example 18 for alcohol.

It is a safeguard to remove any ambiguity in the minds of you and your staff as to "is she/he or isn't she/he over the legal age" - if they look under 21 they MUST prove they are over age by showing one of the three acceptable forms of ID below.

Acceptable Identification

The practical reality is that judging the age of young people can sometimes be challenging, a fact recognised recently by the Courts. Expecting sales assistants to judge the age of young people may well be unrealistic, and result in you being held responsible for a sale despite having provided training and instructions. Adopting

Challenge 21 takes the guesswork out of judging a person's age. An agreement has been reached between Leicestershire Constabulary, Leicester City Council and Leicestershire County Council Trading Standards Officers to ensure consistent standards of proof of age across Leicester, Leicestershire and Rutland.

The only forms of identification that are acceptable to all three organisations are a PASS approved ID card, Photo Driving Licence or Passport. Proof of Age Card application forms are available as stated in the enclosed leaflets, but are also available from most Police Stations and libraries.

Before accepting any ID you and your staff should check:

- There should be no sign of alterations having been made.
- Proof of age cards must be PASS accredited.
- Does the photo look like the person presenting it
- The actual birth date on the identification AND ask the holder to state their date of birth.

Offences

Whilst the pack contains information on a variety of age restricted products I would specifically remind you that it is an offence under the Licensing Act 2003, to sell, permit or allow the sale of alcohol to or for persons under the age of 18 years. It is also an offence to allow the consumption of alcohol in a bar of licensed premises by persons under 18.

Remember if you or members of your staff are in any doubt about a person's age simply don't serve them. The law states:

- You must take all reasonable steps to establish the individual's age OR
- Nobody could reasonably have suspected from their appearance that the person was under 18.

What benefit is the scheme to me or my staff?

Adopting and registering the Challenge 21 Scheme, training your staff and ensuring you keep proper records which will go a significant way to showing that you are taking reasonable steps. As the owner / licensee both you and your staff have personal responsibility and accountability in this matter.

If you have any further questions in respects of the legal position on liquor licensing issues please contact the Police Liquor Licensing Department on 0116 222222.



Keith Regan
Head of Consumer Services
Leicestershire County Council
Trading Standards Service

Age restricted sales and your license

Guidance for licensees

The offences

If under 18s are sold alcohol on your premises, two people may be held responsible and brought before the Courts; the person who actually sells, and you.

If the sale is by an employee, it is likely that they will receive a fixed penalty notice and pay an £80 fine. In addition, YOU may face a £5000 fine and could have your licence revoked – even if you had no idea that the sale was taking place.

Licensing Act 2003, Section 146 Sale of alcohol to children

(1) A person commits an offence if he sells alcohol to an individual aged under 18.

(4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that-

(a) he believed that the individual was aged 18 or over, and

(b) either-

(i) he had taken all reasonable steps to establish the individual's age, or

(ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.

(5) For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if-

(a) he asked the individual for evidence of his age, and

(b) the evidence would have convinced a reasonable person.

(6) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

As you will see from subsection 6, the law provides that if you have done everything reasonable to prevent under age sales, you will avoid conviction.

What should you do?

All people who serve your customers should be given training to ensure they understand the rules about age restricted sales. If a sale is made, you will want to be able to prove that you gave training, so keep a written record of it, dated and signed by both of you.

You cannot expect your staff to be able to judge the age of teenagers. The defence that nobody could reasonably have suspected that they were under 18 means just that – even if they perhaps thought someone was older, others would almost certainly suspect. Introducing Challenge 21 avoids any doubt.

Many sales assistants feel uncomfortable refusing sales in case they are subject to abuse or violence. You need to be sure that all front line staff have the necessary skills to deal with this; it is an essential part of the job. To help them, you should display materials both in the shop and outside that will make your policy clear to customers and discourage attempts. At the same time, Challenge 21 helps because

it empowers staff to request proof of age without the confrontation associated with telling a young adult that they still look like a child.

It is vital to monitor compliance with the instructions and training that you give. If you instruct all staff to use the refusals log every time they refuse to sell an age restricted product, you can check it each week to look for trends. For example, if all staff but one are refusing sales and noting this in the log, there is a good chance that the one who isn't using the log is putting your licence at risk!

You will no doubt have noticed that there are certain times (usually Friday and Saturday evenings) when more attempts to buy age restricted products take place. Consider supporting staff at those times by being in the shop yourself, or arranging additional cover.

What could go wrong?

