

Public Document Pack

Simon Young, Solicitor
Head of Legal and Democratic Services



To: All Members of the Licensing Hearing Panel

Dear Councillor

LICENSING HEARING PANEL - MONDAY, 2ND OCTOBER, 2017

Please find attached the following report for the meeting of the Licensing Hearing Panel to be held on Monday, 2nd October, 2017. This was not included in the original Agenda pack published previously, and was provided to all interested parties on the morning of Monday 2 October 2017.

2. **SUPPLEMENTARY EVIDENCE PACK, PREMISES LICENCE APPLICATION:
PARK GARAGE GROUP PLC, 3 HEADLEY PARADE, EPSOM** (Pages 3 - 24)

For further information, please contact Tim Richardson, 01372 732122 or trichardson@epsom-ewell.gov.uk

Yours sincerely

A handwritten signature in black ink, appearing to read "S Young". The signature is written in a cursive, slightly slanted style.

Head of Legal and Democratic Services

This page is intentionally left blank



LICENSING MATTERS

you serve • we protect

New Premises Licence Hearing

2nd October 2017

Park Garage Group
Langley Vale Service Station
3 Headley Parade
Epsom
KT18 6AP

Supporting documentation

CONTENTS

Park Garage Group -the company.....3

The internal training Structure.....4-13

Knowledge check sample question paper.....14-18

Due Diligence paperwork.....19-22

PARK GARAGE GROUP - THE COMPANY

Park Garage Group have been trading for over 20 years & now has over 49 sites with 42 of those licensed to sell alcohol. The first site obtained an alcohol licence in 2003 and many of the sites have 24-hour licences. The company are part of the Association of Convenience Stores and have won a number of award for excellence during their time in business.

Park Garages have all the expected measures, policies and procedures to ensure compliance with the law and the upholding of the licensing objectives at all times. These policies include the 'Challenge 25' scheme as their age verification policy, the use of till prompts, refusals and incident register to name a few.

Staff are comprehensively trained in their responsibilities by way of an internal training system which involves staff being continuously training with refresher test taking place every 3 months.

All sites are audited monthly by area manager to include checks on licensing policy compliance. Park Garage Group employ the service of Licensing Matters who are always on hand for any support and guidance they may need.

Park Garage Group have just invested £14, 000 in the site in Epson with a full refurbishment having taken place. Security has been improved with an upgraded CCTV system and steel security shutters to protect the premises during the hours of closure. The manager has been at the site for 17 years and is very much part of the community.

The Staff Training Package

Introduction

SECTION ONE The Alcohol Licensing System Pages 4 - 7

The Licensing Objectives
Personal Licences
Who is the DPS?
Premises Licences
Premises Licence Conditions
Review of a Premises Licence

SECTION TWO Underage Drinking Pages 8 - 14

The Law
Penalties for selling alcohol to an underage person
Test Purchasing
The 'Challenge 25' Scheme
Signs that a person may be underage
Acceptable Identification
How to check Identification
'Proxy' Purchasing

SECTION THREE The Effects of Alcohol & Recognising Drunkenness Pages 15 - 18

What is Alcohol?
Strength of Alcoholic Drinks
How alcohol affects the body
Recognising Drunkenness
Signs that a person may be drunk
The Law
Penalties for selling alcohol to a person who is drunk

SECTION FOUR Refusing Sales of Alcohol Pages 19 - 25

How to deal with people you suspect to be:

- Underage
- Making a 'Proxy' purchase
- Drunk
- Aggressive

Keeping Safe

What is a Refusals Register?

SECTION FIVE Other Licensing Offences & Pages 26 - 28
other Age Restricted Sales

SECTION SIX Test Papers & Due Diligence Forms

Section 1-5 Test Papers

Licensing Training Check List

Challenge 25 Policy

Authority to Sell Alcohol

Refresher Training Check List

SECTION SEVEN Completed Staff Training Records

The Staff Training Package

Introduction

Welcome to the Licensing Matters staff training package.

You are being given the responsibility to make sales of alcohol to the public. Selling alcohol is a VERY responsible job because if it is sold to the wrong people, such as underage children, it can have serious consequences. Crime, anti-social behaviour and poor health are all problems in our society, problems that the irresponsible selling of alcohol & excessive alcohol use significantly contributes to. That is why there are laws to regulate the sale of alcohol.

Should you sell alcohol or other age restricted products to an underage person, you could be given an on the spot fine of £90. Worse than that, both you and your employer could be prosecuted, you may lose your job and the shop could lose its licence.

The training course you are about to take involves you reading about the sale of alcohol, mainly in relation to underage persons. **It is essential that you not only read the information, but that you are sure you understand and remember it.**

Once you have read the information your employer or a member of staff nominated by them will test your knowledge with a series of questions.

Section 4 – Refusing Sales of Alcohol

Refusing sales of alcohol is sometimes easier said than done particularly when you're faced with persistent or intimidating customers. However, you have a positive responsibility to sell alcohol within the law. As the salesperson selling the alcohol to a customer it is your responsibility, not that of any other person in the shop, to make the decision about whether a sale should be made. Your decision is final. Once you have made the decision the shop manager, DPS or any other supervisor should not interfere to overturn it.

Remember, legally you have the right to refuse to sell to anyone if you are unhappy about the sale in any way.

How to deal with a person you suspect to be underage

- ❖ **Look at the customer** - Once a person selects a product and comes to the counter to be served it is essential that you take a proper look at them. This may sound obvious but the most common way that underage sales are made is when assistants are busy and they don't take the time to properly look at the person they are serving. If they have a hood or cap on that conceals their face ask them to remove it.

- ❖ **Politely ask for proof of age** – This helps a situation as it is not a direct refusal. It tells the customer that you will make the sale if they can produce valid proof of age. Do not enter into a discussion with the person or ask their age, simply ask them if they have identification.

Examples of the way a request for identification may be phrased might be:

“Our policy is to ask for proof of age from anyone who looks under 25. Do you have a passport or driving licence?”

OR

“We have to ask for identification before we can serve you with alcohol. Do you have ...?”

- ❖ **Refuse the sale – be confident & stand your ground** – Bear in mind that a refusal or request for proof of age can embarrass a customer, so it is important to be tactful and polite. Be positive in your refusal. Have a firm tone of voice, be confident and use direct eye contact. Always stay calm and do not get drawn into an argument or antagonise your customer by getting annoyed or aggressive.
- ❖ **Avoid blame** - If you are confronted with a potentially illegal sale, politely stress your legal obligations when refusing to serve someone. Explain that it is nothing personal but that both the law & store policy ('Challenge 25') requires it. Explain that you risk losing your job if you were to not apply the 'Challenge 25' policy in all cases. Pointing at any notices or posters which outline the store policy can help as it shows that you are doing what is expected of you.

Examples of the way you could refuse a sale would be:

“I am sorry sir/madam; unfortunately I am not allowed to sell alcohol to you today unless you can come back with some identification”.

- ❖ **Get help from your colleagues** – Do not deal with a difficult situation alone. Call for your manager or supervisor if they are in the shop as this will often diffuse a situation. Call for the police if the customer becomes aggressive or will not take “no” for an answer.

- ❖ **Make an entry in the Refusals Register** – You will learn about making entries in the Refusals Register at the end of this session. Do this once the customer has left the premises. Report any incident where you have felt threatened and/or intimidated. Your employer will give you guidance about when incidents should be reported to the police.

How to deal with a suspected 'proxy' purchase

If you suspect that an adult is buying to give to a child the following course of action should be adopted:

- Question the person politely as to the eventual destination of the purchase.
- Explain to them that they commit a criminal offence if they purchase the product with the intention of giving it to a person underage. **(£90 fixed penalty notice or maximum fine on conviction £5,000)**
- Tell them that if they are found to have supplied this alcohol to a person underage, they will be barred from the shop.
- Let them know that they are on CCTV (with audio recording if your system has this facility) and that the footage can be supplied to the Police should they request it.
- If you suspect that the adult is buying the alcohol for youths, you **MUST REFUSE TO SERVE THEM**. Deal with them in the same way as you would an underage drinker. Explain to them that the law prevents you from making the sale and that it is nothing personal.

How to deal with a person you suspect to be drunk

A drunken person can be far more volatile than an ordinary customer and are often unreasonable & argumentative. Refusal in this situation can sometimes lead to conflict if handled incorrectly. It is however important to remember that some symptoms of drunkenness such as slurred speech can be a symptom of a medical condition. You need to establish also that they are unsteady on their feet, their eyes appear glazed and they smell of alcohol.

In dealing with a drunken person, use everything you have learnt about refusing a sale of alcohol to an underage person and apply it. The main points are listed below:

- ❖ **Be alert** - Monitor the premises & deal with a suspected drunken person quickly. For example, if you can view someone you suspect may be drunk approaching the premises, it is better to not allow them entry in the first place.
- ❖ **Refuse the sale – be polite and stand your ground** - It is important that you defuse the situation by staying calm and showing the person that you do not want any trouble. The most important thing NOT to do is respond back any person with aggression and do not get drawn into an argument or antagonise your customer.
- ❖ **Avoid blame** - Point out to them that you could lose your job by serving them in their present condition and advise them to return at another time. If they do claim a medical condition ask them to bring a letter from a doctor or pharmacist.
- ❖ **Get help from your colleagues** - Call for your manager or supervisor if they are in the shop as this will often defuse a situation. Call for the police if the customer becomes aggressive or will not take “no” for an answer.

How to deal with conflict & aggressive customers

- ❖ **Recognise the early signs** - People can sometimes get aggressive and abusive without any warning and you will need to learn to recognise the signs. For example, a person may start to look agitated and raise their voice.
- ❖ **Diffuse the situation** – The most important thing NOT to do is respond back to the person with aggression. It is important that you diffuse the situation by staying calm and showing the person that you do not want any trouble.
- ❖ **Ask them to leave** - If you are confronted with an aggressive customer tell them that their behaviour is unacceptable and ask them to leave in a clear and calm voice. Tell them that their actions are being recorded by the CCTV camera.
- ❖ **Get help from your colleagues** – If a customer is aggressive it is important that you do not deal with them alone. Call for your manager or supervisor if they are in the shop to assist you as this will often defuse a situation. Call for the police if the customer refuses to leave and you feel help is required.

Keeping Safe

Your personal safety is of the utmost importance in these situations. Keep yourself in a safe position at a distance any person you suspect may become troublesome or violent. Using the counter as a bar is the most effective way of doing this.

If you are faced by a situation in the shop where you feel personally physically threatened, and you have a panic button, operation of the panic button is permitted. Please do not use it under any other circumstances. You will always need to consider whether pressing the button will make the situation worse and you may decide to use the panic button after the threat has passed. You should discuss this matter with your employer.

Contacting the police is always an option if you do not feel that you can handle the situation or if you are concerned for your safety. However, always

remember that it can often take some time for the police to get to you and you will need to deal with the problem until they do.

If there has been a problem and you have had to ring the police or use the panic button you must always need to tell your manager what has happened and the incident will need to be fully documented.

What is a Refusals Register?

A refusals register is a very important tool to show that the store is dealing with the sale of alcohol correctly. It requires staff to record details of any occasion on which they refuse service to a customer. The details recorded include the time, date, together with product, who refused the sale and the reason for refusal.

The importance of a refusals system is twofold. Firstly, it helps to prove to the authorities that you and your colleagues are doing their job & all the correct procedures are being followed. For example, it may help to demonstrate to the authorities that a person who has made a sale to a person under the age of 18 has a proven history of refusing service on a regular basis.

Secondly, it enables the management of the premises to have a clear picture of how the store is working on a daily basis. For example, it helps them to make sure all staff are refusing service and doing their job correctly and it can also act as a record of customer behaviour which can help build up a picture of when problem times may be or who the problem customers are.

Trading Standards, Police or council licensing officers will expect to see the register during any visit they make to the premises, but the most important time they would want to see it is in the event of a sale having been made to an underage person. In those cases, it will be used as evidence that the store is doing things properly, or not, as the case may be. Following an underage sale, during interviews with the Premises Licence Holder or DPS, the register is looked at in great detail.

The Refusals Register

The Refusals Register is usually stored behind the counter where it can easily be reached. It is important that it is completed accurately every time a customer is refused a sale and if possible straight away after the refusal. If the shop is busy at the time the incident occurs, make the entry in the book as soon as you can.

An example of the refusals log is below and shows how it should be completed. The more detail the better. Your manager should check the system at the end of each week to ensure that refusals are being properly recorded.

Date	Time	Description of Incident	Reason for Refusal	Product	Staff member
21.04.14	2.15pm	White male approx. 6ft wearing Manchester Utd. top gave bus pass as ID. Looked about 20.	Incorrect ID, did not look over 25	2 cans of Fosters lager	Kelly Smith
22.04.14	9.54pm	Two females, long blond hair, one with tattoo on hand came to till together. Neither had ID, looked about 19.	No ID, did not look old enough	2 bottles of WKD	Tom Wilson

DPS Signed:.....

Date:.....

SECTION 4 QUESTIONS

1. Which of the following statements is true?
 - a) Legally you have the right to refuse sale to any person if you are unhappy with the sale
 - b) It is important to be polite when refusing a sale
 - c) A decision to sell quickly as it is easier at the time could put the whole licence at risk
 - d) All of the above

2. If a group of youths are causing a problem outside the shop what must you do?
 - a) Go outside and give them a lecture
 - b) Ignore them and hope they'll go away
 - c) Make sure they have enough to eat and drink
 - d) If you feel it is safe to do so firmly ask them to move away

3. How do you deal with a person that you suspect is underage?
 - a) Politely tell them that they will need to prove their age
 - b) Tell them about the Challenge 25 policy
 - c) Avoid blame by explaining that it is the law and not your decision
 - d) All of the above

4. How do you deal with a person that you suspect is buying for an underage person?
 - a) Get angry at them and tell them they are irresponsible
 - b) Immediately ring the police
 - c) Ask them who the alcohol is for and that they would be breaking the law if the alcohol is for an underage person
 - d) Turn a blind eye and serve them quickly

5. The safety of the staff is the most important consideration when dealing with difficult customers.

True / False

6. What are the difficulties of dealing with a person who is drunk?
- a) People who are drunk can be volatile and aggressive
 - b) People who are drunk do not act reasonably
 - c) Refusal of alcohol to a drunken person can lead to conflict
 - d) All of the above
7. If you refuse to serve a customer alcohol what is the next thing that you must do?
- a) Have a sit down and a cup of tea
 - b) Put an entry in the refusals register
 - c) Ask to go home
 - d) Keep it to yourself
8. Where should the refusals register be kept?
- a) In the back office for safekeeping
 - b) It doesn't matter providing it is on the premises
 - c) Behind the counter where it can easily be obtained when needed
 - d) Locked away in the safe
9. What is a refusals register?
- a) It shows the staff at the store are doing their job correctly
 - b) It helps to show if there are any patterns or particular problems
 - c) It helps the owners see that staff are following the law
 - d) All of the above

10. If you refuse to serve a customer alcohol what details should you write in the refusals register?

- a) How you felt about it
- b) The time, date and description of the person and product
- c) Nothing as it is against Data Protection
- d) As little as possible in case you get in trouble

11. The till prompt is another important piece of equipment that helps to make sure staff do not make unlawful sales to customers.

True / False

12. Which of the following statements about the till prompt is true?

- a) A staff member should never override the prompt questions without thinking
- b) The use of the till prompt is recorded by the till system
- c) The till prompt system is a way of making staff stop and think about who they are serving
- d) All of the above

Score out of 12

Section 4 - Declaration

I certify that I have read and understood Section 4 of the Staff Training Package.

Name of staff member -----

Signature -----

Date -----

I certify that the above-named member of staff has completed Section 4 of the Staff Training Package to a satisfactory standard.

Name: -----

Position: -----

Signature: -----

Date: -----

ANSWERS

	<u>SECTION 1</u>		<u>SECTION 2</u>		<u>SECTION 3</u>		<u>SECTION 4</u>		<u>SECTION 5</u>
1	C		B		B		D		False
2	D		B		B		D		C
3	A		B		True		D		D
4	A		D		D		C		A
5	B		C		A		True		A
6	False		C		D		D		D
7	C		D		C		B		C
8	C		D		False		C		B
9	B		A		A		D		False
10	D		A		A		B		B
11	True		D		C		True		
12	C		True		C		D		
13	True		D		True				
14	C		A		B				
15	D		True		D				

INITIAL STAFF TRAINING CHECKLIST

Staff Name.....

Date commenced.....

Section

Date Completed

Section 1 – The alcohol licensing system

Section 2 – Underage drinking

Section 3 – The effects of alcohol & recognising drunkenness

Section 4 – Refusing sales of alcohol

Session 5 – Other licensing offences & age restricted sales

I, being the DPS or Premises Licence Holder, certify that the above-named person has completed the staff licensing training to a satisfactory level and can now be authorised to make sales of alcohol to customers.

Name.....

Position.....

Signature.....

Date.....

Forms to be completed & signed

Form 2 - 'Challenge 25' Policy

Form 3 – Authority to sell alcohol

'CHALLENGE 25' AGE VERIFICATION POLICY

These premises operate a **strict** 'Challenge 25' policy at all times.

1. The 'Challenge 25' policy means that if a customer buying alcohol appears to be under the age of 25 then you **must** ask for proof of age.

2. If they cannot provide an accepted form of identification then you must **refuse** the sale.

3. If the customer you suspect to be under 25 has no form of acceptable ID, but protests they are 23 or 24 you **MUST NOT** give them the benefit of the doubt and serve them.

4. If the person can provide an acceptable form of identification that proves they are aged 18 or over you may then serve them.

5. The only forms of identification that are acceptable proof of age are a current passport, driving licence and the government approved cards bearing the PASS logo.

I certify that I have read and understood the 'Challenge 25' policy & have been trained fully in what it means. I agree that I am to implement it **AT ALL TIMES**.

Signed.....

Print name.....

Date.....

AUTHORITY TO SELL ALCOHOL

I am the nominated DPS for:

(premises address).....

.....

.....

And hereby certify that

(staff member).....

has been trained in their responsibilities in relation to the Licensing Act 2003 and their knowledge tested. I therefore give them authorisation to sell alcohol on my behalf.

Signed.....

Date



I, (staff member).....

am aware of my responsibilities with regard to licensing law and that I am authorised to sell alcohol by the above-named person.

Signed.....

Print name.....

Date

REFRESHER STAFF TRAINING CHECKLIST

Staff Name.....

<u>Section</u>	<u>Date Completed</u>	<u>Signed by staff member</u>	<u>Sign by DPS/Trainer</u>
Refresher Test 1
Refresher Test 2
Refresher Test 3
Refresher Test 4
Refresher Test 5
Refresher Test 6
Refresher Test 7
Refresher Test 8