When we interview licensees under caution following sales to children, the most common 'excuses' are:

- The shop was very busy
- I (or my employee) was distracted by someone who is a known shoplifter
- The child looked about the same age as my son/daughter/brother etc who is 18
- It was a new employee who was still training
- I trained the assistant, but they let me down

The only one that **could** be acceptable is the last one, but we would need to see proof of the training, and of some sort of monitoring (such as reviewing a refusals log). We would also expect proof that the expectations of the assistant were reasonable – could they **really** be expected to tell the difference between a 17 year old and an 18 year old, or are they instructed to ask for proof?

What happens now?

We (Police, Leicestershire County Council Trading Standards Service, and Leicester City Council Consumer Protection Service) hope that all licensed premises will adopt Challenge 21 and accept all PASS cards, photo driver licences, and passports, but nothing else. At the same time we hope that they will remind all staff of the requirements, and monitor compliance through refusals logs.

We will continue our programme of covert test purchasing to help ensure illegal sales are not made.

Where sales are detected, we will investigate the cause. If staff have received training and support, especially if Challenge 21 is in place, but still sell, we will look to prosecute them rather than the licensee. In cases where adequate systems are not in place, we will look to institute proceedings against both the seller and the licensee.

If you require further advice or support, or if nearby businesses compete unfairly by continuing to sell to under age customers, contact us and we will do everything we can to help.

PLEASE return the registration form if you intend to introduce Challenge 21 – it will help us to target our work.

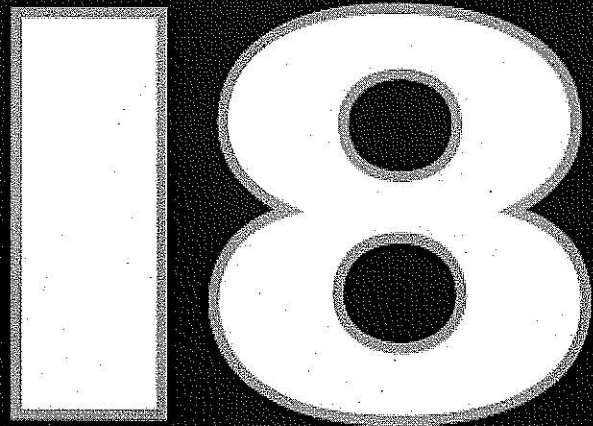
Challenge

If you are
lucky enough
to look under 21



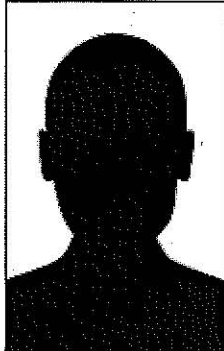
you will be asked to prove
that you are

over



when you buy alcohol

If you are under 18
you are committing
an offence if you
attempt to buy
alcohol



The only acceptable forms
of proof are:

- Photocard Driving Licence
- Passport
- Proof of age cards bearing the PASS hologram



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BRITISH
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ASSOCIATION

The LEADING AWARDING BODY of QUALIFICATIONS
for the LICENSED RETAIL SECTOR



BIIAB Level 1 Award in Responsible Alcohol Retailing (ARAR)



Alcohol Retailing (ARAR)



I am pleased to endorse this Award.

It is essential that staff authorised to sell alcohol have a sound knowledge and understanding of the law and the responsibilities connected with this

activity under the Licensing Act 2003. The BIIAB Level 1 Award in Responsible Alcohol Retailing provides training in the legal background to this new legislation, the importance and consequences of not serving alcohol to those under-age or those already drunk, as well as an understanding of best practice in all sectors of licensed retail.

The Government fully supports the provision of training and qualifications, like this award, so that staff and licensees are fully aware of their responsibilities when selling alcohol. In the long run, I believe that this will not only improve standards of premises management across the board – which in turn will help to reduce crime and disorder and other alcohol harms - but ensure that retail staff have a much better and safer environment in which to work.

A handwritten signature in black ink that reads "Hazel Blears".

Rt Hon Hazel Blears MP
Minister without Portfolio,
and Labour Party Chair

BIIAB Level 1 Award in Responsible

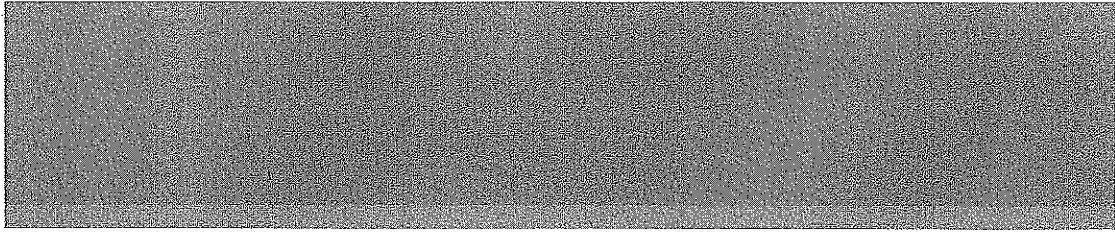
What is the **BIIAB** Award in Responsible Alcohol Retailing (ARAR)?

BIIAB, the dedicated awarding body for the licensed retail sector, has developed the BIIAB ARAR to meet industry-wide training requirements to demonstrate commitment to responsible alcohol retailing.

This qualification provides essential knowledge and understanding of the responsibilities of alcohol retailers authorised by a personal licence holder to sell alcohol. It will enable those who complete the qualification to act within the law and to support the designated premises supervisor to retail alcohol responsibly on their licensed premises.

The BIIAB ARAR provides additional protection to licensed premises operators and candidates alike as it contains three mandatory questions that ensure that every candidate fully understands the legislation concerning under-age sales, serving persons who are drunk, and the licensing objectives.





What does the qualification cover?

- The nature of alcohol and the effect that it has on the human body.
- The main issues in the Licensing Act 2003 as they relate to alcohol retailers and servers.
- Licensing law in relation to the protection of children from harm.
- The social responsibilities relating to the retail sale of alcohol.
- How to recognise drunkenness, and an individual's duty not to serve drunk customers.
- Appropriate strategies that can be adopted to prevent or eliminate alcohol-related crime and conflict; and the importance of personal safety.



www.biiab.org

BIIAB Level 1 Award in Responsible

Who is the BIIAB ARAR for?

The BIIAB ARAR is designed for anyone who works on licensed retail premises who is, or likely to be, involved in the sale of alcohol, including:

- bar staff
- supermarket cashiers
- waiters/waitresses
- licensed shop cashiers

in any licensed premises including:

- pubs
- bars
- hotels
- restaurants
- licensed shops
- supermarkets
- convenience stores
- sports and social clubs
- entertainment venues
- nightclubs
- leisure parks
- casinos

and any other premises where alcohol is sold.



The BIIAB ARAR is one of a number of BIIAB qualifications specifically designed for licensed retail employees, that contribute towards other qualifications such as:

BIIAB Professional Barperson's Qualification

To achieve this qualification candidates must pass the BIIAB ARAR plus the BIIAB Certificate in Customer and Drinks Service.

For more information about the BIIAB portfolio of qualifications, call the QA department on 01276 684449, email qa@bii.org or visit www.biiab.org/qualifications

Alcohol Retailing (ARAR)

How is the qualification delivered?

The BIIAB ARAR has been designed to be delivered in less than a day and includes a short multiple-choice examination. A comprehensive handbook, presented in an easy-to-follow format, supports the qualification and covers all the information required to complete the examination.

The examination consists of 25 multiple-choice questions, three of which are compulsory. To pass the examination candidates must answer correctly the three compulsory questions in section one, and 14 out of the 22 questions in section two.

The training and examination for this qualification are available in two ways:

- candidates can attend a training course at a BIIAB approved centre, followed by a paper-based examination,

or

- candidates can receive training on-site, and take the examination using the telephone in a closely monitored environment.

The BIIAB telephone assessment demonstration line, providing sample questions and a chance to experience what a telephone exam is like, is available 24 hours a day by calling 0900 777 1110.

QCA Accreditation number: 100/5840/0
10 guided learning hours



What other qualifications are available?

All BIIAB qualifications provide solutions to specific market requirements, deliver real business benefits, and support careers in licensed retail for every type of premises.

For more information on BIIAB qualifications, and the approved centres that offer them, call 01276 684449 or visit www.biiab.org/trainingcentres

What is BIIAB?

- BIIAB is the wholly-owned awarding body of BII, the professional body for the licensed retail sector, which has the fastest growing professional membership of 17,000 individuals.
- BIIAB is the market leader in developing and awarding qualifications for the licensed retail sector.
- BIIAB has processed over 1 million qualifications to date*.
- BIIAB currently approves over 550 centres, across 5,000 locations in the UK, to deliver BIIAB training and examinations.

* Figure correct to end of 2006





BII membership

Membership of BII, the professional body for the licensed retail sector

Candidates that successfully achieve the BIIAB ARAR may apply to join BII as a Barperson Associate (BII.baA).

As a Barperson Associate BII member, you will receive a number of benefits including the complimentary BII magazine, certificate, membership card and lapel pin; and the right to use your post nominals after your name (eg BII.bpA).

For more information about BII membership call the Membership services team on 01276 684449, email membership@bii.org or visit www.bii.org/membership

This leaflet is provided to you by: