

Report to	Licensing sub committee 24 April 2013	Item
Report of	Head of citywide services	3
Subject	Licensing Act 2003: Application for Review of a Premises Licence - 31 St Stephens Road Norwich NR1 3SP	

Purpose

Members are asked, in accordance with the delegation of licensing functions contained in the Norwich City Council Statement of Licensing Policy (Licensing Act 2003), to consider an application by Norfolk County Council Trading Standards Service to review the premises licence in respect of 31 St Stephens Road Norwich NR1 3SP.

Recommendation

That members determine the review application in respect of 31 St Stephens Road Norwich NR1 3SP in accordance with the:

- Licensing Act 2003;
- Guidance issued under Section 182 of the Licensing Act 2003; and
- Norwich City Council Statement of Licensing Policy.

Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

Financial implications

None.

Ward/s: Town Close Ward

Cabinet member: Councillor Driver – Environment and neighbourhoods

Contact officers

Ian Streeter, licensing manager

01603 212439

Background documents

None

Report

Licensing Act 2003 (The Act): review applications

1. The Act provides a mechanism by which, following the grant of a premises licence, a responsible authority (e.g. trading standards) or any other person (e.g. a resident living in the vicinity of the premises) may ask the licensing authority to 'review' the licence because of a matter(s) arising at the premises in connection with any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm).
2. The licensing authority must advertise the review by displaying a notice at, on or near the site of the premises to which the application relates and at the main offices of the licensing authority. Notification of an application is also sent to properties within the vicinity of the application premises, in accordance with the policy previously agreed by the city council's licensing committee.
3. The Act provides the licensing authority with a range of powers that it may exercise on determining a review, where it considers them appropriate for the promotion of the licensing objectives. However, the licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
4. Where a licensing authority considers that action under its statutory powers is necessary, it may take any of the following steps:
 - To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example by reducing the hours of opening or by requiring door supervisors at particular times;
 - To exclude a licensable activity from the scope of the licence;
 - To remove the Designated Premises Supervisor, for example, because they consider that the problems are the result of poor management;
 - To suspend the licence for a period not exceeding three months; and
 - To revoke the licence.
5. It should be noted that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
6. The following parties have a right of appeal to the Magistrates Court if they are aggrieved by the licensing authorities decision:
 - the applicant for the review;
 - the holder of the premises licence; and
 - any other person who made relevant representations in relation to the application.

Application for review

7. An application to review the premises licence in respect of 31 Stephens Road Norwich NR1 3SP has been received from Norfolk County Council Trading Standards Service. A copy of the application and accompanying information is attached at Appendix A to the report.
8. The grounds for review fall under the licensing objectives of the prevention of crime and disorder and the protection of children from harm. No previous application for review has been received in respect of these premises.
9. The current premises licence allows the following licensable activities:

Supply of alcohol – (for consumption off the premises):

Monday	0800 - 2300
Tuesday	0800 - 2300
Wednesday	0800 - 2300
Thursday	0800 - 2300
Friday	0800 - 2300
Saturday	0800 - 2300
Sunday	1000 - 2230

10. The opening hours of the premises are:

Monday	0000 - 0000
Tuesday	0000 - 0000
Wednesday	0000 - 0000
Thursday	0000 - 0000
Friday	0000 - 0000
Saturday	0000 - 0000
Sunday	0000 - 0000

11. The current Premises Licence holder and Designated Premises Supervisor is Mr Ali Capti 48 Barrett Road Norwich NR1 2HZ.

12. The conditions attached to the premises licence in respect of 31 Stephens Road are attached at Appendix B to the report.

Relevant representations

13. The responses from the Responsible Authorities are as follows:

Police – Representations received (attached at appendix C)

Environmental Protection – no representations received.

Fire Officer – no representations.

Planning Officer – no representations.

Area Child Protection Committee – no representations.

Trading Standards – (applicant for review – see appendix A).

Primary Care Trust – no representations

14. There has been one representation supporting the review application from a local ward councillor and this is attached to the report at appendix D. Representations have been received objecting to the review application and these are attached at appendix E to the report.

Norwich City Council Statement of Licensing Policy

15. Attached at appendix F are the elements of the city council's local Licensing Policy which are considered to have a bearing upon the application:

National Guidance (issued under section 182 of the Licensing Act 2003)

16. Attached at appendix G are the elements of the National Guidance issued by the Secretary of State that are considered to have a bearing upon the application.

Summary

17. In determining the application with a view to promoting the licensing objectives the Sub-committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives (i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm);
- the representations (including supporting information) presented by all the parties;
- the guidance issued under Section 182 of the Licensing Act 2003 (National Guidance); and
- the council's own statement of licensing policy.

18. The sub-committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- To modify the conditions of the Premises Licence (which includes adding new conditions or any alteration or omission of an existing condition);
- To exclude a licensable activity from the scope of the licence;
- To suspend the licence for a period not exceeding three months; and
- To revoke the licence.

19. The sub-committee is asked to note that it should not carry any of the steps set out in paragraph 18 above because it considers it desirable to do so, it must actually be appropriate in order to promote the licensing objectives.

RECEIVED

20 FEB 2013

LICENSING OFFICE

APPENDIX A



NORWICH
City Council

Citywide Services
Public Protection (Licensing)
City Hall
St Peters Street
Norwich NR2 1NH



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 David Collinson

(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

Mr M Sert t/a
Norwich Mini Market & Off Licence
31 St Stephens Road

Post town Norwich

Post code (if known) NR1 3SP

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

Mr Ali Capti

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

05/02008/PREMTR

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 Norfolk County Council Trading Standards Service County Hall Martineau Lane Norwich NR1 2 UD
Telephone number (if any) 01603 222595
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more
boxes ✓

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

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

Over the period covering the last two years and just prior to it, Officers from Norfolk Trading Standards Service have witnessed a number of criminal offences being committed at a business premises known as Norwich Mini Market & Off Licence, 31 St Stephens Road, Norwich.

This Service has received complaints concerning the sale of alcohol to underage children from the premises over this period and prior to it.

This Service has invested a lot of time and effort in both dealing with any complaints and allegations of criminal offences both by way of test purchasing and also by offering support and advice to the business to enable them to trade legally.

Unfortunately it appears that these interventions have had little effect on the way this business is being run as there has been no noticeable improvement.

During our time dealing with this business we have in the main dealt with a Mr Mehmet Sert. He purports to be the owner of the business.

The most recent events that we would like to bring to the attention of the Licensing Authority are summarised below:

In 2011 Officers witnessed a sale of alcohol to a 13 year old young volunteer going directly against licensing objective 1 - the prevention of crime and disorder and licensing objective 4 - the protection of children from harm.

In 2011 Officers also discovered the possession of counterfeit alcohol at the premises. This was concealed underneath the shop floor shelving and goes against licensing objective 1 - the prevention of crime and disorder.

Due to close partnership working with Norfolk Police Licensing Unit we became aware of a sale of vodka to a 15 year old girl from this premises at the end of 2012. This sale resulted in the girl being hospitalised. This sale was captured on the premises' own CCTV system.

The management of the premises has failed to ensure staff are sufficiently trained or aware of their responsibilities under the Licensing Act 2003.

As a result of our involvement with this business and the above mentioned facts, Norfolk Trading Standards Service has no confidence in the management of this licensed premises. We wish for a review of the premises licence to be considered.

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

On Thursday 25 June 2009 at 11:05 am Trading Standards Officers witnessed a 15 year old male young volunteer purchase two cans of Fosters Lager from Norwich Mini Market & Off Licence. The sales assistant at the time was Mehmet Sert who was issued a Fixed Penalty Notice for the Section 146 Licensing Act 2003 offence.

The premises licence holder and DPS on this occasion was Mr Ali Capti.

Mehmet Sert purports to be the owner of this business and it is him that received the fixed penalty notice in this case.

Prior to 2009 it is believed that the business was run by Ali Capti both in his name and as Secretary in a company called Aimless Ltd. From our dealings with Mr Sert from mid 2009 onwards it is apparent that Ali Capti has no involvement in the running of the business day to day.

On Wednesday 16 February 2011 at 10:50 am Trading Standards Officers carried out a joint inspection with Her Majesty's Revenue and Customs (HMRC) in relation to the alcohol kept at the premises. When the kick boards for the shelving units were removed 3 counterfeit bottles of Smirnoff vodka were discovered that had been concealed in this location.

On the same day HMRC discovered 340 cigarettes, 250g of hand rolling tobacco, 61 litres of spirits and 82.5 litres of still wine where it was believed that the duty had been evaded.

The premises licence holder and DPS on this occasion was again Mr Ali Capti.

On Tuesday 22 February 2011 at 12:00 noon Trading Standards Officers witnessed a 13 year old female young volunteer purchased a bottle of WKD Original Blue from Norwich Mini Market & Off Licence. The sales assistant at the time was Navaneethan Ganeshalingham who was issued a Fixed Penalty Notice for the Section 146 Licensing Act 2003 offence.

The premises licence holder and DPS on this occasion was again Mr Ali Capti.

During the course of investigating the above offences Mr Mehmet Sert was interviewed on 17 June 2011 by Norfolk Trading Standards. In interview Mr Sert gave the following responses which have been summarised and are worth noting for this application:

- Mr Sert confirmed he is sole trader owner of a business trading as Norwich Mini Market, 31 St Stephens Road, Norwich
- He stated that he had owned the business for 1 1/2 years or longer
- He advised that he employs one member of staff, Navaneethan Ganeshalingham
- He advised that licence holder, Ali Capti, was his relative, was the named DPS yet has nothing to do with the business or running the shop
- There is no formal training process in place at the premises other than a little piece of paper at the till to prompt staff to check ID

- There is no process to record refusals
- Since the sale in 2011 Mr Sert said he has reinforced the need for his staff to check ID.

On 9 March 2012 a Warning Letter and verbal advice was given to Mr Sert concluding both the above criminal investigations. This letter was hand delivered to Mr Sert. During this visit officers from the Service offered further advice on underage sales to Mr Sert and witnessed a sale of alcohol to what appeared to be young people without any challenge by Mr Sert.

As a Service we should point out that on 8 June 2012 we conducted a test purchase for alcohol at the premises and our young volunteer was refused. We have seen in the past that after a period of attention from Trading Standards and Police that the situation can improve for a short period and then revert back to its original state where criminal offences are being committed. This is further illustrated below:

In January 2013 during a meeting with Norfolk Police Licensing Unit the Service became aware of yet another incident at the premises involving the supply of alcohol to an underage child. The Police informed us that they had received a complaint after a 15 year old girl was able to purchase a bottle of vodka from the premises. The young girl subsequently consumed this vodka and required medical intervention at hospital.

We understand from the Police that following an enforcement visit to the premises where CCTV footage was examined, the seller, a Mr Navaneethan Ganeshalingam, was identified as having supplied the vodka. He was issued with an FPN on 7 December 2012. This is his second FPN for the sale of alcohol to a person under the age of 18 whilst working for Mr Sert.

Relevant statements and documents are enclosed with this application.

On behalf of Norfolk Trading Standards Service, we apply for the Licensing Authority to:

- 1) Suspend the sale of alcohol from the premises for three months
- 2) Remove the current Designated Premises Supervisor from this premises licence
- 3) Impose the following additional licence conditions:
 - a) All staff working at the premises must undertake the National Certificate for Personal Licence Holders or similar before being allowed to sell alcohol
 - b) The Premises Licence holder shall institute a Challenge 25 scheme for the sale of alcohol at the premises
 - c) An electronic till prompt mechanism shall be installed at the premises within 3 months
 - d) The premises licence holder shall maintain an effective refusals register, to be kept available for inspection by officers of the Licensing Authority and Responsible Authorities at any reasonable time.

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

n/a

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 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:**

Signature

.....

Date

31/01/2013

.....

Capacity *ASST DIRECTOR - PUBLIC PROTECTION*

.....

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

Duncan Harris
Principal Trading Standards Officer
Norfolk Trading Standards Service
North Wing
County Hall
Martineau Lane

Post town

Norwich

Post Code

NR1 2UD

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

RESTRICTED (when complete)

MG11

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN: 36 / /

Statement of: Simon Caddy

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Community Support Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: Date 19/04/2011

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named person and Community Support Officer working for Norfolk Constabulary. On Thursday 25th June 2009 I was on duty and in full uniform working with Trading Standards. At 11:00hrs I was at the off-licence on St Stephens Road, I was there with Trading Standards to conduct a test purchase following reports that the off-licence regularly sold alcohol to under aged persons, at 11:05hrs a male under the age of 18 working for Trading Standards entered the store and purchased two cans of Fosters before leaving the shop, at no time was the male asked for any identification. Following this purchase I entered the shop with Trading Standards to challenge and caution Mr Sert MEHMET the person responsible for selling the alcohol to the under aged male, I then issued an £80.00 Fixed Penalty Notice section 146(1) Licensing act 2003 to Mr Sert MEHMET dob: 11/06/1974 (FPN No 80421067). I then with Trading Standards returned to Tuckswood Police Station to write statements and fax off the FPN.

Signature: Signature witnessed by: ...

09



Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

**Statement of
(Name of witness)**

STUART WILLIAM KEARNS

Age (if over 18 enter 'Over 18')

OVER 18

Occupation of witness

TRADING STANDARDS OFFICER

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

Dated the fourth day of April 2011

Signed

I am a Trading Standards Officer employed by Norfolk County Council Trading Standards Service based at County Hall, Martineau Lane, Norwich. I am an authorised officer for the purposes of the Trade Descriptions Act 1968, the Trade Marks Act 1994 and the Consumer Protection from Unfair Trading Regulations 2008. At 10:50 hours on the 16th February 2011 in the course of my duties, I entered a retail shop called Norwich Mini Mart and Off Licence at 31 St Stephens Road, Norwich, NR1 3SP with my colleague Vicky Conlon and three officers from Her Majesty's Customs and Excise, Jeannette Kett, Dave Crotch and Andy Chapman. Upon my arrival I went up to the sales counter and introduced myself to the person in attendance, a man I now know to be Mr Mehmet Sert, and showed him my identification and authorisation. I explained to him that I would be carrying out an inspection of the store. I then proceeded to carry out my inspection, assisted by my colleague Vicky Conlon, checking the various products and shop displayed signage. While I was carrying out my checks I was aware that the officers present from Her Majesty's Customs and Excise were checking the various wines and spirits on display in the shop. At approximately 11:50 hours I had very nearly completed my inspection. It was at this time I noticed the officers from Her Majesty's Customs and Excise were now looking underneath the shop-floor shelving units. They would then remove the kick boards from the various shelving units and proceed to pull out various boxes of wines and spirits from the void underneath the shelving unit. One of the officers from Her Majesty's Customs and Excise, Dave Crotch, then advised me that he had just removed a box of Smirnoff Vodka from underneath one of the shelving units. He then passed the box to me by placing it in front of me on the shop floor, thus enabling me to look at its contents more closely. I opened the box and found that it contain three bottles. 0

Signed

labelled as Smirnoff Vodka I then checked the bottles against the "Diageo Identification of Counterfeit Smirnoff" guide which I had with me. Whilst carrying out my checks using this guide it became apparent to me that all three bottles were displaying a large font lot code on the back of the front label. I also noticed one of the bottles had different font on the closure artwork compared to that of a genuine product. According to the guide these were indications that the bottles could be possible counterfeit products. Based on this information I had reasonable cause to believe the three bottles of Smirnoff Vodka were counterfeit. I decided to seize the three bottles of Smirnoff Vodka which I believed were not genuine Smirnoff Vodka. These were all placed individually in inverted plastic bags labelled with an identifying mark and sealed with tamper evident seals with NCC tag numbers. I produce them as follows: - the first bottle of Smirnoff Vodka I produce with identifying mark SWK/1, the second bottle of Smirnoff Vodka I produce with identifying mark SWK/2, the third bottle of Smirnoff Vodka I produce with identifying mark SWK/3. I also seized the box which the bottles were found in and placed it into an inverted plastic bag labelled with an identifying mark and sealed with a tamper evident seal with an NCC tag number. I produce this box with identifying mark SWK/4. These items were recorded by Vicky Conlon on a Record of Property obtained from Premises form which I then duly signed. I then spoke to Mr Mehmet Sert to ascertain who owned the business. Mr Mehmet Sert told me that he owned the business and that he was a "sole trader". I then advised Mr Mehmet Sert that I was seizing the bottles of Smirnoff Vodka and the Smirnoff Vodka box. I advised him that I believed offences have been committed under the Trade Marks Act 1994 and as he had held himself out to be the owner of the business I was going to caution him in relation to those alleged offences. At 12:55 hours I read the caution as it is in the front of my notebook and then asked Mr Mehmet Sert if he understood the caution. Mr Mehmet Sert confirmed to me that he understood the caution. I then advised Mr Sert that he was entitled to obtain legal advice, he was free to leave and not under arrest. I then asked him for his full name, date of birth, address and some proof of identification. Mr Sert provided me with his driving licence and I recorded the details from the document in my field officer notebook. The details I obtained are as follows- Memhet Sert, date of birth 11/06/1974, Turkey, Driver Number - SERT9706114M99PL 19. Mr Sert gave his address as 78A Catton Grove Road, Norwich, NR3 3AA. He also provided me with his National Insurance card and I recorded the number from it in my field officer notebook as follows: - SE 73 22 37 B. Mr Sert then signed the Record of Property obtained from Premises form and I gave him the top copy. I produce my copy of this form with identifying mark SWK/6. I also gave him a copy of the Notice of Entry to Premises form which Mr Sert and I had

Signed: -

signed. I produce my copy of this form with identifying mark SWK/5. I also gave him the top copy of the visit sheet and I produce my copy of this form with identifying mark SWK/7. I advised Mr Sert that I would be contacting him again in due course pending the outcome of the trade mark holder's findings. At 13:10 hours I left the shop with the seized items and secured them in the boot of Vicky Colon's car which had been parked a short distance away. At 13:45 hours I arrived back at County Hall. I removed the seized items from the boot of the car keeping them in my possession. A short time later I transferred them to the secure custody store room in North Wing, County Hall, Norwich.

Signed 

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of
(Name of witness)

STUART WILLIAM KEARNS

Age (if over 18 enter 'Over 18')

OVER 18

Occupation of witness

TRADING STANDARDS OFFICER

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

Dated the thirteenth day of July 2011

Signed

Further to my statement dated the fourth of April 2011. On the 1 March 2011 I removed from secure storage one bottle of Smirnoff with identifying mark SWK/3 secured in a bag with seal number NCC9288. This bottle was then sent to Mr I Macdonald at Diageo Plc with an accompanying letter a copy of which I produce with identifying mark SWK/8. On the 4 May 2011 I received a parcel from Diageo Global Supply Ltd, Glenochil Brand Technical CTR, Menstrie, Clackmannanshire. I opened the parcel and found one bottle of Smirnoff with identifying mark SWK/3 secured in a bag with seal number NCC9242. I returned this bottle to secure store. On Friday 17 June 2011 a Mr Mehmet Sert of 4 Denbigh House, Denbigh Road, Norwich, NR2 3HJ trading as Norwich Mini Market of 31 St Stephens Road, Norwich, NR1 3SP attended Norfolk County Council Trading Standards for a voluntary interview conducted under caution and in accordance with P.A.C.E. The interview commenced at 10.26am and concluded at 12.39pm. Present during the interview was myself and Matthew Lucking. Mr Sert was not legally represented however an interpreter by the name of Ayse Furlonger was present to provide interpreting services. The interview required three sets of tapes which were all signed and sealed in the presence of Mr Sert.

I produce **Tape 1** - master copy tape of the interview with identifying mark SWK/9, first copy tape of the interview with identifying mark SWK/10 which was given to Mr Sert at the conclusion of the interview process, second copy tape of the interview with identifying mark SWK/11.

I produce **Tape 2** - master copy tape of the interview with identifying mark SWK/12, first copy tape of the interview with identifying mark SWK/13 which was given to Mr Sert at the conclusion of the interview process, second copy tape of the interview with identifying

13

Signed

Mark SWK/14.

I produce **Tape 3** - master copy tape of the interview with identifying mark SWK/15, first copy tape of the interview with identifying mark SWK/16 which was given to Mr Sert at the conclusion of the interview process, second copy tape of the interview with identifying mark SWK/17.

Using SWK/11, SWK/14 and SWK/17 I made working copy tapes of the interview which I produce with identifying marks SWK/11A, SWK/14A and SWK/17A.

A full transcript of the interview was then completed for each tape which I produce with identifying marks SWK/11B, SWK/14B and SWK/17B.



STATEMENT OF WITNESS

STATEMENT OF: IAIN MACLEOD ANTI COUNTERFEIT PROJECT MANAGER
Name Rank

AGE OF WITNESS (if over 18 enter "over 18"): OVER 18

TO BE COMPLETED
WHEN THE
STATEMENT HAS
BEEN WRITTEN

I declare that this statement consisting of 1 page, signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, 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.

Dated this 11th day of March 2011

SIGNATURE OF MEMBER by whom
Statement was recorded or received

SIGNATURE OF WITNESS

PRINT NAME IN CAPS

I am the Brand Packaging Anti Counterfeit Manager, employed by Diageo plc, a drinks brand owner and manufacturer, based at the company's Brand Technical Centre at Menstrie in Scotland.

I have many years expertise in the analysis and authentication of brands packaging, including that of Smirnoff vodka, one of our company brands. I have carried out a packaging analysis on the exhibit bearing Smirnoff markings, SWK/3, Tag No NCC9288, Lot code L8134CY004114PR074 seized from Norwich Road Mini Market, 31 St Stephens Road, Norwich, NR1 3SP by Norfolk County Council Trading Standards Service.

I examined the bottle. The bottle profile, emboss detail and markings were incorrect. I concluded beyond any doubt that the bottle was counterfeit and not genuine product as supplied to Diageo for the packaging of Smirnoff Vodka.

I examined the closure. The incorrect machine tooling had been used in its manufacture. The colours and the printed Smirnoff motifs were incorrect. I concluded beyond any doubt that the closure was counterfeit and not genuine product as supplied to Diageo for the packaging of Smirnoff vodka.

I examined the labelling applied to the bottle. Each label was printed on the incorrect type and quality of substrate, and printed using incorrect artwork separations. The UK Duty Stamp was incorrect and did not comply with the security print specification. The Lot code printed on back side of the front label was incorrect and had been seen in other counterfeit cases. I concluded beyond any doubt that the labels were Counterfeit and not genuine product as supplied to Diageo for the packaging of Smirnoff Vodka.

Analysis of the packaging showed that the packaging was counterfeit, and that a purchaser would not be receiving the brand that the packaging suggested. The Smirnoff designs and motifs on the closure and labelling are registered trademarks owned by Diageo Trademark registration No 1295657.

15

SIGNATURE OF WITNESS: Iain Macleod

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r.27.1(1);
Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: (name of witness)

David Mackie MRSC Dipl. Brew

Age: (If over 18 enter "over 18"): Over 18

Occupation: Project Scientist

This statement (consisting of 1 page, signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Dated the 29th day of March 2011 Signed

I am employed as a Project Scientist in the Science & Technology department of Diageo Global Supply, Technical Centre Europe, Glenochil, Menstrie, Clackmannanshire, FK11 7ES and I am able to comment on the authenticity of Smirnoff Red vodka, which is manufactured by our Company. I have been employed by Diageo and its predecessors for many years on the process, quality and analytical aspects of spirits manufacture with special emphasis on generic and brand authenticity. In this position, I have full access to the Company's production records.

On the 22/03/2011 a sample sent by Stuart Kearns of Trading Standards, Norfolk, was received at the Technical Centre lab for authenticity analysis. The sample with associated paperwork, coded SWK/3 with seal NCC9288, was passed to the lab by Iain MacDonald, Diageo. The liquid purported to be Smirnoff Red Vodka. This was allocated the Reference No. IT-VCF-2011-0023 for our own records. Smirnoff Red vodka sold in the United Kingdom must have the alcohol strength of 37.5% vol stated on the label. My analysis showed that the liquid was inferior quality spirit. The alcohol strength of the sample was measured at 36.0% vol by gas chromatography. Thus, in my opinion, the suspect sample was not authentic Smirnoff Red vodka but an inferior spirit with alcohol strength similar to the specification for the product sold in the United Kingdom. Therefore it appears that the product analysed was inconsistent with the product label and would not be produced by the Company in this form.

Signed _____

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: DAVID ANTHONY CROTCH

Age If under 18: Over 18 (If over 18 insert 'over 18')

Occupation: Officer of H.M Revenue & Customs

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

Signature: _____

Date: 10th May 2011

I am an Inland Detection officer based at Norwich. My duties include the detection of offences involving the illicit trade in non-UK duty paid alcoholic products. I have undertaken such duties for more 16 years.

On 16th February, 2011, I and other HMR&C officers were on duty at the Norwich Mini Market, St Stephen's Road, Norwich, to carry out a statutory inspection of any stocks liable to excise duty and the premises operating a business involved in the trade of such items. We were accompanied by trading standards officers. We introduced ourselves to a man I knew to be Mehmet SERT, the proprietor of the business and explained the reason for our visit. At 11:40 hours, it was brought to my attention that there were boxes visible under the shelves, behind kick boards. These boxes were found to contain various brands of spirits. A carrier bag containing tobacco products was also found. Amongst the bottles of spirits found were three bottles of Smirnoff vodka. I passed these bottles to the trading standard officers and as a result of their field test, were suspected to contain counterfeit product and therefore, retained by trading standards. After speaking with Mr. SERT, the rest of the suspect items found, namely:-

- a) 340 (no) cigarettes;
- b) 250 gm hand rolling tobacco;
- c) 61.0 lt spirits; and
- d) 82,5 lt still wine

were seized as being liable to forfeiture as it was believed that they were all non-UK duty paid

Date: 10/5/2011

Signature: _____

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of
(Name of witness)

Andrew Gilden

Age (If over 18 enter 'Over 18')

OVER 18

Occupation of witness

Trading Standards Officer

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

Dated the 22nd day of April 2011

Signed

I am a trainee **Trading Standards Officer** employed by Norfolk County Council Trading Standards Service. I am based at County Hall, Martineau Lane, Norwich, NR1 2UD. On the 22 February 2011 at approximately 09:35 I left County Hall, Norwich with Matthew Lucking (Senior Trading Standards Officer) and Caroline Carter (Trading Standards Officer) to carry out an Underage Sales operation in relation to alcohol in the Norwich area. At approximately 10:10 I arrived at the young volunteer's home. While there I witnessed Matthew Lucking take a number of pictures of the young volunteer, and Caroline Carter carry out an interview with the young volunteer while being filmed. We then left the young volunteers home at approximately 10:38, with Matthew Lucking, Caroline Carter and the young volunteer. We arrived at Vantage House, Norwich at approximately at 11:15 to meet with PC Jeremy Brown, who was also attending the visits that day. At approximately 12:00 I left the car in order to carry out a test purchase at Norwich Mini Market, St Stephens Road, Norwich. I entered the store and located the alcohol then I took a position further down the store browsing the soft drinks on the shelves. I then witnessed the young volunteer enter the premises and select a bottle of WKD from the shelves and walk to the counter. I selected a bottle of cherry coke and a mint aéro and followed the young volunteer to the counter where I queued behind her. From this position I had a clear and unobstructed view of the till and could hear everything that was said between the young volunteer and the cashier. The young volunteer placed the bottle of WKD on the counter, I now know this bottle to be WKD Original Blue Alcohol 4% volume. A gentleman, who I now know to be a Mr Navaneethan Ganeshalingam without looking at the volunteer proceeded with the transaction and asked the volunteer for £1.69. The cashier did not ask the volunteer their age or any other

Signed

questions in order to verify their age. The volunteer handed Mr Navaneethan Ganeshalingam a note, and he passed change to her, and the bottle was placed into a blue carrier bag. The sale took place at approximately 12:05. The volunteer then left the store with the bottle of WKD in the blue bag. I can confirm that I had no verbal or physical contact with the volunteer while I was in the store. I then paid for my products and left the store. I returned to the car, where I met up with the young volunteer, Matthew Lucking, Caroline Carter and Jeremy Brown. When I returned to the car, Caroline Carter had taken possession of the bottle of WKD. I witnessed Caroline remove the bottle from the blue plastic bag and place it in a secure evidence bag with seal number P00069798. The information on the bag was completed by Caroline Carter and the bag sealed. I signed the evidence bag, and I produce the bottle of WKD Original Vodka Blue as AGI/1. At approximately 12:17 I went back into Norwich Mini Market with the bottle of WKD sealed in evidence bag P00069798 (AGI/1) with Matthew Lucking and PC Jeremy Brown. I witnessed Matthew introduce us to Mr Navaneethan Ganeshalingam, who I confirmed to be the seller. Matthew then explained the offence to Mr Ganeshalingam and showed Mr Ganeshalingam the bottle that had been sold, along with a picture of the young volunteer. I then witnessed Matthew caution Mr Ganeshalingam and obtain some details from him. Matthew offered Mr Ganeshalingam the opportunity to be reported by Trading Standards or accept a penalty notice. Mr Ganeshalingam opted for the £80 penalty notice. I then witnessed PC Jeremy Brown also go through the offence with Mr Ganeshalingam and take further details from Mr Ganeshalingam. I then left the premises at approximately 12:24 to return to the car for a letter regarding the sale. However, the letter was not available at that time, so I returned to the store, entering at approximately 12:31. I then witnessed Matthew Lucking caution a gentleman who I now know to be the owner of the store a Mr Mehmet Sert. I witnessed Matthew then explain the nature of the offence to Mr Sert, and what would happen next. Mr Sert asked whether the sale would affect his liquor license, to which I witnessed Matthew answer that he was unable to answer that question but that a licence review was an option that could be considered. Myself and Matthew then along with PC Brown and Mr Ganeshalingam moved to the back of the store, where I witnessed PC Brown continue to carry out a contemporaneous interview with Mr Ganeshalingam and then issue Mr Ganeshalingam the £80 penalty notice. Myself, Matthew Lucking and PC Brown then left the premises at approximately 12:55. I then secured the bottle of WKD (AGI/1) in the car.

Signed

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of **Caroline Carter**
(Name of witness)

Age (If over 18 enter 'Over 18') **OVER 18**

Occupation of witness **Trading Standards Officer**

This statement, (consisting of 1 page each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 14th day of April 2011

Signed

I am a Trading Standards Officer employed by Norfolk County Council Trading Standards Service and am a duly authorised officer under The Licensing Act 2003. I am based at County Hall, Martineau Lane, Norwich, NR1 2UD.

On the 22 February 2011 I was involved in an underage sales operation conducted by Norfolk Trading Standards Service in the company of my colleagues Matthew Lucking and Andrew GILDEN.

At approximately 12:10 I carried out the role of chaperone to the young volunteer when she entered the Norwich Mini Market, located in St Stephens Road, Norwich.

At approximately 12:15, the volunteer came out of the store and handed me a blue plastic carrier bag that contained a bottle of WKD Original and confirmed that this had been sold to her for £1.69 within the store.

The volunteer and I walked back to the vehicle together and I removed the bottle of WKD Original from the blue carrier bag and placed it in seizure bag P00069798. I completed the details on the seizure bag and then handed this to Andrew Gilden.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN: 36A/8055063/

Statement of: Jeremy Brown

Age if under 18: 0 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: Date 07/04/2011

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Pc 1376 Jeremy Brown of Norfolk Constabulary, currently based in the Licensing Regulation Team, Norwich.

At approx 1225 hours on the 22nd February 2011 I was on duty, in full uniform, in company with Matthew LUCKING from Norfolk Trading Standards, along with other members of his organisation, the names of which I do not recall. Also in my presence was a volunteer young person (under 18 years of age).

At this time I received information stating that a male inside the NORWICH MINI MARKET, ST STEPHENS RD, NORWICH had sold intoxicating liquor to the young person. I therefore entered the venue with LUCKING and approached the identified male, who, at the time was the only member of staff in the shop. The male gave his name as Navaneethan GANESHALINGHAM (31/8/59).

Based on information received from members of staff from Norfolk Trading Standards I commenced a contemporaneous interview with GANESHALINGHAM where he admitted selling

Signature: Signature witnessed by: 21



RESTRICTED (when complete)

MG 11 (cont)

Continuation Statement Of: Jeremy Blawn Page 2 of 2

alcohol to a minor. I therefore issued GANESHALINGHAM with a Fixed Penalty Notice for an offence under Section 146 Licensing Act 2003, 36/A8055063 refers.

I explained the process in full to GANESHALINGHAM and I was happy that he completely understood his responsibility.

These notes form part of my original notes, in conjunction with those made in my Pocket Note Book.

Signature
2004/05(1)

Signature witnessed by:

22

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of**(Name of witness)****MATTHEW BRIAN LUCKING****Age (if over 18 enter 'Over 18')****OVER 18****Occupation of witness****SENIOR TRADING STANDARDS OFFICER**

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

Dated the 7th day of JUNE 2011

Signed

I am a Senior Trading Standards Officer and am employed by Norfolk County Council Trading Standards Service. I am authorised for the purposes of the Licensing Act 2003 and an Inspector under the Weights and Measures Act 1985.

On Tuesday 22 February 2011 I was involved in a planned alcohol test purchasing exercise in the Norwich area.

At approximately 10.10am on Tuesday 22 February 2011 I arrived at the young volunteer's home address along with my colleagues, Caroline Carter and Andrew Gilden. I authorised the young volunteer to make test purchases of alcohol under section 154(2) of the Licensing Act 2003. I recorded this authorisation in my notebook.

I measured the young volunteer using height measure HM1 (Ref No MP5352, Date of Calibration 14 July 2010, Calibration due 14 July 2011). I found the young volunteer to be 164.2cm without their shoes on.

Prior to leaving County Hall I had confirmed that the memory card in my Canon Ixus digital camera was empty.

I took 3 photographs of the young volunteer and produce these photos as detailed below:-

- photograph of side head plus HM1 - identified and produced as MBL1P
- photograph of front face - identified and produced as MBL2P
- photograph of young volunteer plus Caroline Carter - identified and produced as MBL3P

I took a short video clip of the young volunteer which I identified as MBL4V.

I then left the premises with my colleagues and the young volunteer.

At approximately 11.15am we met up with PC1376 Jeremy Brown at Vantage House, Pottergate, Norwich.

At approximately 11.50 we arrived near a premises called Norwich Mini Market and Off Licence, 31 St Stephens Road, Norwich. I witnessed Andrew Gilden, Caroline Carter and the young volunteer leave the car. I then saw them return a few minutes later and Caroline Carter was holding a blue carrier bag.

Upon closer examination the blue carrier bag was found to contain a bottle of WKD Original Blue (alc 4.0% vol). I witnessed Caroline Carter place the bottle into an evidence bag. The bag and bottle inside were identified as AGI/1.

At approximately 12.20 I visited Norwich Mini Market and Off Licence with my colleague, Andrew Gilden and PC1376 Jeremy Brown.

A man was working behind the till. Andrew Gilden confirmed to me that the man behind the till was the same man that sold the bottle of WKD to the young volunteer.

I introduced myself to the man who I now know to be Navaneethan Ganeshalingham.

I explained that it was an offence under the Licensing Act 2003 to sell alcohol to a person under 18. I showed him the photograph of the young volunteer identified as MBL2P and explained that this was the person he had just sold alcohol to. I showed Mr Ganeshalingham the bottle in the evidence bag identified as AGI/1.

At approximately 12.25 I cautioned Navaneethan Ganeshalingham. I asked him for his name, address and date of birth and the man gave his details as:-

Mr Navaneethan Ganeshalingham

No.9 Anthony Drive

Norwich

NR3 4EN

Date of birth 31 August 1959

I explained to Mr Ganeshalingham that he could either be reported by Trading Standards for this offence or he could accept an £80 fixed penalty notice from PC1376 Jeremy Brown.

Mr Ganeshalingham elected to accept the £80 fixed penalty notice and be interviewed by PC1376 Jeremy Brown in relation to this matter.

I was present in the shop during the interview. I showed Mr Ganeshalingham a photograph of the young volunteer identified as MBL2P again during the interview. I had to temporarily leave the interview at approximately 12.30 because a man arrived at the premises who identified himself as the business owner and gave his name as Mehmet Sert and address as 4 Denbigh House, Denbigh Road, Norwich, NR2 3HJ. He gave his date of birth as 11 June 1974. At approximately 12.31 I cautioned Mehmet Sert.

Mr Sert confirmed to me that he was the sole owner of the business trading as Norwich Mini Market and Off Licence. Mr Sert asked me if the sale would affect his licence. I advised him that we would be in contact at a later date. I then returned to the interview of Mr Ganeshalingham which was being continued at the rear of the shop. Once the interview was concluded we left the premises.

At approximately 16.20 we returned to County Hall. I placed evidence bag PO0069798 identified as AGI/1 in my secure drawer. I removed the memory card from the Canon Ixus camera I had used for the video clip. I placed the memory card into the memory card reader slot and moved the video clip MBL4V onto the G:Drive. The memory card was then deleted.

On Wednesday 30 March 2011 at approximately 15.45pm I took an empty memory card and transferred MBL4V to the card. I then placed the card into an APACER machine and created a master disc. I placed this disc into an evidence bag reference M01847711. I now produce this master disc as MBL4VM. I then created a working disc from the same memory card. I now produce this working disc as MBL4VW.

Signed

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of**(Name of witness)****MATTHEW BRIAN LUCKING****Age (if over 18 enter 'Over 18')****OVER 18****Occupation of witness****LOCAL GOVERNMENT OFFICER**

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

Dated the 30 day of JUNE 2011

Signed

Further to the statement I made on Tuesday 7 June 2011 I would like to add the following:

On Friday 17 June 2011 I assisted my colleague Stuart Kearns with conducting a tape recorded interview of Mehmet Sert of Norwich Mini Market and Off Licence, 31 St Stephens Road, Norwich. A Turkish interpreter, Ayse Forlonger, was present during the interview. At the conclusion of the interview I witnessed Stuart Kearns hand Mehmet Sert 3 copy tapes. Stuart Kearns retained the remaining tapes and his witness statement refers accordingly.

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of **STUART WILLIAM KEARNS**
(Name of witness)

Age (if over 18 enter 'Over 18') **OVER 18**

Occupation of witness **TRADING STANDARDS OFFICER**

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

Dated the thirtieth day of January 2013

Signed

I am a Trading Standards Officer employed by Norfolk County Council Trading Standards Service based at County Hall, Martineau Lane, Norwich. I am an authorised officer for the purposes of the Trade Marks Act 1994 and the Consumer Protection from Unfair Trading Regulations 2008.

On the 9th March 2012 at approximately 10:50 hours, I entered a retail shop called Norwich Mini Mart and Off Licence at 31 St Stephens Road, Norwich, NR1 3SP with my colleague Maureen Cleall. The purpose of my visit to the shop was to see the business owner, a man known to me as Mehmet Sert, and to provide him with advice and letters.

Upon entering the business I noticed two male youths, in my opinion of a challengeable age in relation to alcohol sales, approach the counter. I observed what I believed was the older of the two purchase two cans of Stella lager from the shop assistant present, a man I now know to be Ganesh Navaneethan. I did not observe Mr Navaneethan challenge either of the individuals as to their age or ask them for any proof of age. This surprised me as I considered them both to be possibly under 18 years of age. After the two youths left the shop I introduced myself and spoke to Mr Navaneethan. I showed him my identification and authorisation. I asked him if Mr Sert was available. Mr Navaneethan told me that he was at the Cash and Carry and would be back at 3pm. I then discuss with Mr Navaneethan under age sales and signed the refusal book present. I left the shop at approximately 11:12 hours.

At 15:01 hours that same day I returned to Norwich Mini Mart and Off Licence at 31

27

Signed

St Stephens Road, Norwich accompanied by my colleague Maureen Cleall I spoke to the male present, a man I know to be Mr Mehmet Sert. I provided Mr Sert with two copies of a prepared letter, one in English and one in Turkish. I produce a copy of the letter in English which I provided to Mr Sert with identifying mark SWK/01. I produce a copy of the letter in Turkish which I provided to Mr Sert with identifying mark SWK/02. I read aloud the English copy of the letter that I had given to Mr Sert at his request. Mr Sert then signed two "transfer of property" documents, one in English and one in Turkish. I produce a copy of the "transfer of property" document which I provided in English with identifying mark SWK/03. I produce a copy of the "transfer of property" document which I provided in Turkish with identifying mark SWK/04. Before Mr Sert signed the "Transfer of property" document I read it aloud to him at his request.

I then provided Mr Sert with a two copies of a prepared warning letter, one in English and one in Turkish. I produce a copy of the warning letter in English which I provided to Mr Sert with identifying mark SWK/05. I produce a copy of the explainer letter in Turkish which I provided to Mr Sert with identifying mark SWK/06. I read aloud the English copy of the warning letter at Mr Sert's his request.

I then told Mr Sert that he should expect to be re-inspected in the future therefore he should check his stock and dispose of any fake or counterfeit stock. I went onto tell him that he should buy his stock from reputable retailers and keep the invoices. I told him that he should not buy from the back of a van. In relation to under age sales I told him that he must check identification and keep a record of refusals, for the benefit of his business. I advised Mr Sert that further sales may result in a prosecution and/or licence review which may result with him no longer being able to sell alcohol. I asked Mr Sert if he had any questions and he replied "no". At approximately 15:20 hours I left the premises.

COPY COPIES



Trading Standards Service

County Hall
Martineau Lane
Norwich
Norfolk
NR1 2UD

Mr Mehmet Sert
T/A Norwich Mini Mart and Off Licence
31 St Stephens Road
Norwich
NR1 3SP

Tel: ...
Business advice helpline

Tel: ...
All new consumer enquiries
Fax: ...
DX: 135926 Norwich 13
Email: ...
www.norfolk.gov.uk

Please ask for: **Stuart K...**
Contact No:

Your ref:
My ref: **SWK/ARC/IF1329/1338**
5 March 2012

Dear Mr Sert

Re: **Investigation 1329 – Smirnoff Vodka**
Investigation 1338 – underage sale (alcohol)
- **Trade Marks Act 1994**
- **General Food Regulations 2004**
- **Licensing Act 2003**

Further to the seizure of three bottles of Smirnoff Vodka on the 16 February 2011 from Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich.

The above bottles of vodka (as listed on the enclosed Transfer of Property document) were found in your shop. They were seized because there was reasonable cause to believe that they were counterfeit/fake. The brand owner/trade mark holder for Smirnoff has examined one of the bottles and confirmed the product to be counterfeit/fake.

I therefore believe offences have been committed by you under the above legislation with regards to the unauthorised use of a registered trade mark and food traceability.

On the 22 February 2011 Norfolk County Council Trading Standards sent a volunteer aged 13 years into Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich in an attempt to purchase alcohol.

A Norfolk County Council Trading Standards Officer witnessed an employee of Norwich Mini Mart and Off Licence sell a bottle of WKD Blue (an alcoholic drink) to the aforementioned volunteer. It has been alleged that an offence has been committed by you under the Licensing Act 2003 in relation to the sale of alcohol to an individual aged under 18.

Contd....



As discussed, on this occasion it has been decided, as a way of resolving the matter, to offer you a written warning in relation to both the above incidents. As part of the offer the goods, namely the three bottles of Smirnoff Vodka, must be transferred to ourselves for destruction.

If you are agreeable with this course of action then sign and date the attached form and return it to Norfolk Trading Standards.

You will then receive a written warning letter which will not form part of a criminal record against you but will stay on our system and may be used as evidence if future non-compliances are found.

If you have any questions regarding the course of action I have proposed please ask.

Yours sincerely,

Stuart Kearns
Trading Standards Officer
Community Safety and Investigations Team



Norfolk County Council
at your service

Trading Standards Service
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2UD

Mr Mehmet Sert
T/A Norwich Mini Mart and Off Licence
31 St Stephens Road
Norwich
NR1 3SP

Tel: 01603 200000
Business advice helpline

Tel: 01603 200000 J6
All new consumer enquiries
Fax: 01603 200000
DX: 135926 Norwich 13
Email: trading.standards@norfolk.gov.uk
www.norfolk.gov.uk

Please ask for: **Stuart Kearns**
Contact No: 0344 800 8013

Your ref:
My ref: SWK/ARC/IF1329/1338
5 March 2012

Sayın Bay Sert,

Konu: Soruşturma 1329 – Smirnoff Vodka
Soruşturma 1338 – Yaşı tutmayana (alkol) satışı
- 1994 Ticari Markalar Yasası
- 2004 Genel Gıda Yönetmelikleri
- 2003 Ruhsatlandırma Yasası

16 Şubat 2011 tarihinde Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich'te üç şişe Smirnoff Vodka'ya el konulmasıyla ilgilidir.

Yukarıda bahsi geçen vodka şişeleri (ekteki Mülkün Devri belgesinde belirtildiği şekilde) dükkanınızda bulunmuştur. Şişelerin sahte olduğuna dair makul gerekçeler bulunduğundan bunlara el konulmuştur. Smirnoff'un marka sahibi/ticari marka sahibi, şişelerden birini incelemiş ve ürünün sahte olduğunu teyit etmiştir.

Dolayısıyla, tescilli bir ticari markanın yetkisiz kullanımı ve gıda izlenebilirliği açısından yukarıdaki mevzuat kapsamında suçların işlendiği kanaatindeyim.

Ayrıca, 22 Şubat 2011 tarihinde Norfolk İlçe Meclisi Ticaret Standartları, Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich'e alkol satın alması amacıyla 13 yaşında bir gönüllü göndermiştir.

Norfolk İlçe Meclisi Ticaret Standartları Memuru, Norwich Mini Mart and Off Licence'ta bir çalışanın yukarıdaki gönüllüye bir şişe WKD Blue (alkollü bir içki) sattığına tanık olmuştur. Dolayısıyla, 18 yaşın altında birine alkol satmakla ilgili olarak 2003 Ruhsatlandırma Yasası altında suç işlediğiniz iddia edilmektedir.

Contd.....

www.norfolk.gov.uk



INVESTORS IN PEOPLE

Görüşüldüğü gibi bu olayda konuyu çözmek için size yukarıdaki iki olayla ilgili yazılı bir uyarı sunulmasına karar verilmiştir. Bu öneri kapsamında üç şişe Smirnoff Vodka, imha edilmek üzere bize teslim edilmelidir.

Bu eylem yöntemini kabul ediyorsanız, ekteki formu imzalayarak, tarih atınız ve Norfolk Ticaret Standartlarına geri gönderiniz.

Ardından, aleyhinizde bir suç kaydı teşkil etmeyecek ancak sistemimize girilerek, ileride bir uygunsuzluk tespit edildiğinde delil olarak kullanılacak yazılı bir uyarı gönderilecektir.

Önerdiğim eylem yöntemi ile ilgili sorularınız varsa, lütfen sormaktan çekinmeyiniz.

Saygılarımla,

Stuart Kearns
Ticaret Standartları Memuru
Toplum Güvenliği ve Soruşturma Ekibi

IF 1329

Transfer of Property

Dear Sir/Madam

I herewith transfer to Norfolk County Council, Trading Standards Service all rights and property in the following articles which were in my possession, custody or control

At: **Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich, NR1 3SP**

On: **16 February 2011**

I am authorised to waive all rights from this date being the date of seizure by an officer of Norfolk Trading Standards Service.

Human Rights Act 1998: Under Article 1 of the First Protocol of the European Convention on Human Rights every legal or natural person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. In waiving all rights in the articles listed above I recognise that I have no rights in the intellectual property in any copyright and/or registered trade marks contained in or on those items and that the items would be liable to be forfeited by the courts if an application was so made.

Description: -

- three bottles of Smirnoff Vodka

Signed:

Name:

[Please Print]

Date: 09/08/12



Norfolk County Council

at your service

IF: 1329

Mülkün Devri

Sayın Bay/Bayan,

Sahipliğim, gözetimim veya kontrolüm altında bulunan aşağıdaki maddelerin tüm haklarını ve mülkiyetini Norfolk İlçe Meclisi, Ticaret Standartları Servisine devrediyorum.

Yer: **Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich, NR1 3SP**

Tarih: **16 Şubat 2011**

Norfolk Ticaret Standartları Servisi memuru tarafından el koyma tarihi olan bu tarihten itibaren tüm haklardan feragat etme hakkına sahibim.

1998 İnsan Hakları Yasası: Avrupa İnsan Hakları Sözleşmesi, Birinci Protokol, Madde 1 altında her tüzel veya gerçek kişilik kendi mülkiyetinden rahat bir şekilde yararlanma hakkına sahiptir. Kamu çıkarı durumları hariç ve yasaların getirdiği şartlar ve uluslararası hukukun genel ilkelerine tabi olmak üzere hiç kimsenin mülkü elinden alınamaz. Yukarıdaki maddelere ilişkin tüm haklardan feragat ederek, bu maddelerdeki telif hakkı ve/veya tescilli ticari markalara ilişkin herhangi bir fikri mülkiyet hakkım olmadığını ve başvuru yapılması halinde mahkemenin bu maddeleri elimden alabileceğini kabul ediyorum.

Açıklama: -

- Üç şişe Smirnoff Vodka

İmza: Adı:

(Lütfen Girin)

Tarih: 09/03/12



Mr Mehmet Sert
T/A Norwich Mini Mart and Off Licence
31 St Stephens Road
Norwich
NR1 3SP

Tel: 01603 611111
Business advice helpline

Tel: 01603 611111
All new consumer enquiries

Fax: 01603 611111
DX: 135926 Norwich 13

Email: trading@norfolk.gov.uk
www.norfolk.gov.uk

Please ask for: **Stuart Kearns**
Contact No:

Your ref:
My ref: SWK/ARC/IF1329/1338
5 March 2012

Warning Letter

Dear Mr Sert

Re: **Investigation 1329 – Smirnoff Vodka**
Investigation 1338 – underage sale (alcohol)
- Trade Marks Act 1994
- General Food Regulations 2004
- Licensing Act 2003

In relation to the above investigations, having carefully considered the facts of the case Norfolk Trading Standards Service has decided not to take formal action against you on this occasion.

To assist you with meeting your legal obligations in the future I provide you with some advice on the relevant legislation.

Trade Marks Act 1994

Section 92 of the Trade Marks Act 1994 provides that it is an offence to sell, let, hire or expose for sale goods that bear a sign identical or likely to be mistaken for a registered trade mark without the consent of the registered trade mark holder. A trade mark can be any words, designs, letters, numerals or shapes.

If you are found to be selling or exposing for sale goods which bear a registered trade mark which are not genuine, then you could be liable for an offence.

Contd....

Furthermore, it is an offence to have in your possession in the course of a business any infringing goods with a view to selling them.

The Trade Marks Act 1994 provides for a maximum sentence of ten years or an unlimited fine, or both. It is therefore important to recognise, that if convicted, these are serious offences which can carry a substantial penalty.

The Trade Marks Act does provide a defence for businesses which provides that if the person charged believed on reasonable grounds that the use of the sign was not an infringement of the registered trade mark.

To help demonstrate this, you would need to be able to provide evidence to show that you purchased the goods from a reputable/legitimate supplier and/or had made checks to ensure the products were genuine. Keeping detailed records of your suppliers together with the checks you carried out will help you provide evidence for a defence.

You should be aware that this Service regularly undertakes projects focusing on counterfeit products and will visit a number of premises throughout the year, including those where counterfeit goods have been found in the past.

Therefore you will almost certainly be visited in the future by this Service to check that you do not have counterfeit products in your possession. If counterfeit products are found in your possession you may face prosecution.

Please find enclosed a Business Advice Fact Sheet on 'Retailer Guidance on Illegal Tobacco and Alcohol', for your information.

General Food Regulations 2004

"Food business operator's" (i.e. food shops/retailers) are under a legal obligation to have in place systems and procedures which will enable them to identify any person from whom they have been supplied with a food. This is often referred to as "traceability requirements".

The systems and procedures put in place by the "food business operator" should enable supplier information to be made available to the competent authority i.e. Trading Standards, on demand. It is a criminal offence to contravene or fail to comply with the requirements of the regulations and if found guilty of such an offence you could be fined a maximum of £5000 or be sentenced to a term of imprisonment.

Retaining the invoices/receipts of the foods you have purchased from wholesalers etc is a possible traceability system which may enable you to identify your suppliers easily.

Licensing Act 2003 – underage sales - alcohol

I remind you of the importance of keeping a refusals book, providing training and refresher training and keeping records of such training regarding alcohol and other age related sales i.e. tobacco, knives and solvents etc.

You have already been provided with a "Minor Sales Major Consequences" pack; however in case this has been mis-placed, I provide a further pack with this letter.

Unfortunately, I am unable to provide you with a translated pack, however, if you believe you need further support regarding under age sales, please contact this Service.

This Service views under age sales of alcohol and all other age-restricted products, as extremely serious. You should therefore be aware that further test purchases will almost certainly be made in the future by this Service for which you could be personally liable and face prosecution.

Note that the advice I have provided is only a summary of the legislation and it is intended as a guide only. Only the courts can interpret the legislation with authority and the availability of a defence will be determined by the individual circumstances.

Unlike a prosecution or caution, this warning letter will not form part of a criminal record against you. We will, however, maintain a copy of this letter on our system to enable it to be produced as evidence should formal action be required in the future.

If you have any questions or you need any information or assistance from the Trading Standards Service to help you to comply with the law, then please contact us on 0344 8008013.

Yours sincerely

Stuart Kearns
Trading Standards Officer
Community Safety and Investigations Team

Enc

Mr Mehmet Sert
T/A Norwich Mini Mart and Off Licence
31 St Stephens Road
Norwich
NR1 3SP

Tel: 01603 200000
Business advice helpline

Tel: 01603 200000
All new consumer enquiries
Fax: 01603 200000
DX: 105026 Norwich 13
Email: tradingstandards@norfolk.gov.uk
www.norfolk.gov.uk

Please ask for: **Stuart Kearns**
Contact No:

Your ref:
My ref: **SWK/ARC/IF1329/1338**
5 March 2012

Uyarı Mektubu

Sayın Bay Sert,

Konu: Soruşturma 1329 – Smirnoff Vodka
Soruşturma 1338 – Yaşı tutmayana (alkol) satışı
- 1994 Ticari Markalar Yasası
- 2004 Genel Gıda Yönetmelikleri
- 2003 Ruhsatlandırma Yasası

Yukarıdaki soruşturmalara ilgili olarak, vakaya ilişkin hususlar dikkatli bir şekilde göz önünde bulundurulduğunda Norfolk Ticaret Standartları Servisi bu olayla ilgili olarak aleyhinizde resmi bir işlem başlatmama kararı almıştır.

Gelecekte yasal yükümlülüklerinizi yerine getirmenize yardımcı olmak amacıyla ilgili mevzuat hakkında bazı bilgiler sunuyorum.

1994 Ticari Markalar Yasası

1994 Ticari Markalar Yasası, Bölüm 92'ye göre, tescilli bir ticari markayla aynı işareti taşıyan veya bu tür bir markayla karıştırılabilecek ürünleri, tescilli ticari marka sahibinin izni olmadan satmak, kiraya vermek, kiralamak veya satışa sunmak suçtur. Ticari marka; kelime, tasarım, harf, sayı veya şekil olabilir.

Gerçek olmayan bir tescilli ticari marka işareti taşıyan ürünleri sattığınız veya satışa sunduğunuz tespit edilirse, suç işlemiş olabilirsiniz.

Ayrıca bir iş süresince ihlal eden ürünleri satış amaçlı olarak elinizde bulundurmanız da suçtur.

Contd....

1994 Ticari Markalar Yasası, en fazla on yıl hapis cezası veya sınırsız ceza ya da her ikisini birden öngörmektedir. Dolayısıyla suçlu bulunmanız halinde, bunların önemli cezalarla sonuçlanabilecek ciddi suçlar olduğunu bilmeniz önemlidir.

Ticari Markalar Yasası, suçu bulunan kişinin makul gerekçelerle işaretin kullanılmasının tescilli ticari markaya ilişkin bir ihlal olmadığına inanması halinde, işletmeler için savunma imkanı tanımaktadır.

Bunu göstermek için, ürünleri itibarlı/meşru bir tedarikçiden satın aldığınızı ve/veya ürünlerin gerçek olduğunu kontrol ettiğinizi gösteren deliller sunmanız gerekmektedir. Tedarikçilerinize ve yaptığınız kontrollere ilişkin ayrıntılı kayıtlar tutmak, savunma için delil sunmanıza yardımcı olacaktır.

Bu Servisin sahte ürünlere ilişkin düzenli projeleri olduğunu ve geçmişte sahte ürünlerin bulunduğu işletmeler de dahil olmak üzere yıl boyunca çeşitli işletmeleri ziyaret edeceğini bilmelisiniz.

Dolayısıyla, elinizde sahte ürünler olup olmadığını kontrol etmek amacıyla bu Servis tarafından ileride ziyaret edileceksiniz. Elinizde sahte ürünlerin bulunması halinde, hakkınızda kovuşturma başlatılabilir.

Ekte bilgi amacıyla "Yasadışı Tütün ve Alkol Hakkında Perakendeci Kılavuzu"na ilişkin İş Tavsiye Belgesi sunulmuştur.

2004 Genel Gıda Yönetmelikleri

"Gıda işletmecileri"nin (gıda dükkanları/perakendeciler), kendilerine gıda sağlayan kişilerin tanımlanmasına olanak sağlayan sistem ve prosedürlere sahip olma konusunda yasal yükümlülükleri vardır. Buna "izlenebilirlik gereklilikleri" denir.

"Gıda işletmecisi" tarafından kullanılan sistem ve prosedürler, talep halinde tedarikçi bilgilerinin yetkili kuruluşa, örneğin Ticaret Standartları Servisine sunulmasına olanak tanımalıdır. Yönetmelik gerekliliklerini ihlal etmek veya bunlara uymamak ceza gerektiren bir suçtur ve bu suçtan suçlu bulunmanız halinde, en fazla £5000 ceza alabilir veya hapse atılabilirsiniz.

Toptan satıcılardan satın aldığınız gıdaların faturalarını/makbuzlarını saklamak, tedarikçileri kolayca tanımlamanıza olanak sağlayan olası bir izlenebilirlik sistemi olabilir.

2003 Ruhsatlandırma Yasası - reçet olmayanlara satış - alkol

Size bir reddetme defteri tutmanızı, eğitim ve hatırlatma eğitimleri vermenizi ve alkol ve tütün, bıçak, solvent, vb. gibi yaşla ilgili sınırlandırma gerektiren satışlarla ilgili eğitimlerin kayıtlarını tutmanızı öneririm.

Size "Küçük Satışlar Büyük Sonuçlar" paketi sunulmuştur, ancak bunun kaybolması ihtimaline karşı bu mektubun ekinde başka bir paket daha gönderiyorum.

Ne yazık ki size tercüme edilmiş bir paket gönderemiyorum, ancak yaş sınırı hakkında daha fazla desteğe ihtiyacınız varsa, lütfen bu Servisle irtibata geçiniz.

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

Annex 1 – Mandatory conditions

1 No supply of alcohol may be made under a 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.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 Where previous licence is "off licence" or "off sales" alcohol shall not be sold or supplied except during permitted hours.

The following restrictions are not prohibited:

a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

c) The sale of alcohol to a trader or club for the purposes of the trade or club;

d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; supplied except during permitted hours.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Ali Capti
48 Barrett Road
Norwich
Norfolk
NR1 2HZ

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 for the supply of alcohol

Mr Ali Capti
48 Barret Road
Norwich

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

Party Reference: 05/01852/PERSTR

Licensing Authority: Norwich City Council

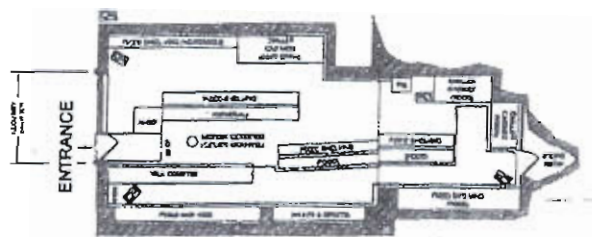
31-JAN-2013 11:35 FROM:

TO: 901603222999

P. 6/9

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

DO NOT SCALE FROM THIS DRAWING



KEY

- EXISTING WALLS
- NEW WALLS
- GLASS PART OF FLOOR

1. TO BE: BUILD UPON THE EXISTING CONCRETE SLAB. THE EXISTING CONCRETE SLAB IS TO BE REMOVED AND REPLACED WITH A NEW CONCRETE SLAB. THE EXISTING CONCRETE SLAB IS TO BE REMOVED AND REPLACED WITH A NEW CONCRETE SLAB.

2. TO BE: REMOVED AND REPLACED WITH A NEW CONCRETE SLAB. THE EXISTING CONCRETE SLAB IS TO BE REMOVED AND REPLACED WITH A NEW CONCRETE SLAB.

3. TO BE: REMOVED AND REPLACED WITH A NEW CONCRETE SLAB. THE EXISTING CONCRETE SLAB IS TO BE REMOVED AND REPLACED WITH A NEW CONCRETE SLAB.

Mr A Capti.	
ST. STEVEN'S OFF LICENCE NORWICH	
Existing Floor Plans	Scale: 1/20
Drawn: J. A. Smith	Check: J. A. Smith
Stylemark Designs Ltd	
25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	

**NORWICH**
City Council

Premises Licence Summary

Premises Licence Number

05/02008/PREMTR

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

St Stephens Road Off License
31 St Stephens Road
Norwich
Norfolk
NR1 3SP

Telephone number 01603660134

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence.

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol	Monday to Saturday	08:00 - 23:00
Sale by Retail of Alcohol	Sunday	10:00 - 22:30
Sale by Retail of Alcohol	Christmas Day	12:00 - 15:00
Sale by Retail of Alcohol	Christmas Day	19:00 - 22:30
Sale by Retail of Alcohol	Good Friday	08:00 - 22:30

The opening hours of the premises

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the Premise

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under a 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.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3 Where previous licence is "off licence" or "off sales" alcohol shall not be sold or supplied except during permitted hours.

The following restrictions are not prohibited:

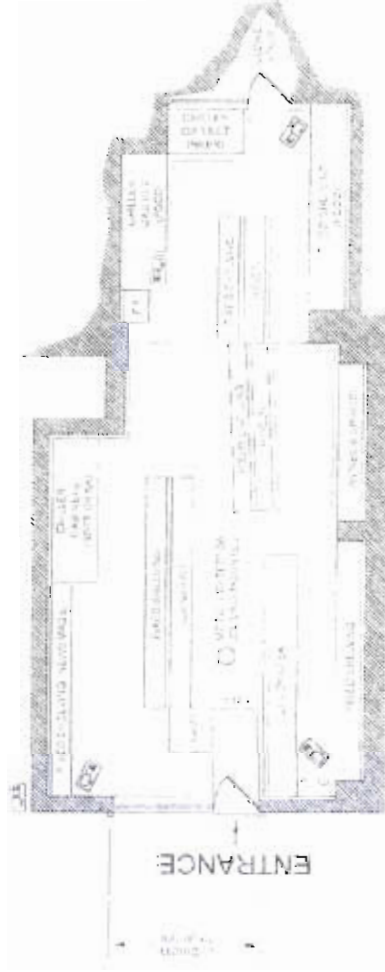
- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol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

DO NOT SCALE FROM THIS
DRAWING

Newmarket Road



St. Stephen's Square



KEY

THE FLOOR PLAN IS A REPRESENTATION OF THE EXISTING BUILDING AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE FLOOR PLAN IS A REPRESENTATION OF THE EXISTING BUILDING AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

Mr A Capti.

ST. STEVEN'S OFF LICENCE
NORWICH

Existing Floor Plans

Stylemark Designs Ltd

APPENDIX



NORFOLK
CONSTABULARY
Our Priority is You

Mr Ian Streeter
Licensing Manager

Norwich City Council
St Peters
Norwich

The Licensing Team
Bethel Street Police Station
Norwich
Norfolk
NR2 1NN
Tel: _____
Fax: _____
Email: _____

Date: 21st March 2013

www.norfolk.police.uk
Non-Emergency Tel: _____

Dear Mr Streeter

Re: Review of Premises Licence – Norwich Mini Market, St Stephens Norwich

I can confirm that we have received a copy of the application to review the premises licence for Norwich Mini Market, St Stephens Norwich primarily due to underage sales taking place at the premises.

This review is supported by Norfolk Constabulary due to the premises management continuing to breach Licensing Laws and undermining the licensing objectives specifically the protection of children from harm.

The Police Licensing Team work closely with Trading Standards and have assisted with test purchase operations at this premises and a copy of the statement from PC Brown during one of these visits has been submitted within the review paperwork.

Information has been shared between ourselves and Trading Standards regarding underage sales at this premises which have prompted visits and operations to take place.

A joint test purchase operation was carried out on the 8th June 2012 and the sale of alcohol was refused to a 15 year old by the staff. Despite this, there are still continuing reports of underage purchases and recent evidence that positive sales have taken place.

A recent visit from Licensing Regulation Officer PC Spinks took place on the 7th December 2012. This visit was prompted due to a complaint from a mother about her 17 year old purchasing alcohol from the shop on her way to school and resulting in the girl later being hospitalised later that day. PC Spinks visited the premises to establish if there was any CCTV footage available at the shop of this incident and later seized a copy as evidence.

The member of staff from the shop named as Mr Ganeshalingham later admitted the offence during interview and accepted the £80 penalty notice. A copy of the statement from PC Spinks has been submitted to you for information to confirm the events that took place.

In addition, according to the Police Licensing System, a visit to the premises took place on the 31st December 2012 when an officer was dealing with a crime for theft. The officer reported that no staff within the store knew how to operate and download the CCTV system when requested. Although this is not a condition on the premises licence this causes concern about the premises management and that they were unable to assist Police with investigating crime.

There are concerns that the management of the premises do not take the licensing legislation seriously and have failed to improve despite intervention from responsible authorities. The Home Office Guidance on Licensing specifies premises which jeopardise the safety and welfare of children by allowing underage sales should be treated very seriously by a Licensing Committee even in the first instance.

In conjunction with Trading Standards, Norfolk Constabulary requests that the Licensing Committee makes the appropriate decision to suspend the Premises Licence if it deems it an appropriate and proportionate response to the problems highlighted. However we would also point out that if the Licensing Committee feels the need for any conditions to be imposed to the premises licence, the following would be welcomed:

- A CCTV system covering all areas of the shop where alcohol is displayed, the counter area, the store room, outside and the footage shall be retained for 30 days.
- There will always be a member of staff on duty who is conversant with the system and able to download CCTV footage for police or other authorised person upon request.
- The premises licence holder shall ensure that adequate training shall be carried out and documented in relation to dealing with an incident, prevention of crime & disorder, sale of alcohol to underage persons, to persons over 18 purchasing for underage persons, to a person who is drunk, this training shall be given before a person is authorised to sell alcohol.
- The training records shall be kept on the premises and produced to a Police officer or Licensing Authority upon request.
- Refresher training shall be completed every 6 months and documented in the training records.
- A Refusals/ Incident book will be kept to record all refusals and incidents the log will include date, time, product, gender, approximate age and description of the customer and shall be completed as soon as practicable after the sale is refused.
- The premises licence holder shall mark all alcohol products so that their point of origin of sale can be identified.
- The shop shall operate a Challenge 25 policy in relation to alcoholic products, therefore any person appearing to be under 25 yrs of age must produce photographic ID before being allowed to purchase alcohol, notices stating this policy will be displayed at the entrance to the shop and the counter area.
- This off licence will not sell any beers/ ciders over 6.5% volume.

I hope this information will assist the committee with their decision.

Yours faithfully,

Michelle Bartram
Licensing Officer.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1987, s. 9; Magistrates' Courts Act 1980, s. 5B

URN: 36 / /

Statement of: Richard Harry SPINKS

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Police Constable 875

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: Date 01/02/2013

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This statement is in relation to an incidence of underage sales of alcohol made by a member of staff at ST STEPHENS ROAD OFF LICENCE, 31 ST STEPHENS ROAD, NORWICH on Friday 7th December 2012.

During the early afternoon of Friday 7th December 2012 I received a phone call from Richard DIVEY of Norwich City Council who told me he had received a complaint from a parent of a 17yr old female who had been served alcohol, a bottle of vodka on her way into school by staff at the above licensed premises that morning.

I agreed to accompany Richard to the premises to obtain the details of all staff working there that day and to see if there was any CCTV footage available as they did not have a condition on their licence to have any, upon arrival at the premises I spoke to a Mr Navaneethan GANESHALINGHAM, I asked for the designated premises supervisor and was told he was unavailable, I asked who was in charge Mr GANESHALINGHAM stated he was, I asked if there were any other staff working that day and told no, I completed an Off License Premises Inspection form which both I and GANESHALINGHAM signed having read it at the end of the inspection, on the form I noted the location of some of the alcohol on display, the fact that the store room door was left open allowing access to further alcohol and the presence of a CCTV system comprising 6 cameras inside and out, I can produce this form as my exhibit RHS/1.

Signature:

Signature witnessed by:

2011/12



Continuation Statement Of: Richard Harry SPINKS. Page 2 of 3

I contacted the complainant and agreed to attend their home address to obtain a statement from the daughter on Wed 12th December 2012, she had just celebrated her 17th birthday on 5th December 2012 and in her parents presence she admitted having purchased alcohol on about 4 occasions between 18th July & 7th December 2012 when she was 16yrs old from different members of staff at the shop, she had never been asked to produce any form of age identification. She further stated that having consumed part of the bottle of vodka on her way to school and at school totalling about 14 shots, she had been sent home in the care of a relative, excluded for 3 days and ended the day in the A&E dept of the Norfolk & Norwich Hospital.

About 09.29hrs on Thursday 13th December 2012 I attended the premises and saw Mr Mehmet SERT who stated he was the owner of the ST STEPHENS ROAD OFF LICENCE, I explained I was there to investigate the allegation that alcohol had been sold to an underage person who had not been asked to produce any form of identification and asked to view the CCTV system from Friday 7th December 2012, we found the relevant footage and together we viewed it, Mr SERT identified the member of staff involved as Mr GANESHALINGHAM, the 17yr old female enters, approaches the counter, holds a conversation with Mr GANESHALINGHAM, gestures towards the shelving behind him, produces money, declines the offer of a bag with the bottle of vodka, places the bottle of vodka in an inside pocket of her coat, accepts her change and leaves. I seized a copy of the CCTV footage which I can produce as exhibit RHS/1a.

Mr SERT then contacted Mr GANESHALINGHAM and explained what he had just viewed on the CCTV, I stated that if Mr GANESHALINGHAM accepted he had sold that bottle of vodka to a 17yr old female the offence could be dealt with by way of a £80 Penalty Notice, I explained to Mr SERT the implications of the acceptance of the ticket by Mr GANESHALINGHAM would have on the premises licence if another sale of alcohol was made to an underage person in the next 3 months. I advised Mr SERT to start written training records for staff to show best practice and to prove that he had given his staff the necessary training in relation to the premises age verification policy, the sale of alcohol to a person who is drunk and whether that person trained was authorised by the designated premises supervisor to sell alcohol.

About 12.35hrs the same day I saw Navaneethan GANESHALINGHAM and carried out a contemporaneous note interview with him during which he admitted the offence and accepted

Signature:

2004/05(1)

..... Signature witnessed by:

Continuation Statement Of Richard Harry SARKS Page of

the £80 penalty notice ref 36/A 80606318, I explained what he had to do with the ticket and how long he had to pay it, I further explained that if he failed to pay the ticket without good reason, the signed interview and the CCTV footage would form part of the prosecution case.

About 13.55hrs on Monday 17th December 2012 I saw Mr SERT at the premises and stated that Mr GANESHALINGHAM had admitted the offence of underage sale of alcohol to the 17yr old female, accepted the £80 penalty notice and reiterated the likely consequences of a second sale within three months of the first, prosecution and/or review of his premises licence for persistently selling alcohol to children.

These are my original notes written in the Licensing Regulation Team office started at 21.00hrs and concluded at 23.55hrs on Friday 1st February 2013.

Signature: Signature witnessed by:
2004/05(1)

Your name/organisation name/name of body you represent (see note 1)	Councillor Stephen Little (Norwich City Council)
Postal address	52 Arnold Miller Road, Norwich NR1 2JH
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Norwich Mini Market & Off Licence 31 St Stephens Road, Norwich NR1 3SP
Your support or objection must relate to one of the four licensing objectives (see note 2)	
Licensing objective	Please set out your support or objections below. Please use separate sheets if necessary.
To prevent crime and disorder	
Public safety	
To prevent public nuisance	I have had reports from a resident that the venue is well known for serving underage customers and youths, after purchasing, do congregate along St Stephens Square and outside Needham Place. (see extra sheet)
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	As Councillor for the area, I would like to support the officers' recommendation.
Signed: Stephen Little (see extra sheet for signature)	Date: 22.3.13

Notes

1. In order for you to be able to support or object to an application for a premises licence you must live, work or represent a body that is in the vicinity of the premises.

Representation form 31 Stephens Road Extra Sheet
Cllr Stephen Little

To Prevent Public Nuisance:

The resident reports that the people who congregate are a mixture of underage teenagers and over 18's. They get steadily noisier as alcohol is consumed and there are instances of urination in the street (by both boys and girls). This happens from 2pm onwards and, in the summer, roughly 5 days out of 7 (usually weekdays).

Signed:

Date: 22.3.13

APPENDIX E

GREAT SHOP!

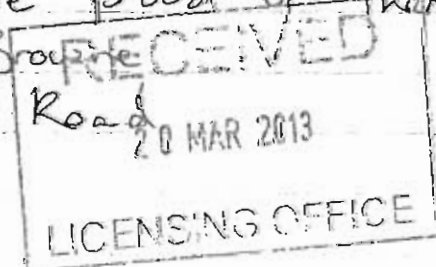
This is an amazing little local store. With the best opening times in the area.

The staff are amazing always friendly always willing to help.

It's always nice to have someone to talk to and build up some rapport with them. The service these guys are giving is unseen in most local shops now.

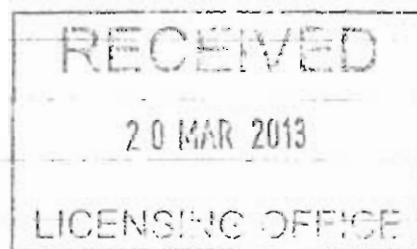
I have never seen any trouble in the store and doubt I will. The owners have everything under control. It's a great store and one of the best in Norwich. Be proud of them.

Daniel Bourne
17 Hanover Road
Manager.



This is my local shop. Staff are very sensible and helpful. Sometimes there are young children who try to buy alcohol and cigarettes but the shop assistants never give to them as they are very responsible. I am an adult in my 20's living in the pavilion a professional and have been shopping here for a number of years.

A. ROBERTSON
23 years old
Teacher



My name is Jack Gladden
I use this Shop on a day today
bases and I buy my
tobacco and booze here and
other things never had a
problem and always very
friendly and helpful.

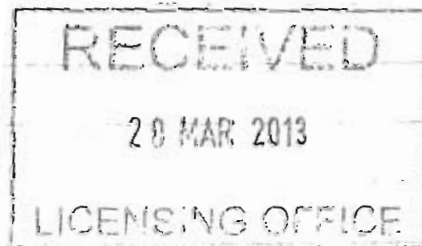
RECEIVED

20 MAR 2013

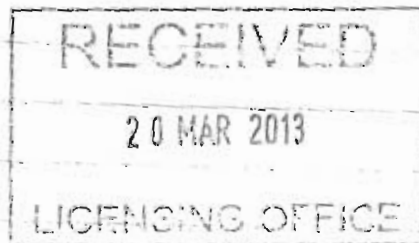
LICENSING OFFICE

My name is Lindsay
Aulton & I have used this
Shop on many occasions.
I have never witnessed what
is stated in the application
& am very surprised by
the accusations as I have
always found them
responsible vendors.

Lindsay Aulton



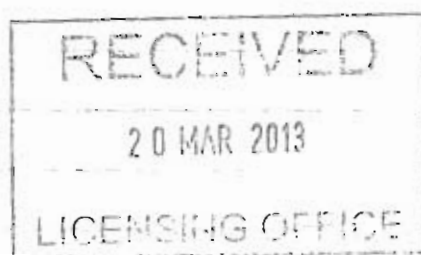
My Name is Helen Roche. I
am 28 years old + have
been ID on three occasions
by SEPERATE INDIVIDUALS WORKING
AT these PREMISES. For
TOBACCO.



9.3.13

As a regular customer at this shop I am surprised to see a notice of this type, as I have never witnessed anything unlawful either within or outside the premises.

165 Limebald St. Norwich.

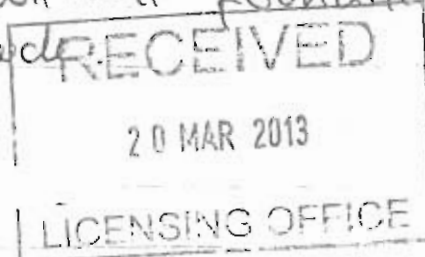


I have been a regular customer at Norwich Mini-Market for over a year now.

I have seen Mehmet Sent ask for proof of age on several occasions.

He is an honest, hardworking man who provides a valuable service to those in this area. I believe these allegations are false, and without foundation.

Andrew Charnock



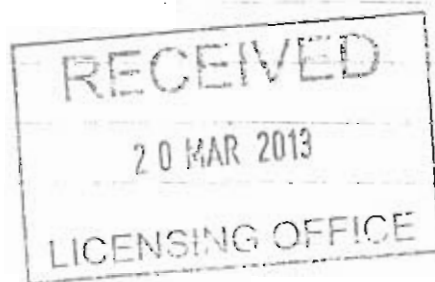
Kitchen Manager,
Franchise and Services

My local Shop an I use it nearly
every day,

~~Name~~ once had an incident of
ant Social behaviour in the area
and He always asks for ID.
Strongly disagree with the allegations.

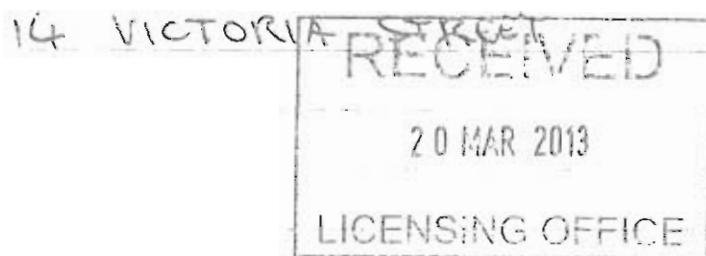
Sam Wynn

78 The Pavilion
51 Stephens Road



GREAT SHOP AND
ALWAYS POLITE. EVERYTHING
I BUY FROM THE SHOP IS
ALWAYS IN GOOD ORDER AND
WELL PRICED. I GO TO THE
SHOP MOST DAYS AND I'VE
NEVER WITNESSED ANY CRIMINAL
ACTIVITY OR BEEN SOLD
ILLEGAL PRODUCTS. I HAVE NOTICED
ON NUMEROUS OCCASSION THE
STAFF ASKING FOR I.D.
I STRONGLY BELIEVE THESE
ACCUSTATIONS TO BE UNTRUE.

GAVIN PAICE



My name is ~~Don~~ C. I live
across the road from
this Shop daily. Ali
has always been
extremely polite, friendly
a helper.

C has a 15 year old
Step daughter who
always asks me to buy
her tobacco because
Ali, goes righty and
not serve her.

C was happy give
my testimony to his
father

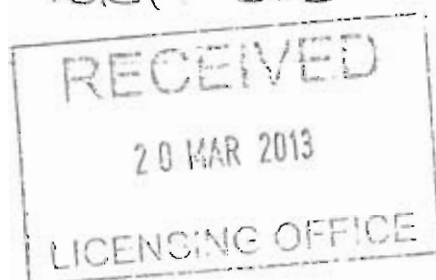
Regard

Don
40 Victoria St.



Mehmet has always offered
a polite and respectful service.
When I saw this notice I was
shocked to see it- stating
the sale of alcohol to
endangered people. I've been
using this shop for over
three years and have never
witnessed anything like it.
In fact I've seen on a
number of times ~~an~~ I.D.
being asked for.

Pete 27 St Stephens St
NR1 3SS



My name is Dylan Seaman
I am writing this on behalf
of the Shop, they offer good
Service and are always polite,
I've seen a notice saying they
sell Alcohol to underage people
but that is incorrect.
I have been ID'd numerous
times and I believe that
false accusations have been
made towards mehmet.

Kind Regards
Dylan Seaman



16 Douglas Haig Road.
NRS 8LD



Norwich City Council Licensing Authority
Licensing Act 2003



Statement of support or objection to
an application for Review of a premises licence

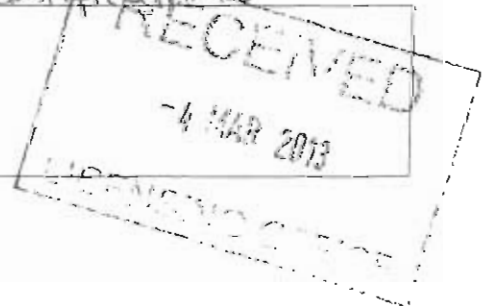
Your name/organisation name/name of body you represent (see note 1)	Norwich Mini Market
Postal address	31 St Stephens Road Norwich NR1 3SP
Email address	
Contact telephone number	

Name of the premises	Norwich Mini Market
Address of the premises	31 St Stephens Road Norwich NR1 3SP Norfolk

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	I wouldn't sell alcohol to drunk people or kids.
Public safety	I have several cameras in the shop and outside the shop. If I see any problem, I call the police.
To prevent public nuisance	I always feel calm and If I feel something goes wrong in the shop with the customer, I warn them and try to solve the problem calmly
To protect children from harm	I don't sell any alcohol to under age (21 age), I wouldn't let anybody buy alcohol If I feel they are under age and ask for an identification

Please suggest any conditions which would alleviate your concerns.



Signed:

Date: 28/02/13

Please see notes on reverse

To whom it may concern,

My name is Sivaraj Balasubramaniam and live on Newmarket Road. I have been shopping at Norwich Mini Market & Off Licence for nearly 10 years now. I have known Mehmet for nearly 4 years and find him to be a very friendly and honest gentleman.

Using the shop and walking past it at least twice daily for the last ten years I have never witnessed or even heard of any criminal activities committed at the premises and find the Norfolk Trading Standards Service's allegations unbelievable.

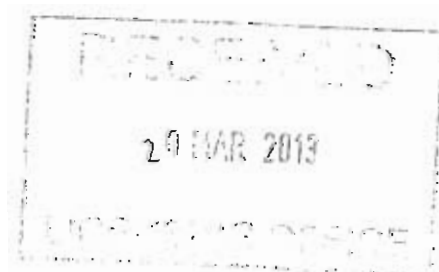
As for the complaints they received about the sale of alcohol to underaged children, I have never once in all this time witnessed that either. On very many occasions I have been approached by underaged children to buy their alcohol or cigarettes outside the florists next door. This would never happen if they did actually sell to underaged children.

I buy my alcohol from the shop three to four times a week and never once have been sold counterfeit alcohol.

This is the closest off licence for a great number of people and has proved to be very convenient for us. Removing their premises licence would be detrimental to the shop and to all who use it.

Yours sincerely,

18/03/13



Yasmin Abi-Haider
5, 51 Stephens Square
Norwich
NR1 3SS

To whom it may Concern,

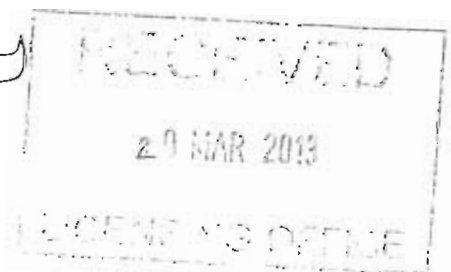
My daughter Miriam Al-Ghanim aged 20 years (3.10.92) was visiting me from Birmingham for a few days. She went to our small local shop to buy me some cigarettes (she herself does not smoke!)

Miriam had no I.D on her & the shop man refused to serve her.

I was rather annoyed at the time as she is 20 years old!

However on retrospect - I'm glad that my local shop is adhering to U.K laws & pleased that he isn't deliberately serving "anyone" just to make a quick quid!

Yours Faithfully



John A.U. Woods
19 The Pavilion
St. Stephen's Road
Norwich
NR1 3SG

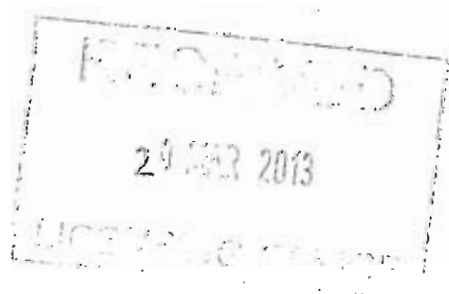
8 March 2013

To whom it may concern

In the three years that I have
been a customer of The MINI-MARKET,
St Stephens Road at various times of
day and late evening I have always
found the shop to be operation on polite,
efficient and exemplary terms.

I find any accusations to the contrary
totally unbelievable and should be
dropped forthwith

John Woods
CEng MICE
Chartered Civil Engineer



38 ST STEPHENS ROAD
NORWICH
NR1 3RA

19/3/13

TO WHOM THIS MAY CONCERN
REGARDING - NORWICH MINI MART

Dear Sir/Madam

I have been a regular customer of the Norwich Mini Mart on St Stephens Road since 2010 and have never witnessed any illegal selling of alcohol to any underage persons or any untoward behaviour.

To the contrary the management at Norwich Mini Mart are genuine, personable and respectable people who provide a reliable service to customers.

Yours sincerely

Rebecca Aldred



Fuller, Maxine

From: Daniel Perry
Sent: 05 March 2013 20:47
To: Licensing
Subject: Re: St Stephens Off licence

Dear Sirs,

I am writing in support of the St Stephens Off Licence, t/a Norwich Mini Market and Off licence.

31 St Stephens Road
Norwich
NR1 3SP

I have been a resident of the area for over 12 months and in that time I have not witnessed any instances that would cause myself or any fellow residents any concern.

We regularly use the premises for the purchase of groceries, drinks items and some essential items we may need when other premises in the area are closed. We find them to be a valuable asset to the area.

I have in that time witnessed their diligence and social responsibility towards their patrons without at any time having cause for concern.

Furthermore I wish to add I am always greeted and made welcome when I enter the store, something which larger chains and other premises in the area fail to do, almost greeted as a friend with all my needs catered for.

Please feel free to contact me at any stage during this review, I am fully prepared to represent the store if needs be and will be happy to assist with any queries you may have.

Kind Regards

Mr D Perry
23 Needham Place
St Stephens Square
Norwich
NR1 3SD

Norwich City Council Licensing Authority
Licensing Act 2003

**Statement of support or objection to
an application for Review of a premises licence**

Your name/organisation name/name of body you represent (see note 1)	Andrew Cliff
Postal address	21 Kingsley Road, Norwich, NR1 3RB
Email address	
Contact telephone number	

Name of the premises	St Stephens Road Off-Licence/Norwich Mini-Mart,
Address of the premises	31 St Stephens Road, Norwich, NR1 3SP

Your support or objection must relate to one of the four Licensing Objectives (see note 2)

Licensing Objective	Please set out your support or objections below. Please use separate sheets if necessary
To prevent crime and disorder	I've never witnessed anything that could be considered criminal even though I work and live in close proximity to the shop. If this is really a concern, shouldn't we rope off Prince of Wales Road?
Public safety	
To prevent public nuisance	
To protect children from harm	I don't believe the allegation of selling tobacco/alcohol to underage people. Living and working close to the shop I'm often asked to go in to buy them cigarettes or alcohol. If the owner knowingly sold these to children, or even people of questionable age, I doubt I'd be asked this so often.

Please suggest any conditions which would alleviate your concerns.	Not sure where to put this, but I live very close the shop and I work in the Marsh office (over the road), so I'm never far from it. I've never seen any criminal or anti-social behaviour that would warrant a complaint. I'd suggest the proximity of the subway (under the road, not the sandwich shop) which attracts graffiti and homeless people, is a bigger problem.
---	--

Signed: Andrew Cliff

Date: 21/03/13

Please see notes on reverse

APPENDIX F

Local Policy considerations

1.0 Introduction

1.4 The 2003 Act requires the council to carry out its various licensing functions so as to promote the four licensing objectives. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

1.5 The 2003 Act also requires that the council publishes a 'Statement of Licensing Policy' that sets out the policies the council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

4.1 "Responsible Authorities" will be asked to consider all applications and to make representations to the council, if they relate to the promotion of the four licensing objectives and particularly in respect of applications which, might be regarded as contentious. Representations must be evidentially based and the organisation should attend any hearing when the application is being considered.

4.2 The council will consider all representations from any "Interested Party" (see Appendix 7), or their representative, which should preferably be evidentially based and supported by attendance at any hearing at which the application is being considered.

4.3 A representation, will only be accepted by the council if it is 'relevant', in that it must relate to the likely effect of granting the licence on the promotion of at least one of the four licensing objectives. Representation's, which are regarded as being frivolous or vexatious, will not be considered, and in the case of a review of a licence, any representation which is regarded as repetitious, will also not be considered. A decision as to whether a representation is frivolous, vexatious or repetitive will be made by an officer of the council.

5.0 Conditions attaching to licences

5.1 Where relevant representations are made, the council will make objective judgments as to whether conditions may need to be attached to the premises licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises, and members of the public living, working or engaged in normal activity in the area concerned, and will cover matters that are within the control of individual licensees.

5.2 All applications will be considered on an individual basis and any condition attached to such a licence, will be tailored to each individual premises, in order to

avoid the imposition of disproportionate or burdensome conditions on those premises. Therefore, mandatory conditions, will only be imposed where they are necessary for the promotion of the licensing objectives.

11.0 Reviews of Licences and Certificates

11.1 A Licence or Certificate will be reviewed if valid representations are received by the council. Where practicable, the council will mediate between applicants, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to a premises licence. Where possible, the council will mediate by:

- Identifying potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
- Negotiating, if possible, potential conditions to reflect resolutions of this mediation.

This process will not override the right of any interested party to ask that the Council consider their valid objections, or for any licence holder to decline to participate in a mediation meeting.

Where mediation is not practicable or fails, the council will advise the parties of the provisions of the Act concerning a formal review of the licence.

11.2 Should Responsible Authorities and Interested Parties give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement, requests for a review of any licence will only be sought if such notice has failed to resolve the matter or problem.

11.3 The council expects that any Responsible Authority or Interested Party will provide an evidentiary basis to support their application for a review of a premises licence.

LICENSING OBJECTIVES

20.0 Objective - Prevention of Crime and Disorder

20.1 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the city council, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

20.2 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the licensable activities at those premises.

20.3 When addressing the issue of crime and disorder, the applicant should demonstrate that all those factors that impact on crime and disorder have been considered. These include:

Underage drinking

Drunkenness on premises

Public drunkenness

Keeping Illegal activity like drug taking and dealing, offensive weapons and sales of contraband or stolen goods away from the premises.

Preventing disorderly and potentially violent behaviour on and outside the premises.

Reducing Anti-social behaviour and Disorder inside and outside the premises

Litter

Unauthorised advertising

Protecting people and property from theft, vandalism and assault

Guard against glasses and bottles being used as weapons or causing accidents.

20.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or licensable activities:

Effective and responsible management of premises;

Training and supervision of staff;

Employ sufficient numbers of staff to keep numbers down of people awaiting service;

Provide sufficient seating for customers;

Patrols of staff around the premises;

Ensure sufficient lighting and visibility, removing obstructions if necessary, to discourage illegal activity;

Introduce an entry policy – making people aware of it – and apply it consistently and fairly;

Implement a search policy to prevent drugs, offensive weapons etc being brought onto the premises;

Implement effective management of entrance queues – incorporating barriers if necessary;

Adoption of best practice guidance e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, Minor Sales Major Consequences, Clubbing against Racism and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by the British Beer and

Pub Association (BBPA), Security in Design published by BBPA and Drugs and Pubs, published by BBPA;
 Acceptance of accredited 'proof of age' cards e.g. Portman proof of age cards, Citizencard, Connexions Card and/or 'new type' driving licences with photographs, or passports;
 Provision of effective CCTV in and around premises;
 Employment of Security Industry Authority licensed door staff to manage the door and minimize disorder;
 Ensure glasses are collected on an on going basis, make regular inspections for broken glass and clear up;
 Provision of toughened or plastic drinking vessels and bottles;
 Provision of 'bottle bins' inside the premises and near exits;
 Provision of secure, deposit boxes for confiscated items i.e. Operation Enterprise Drug and Weapon Amnesty Safe's;
 Information displayed for staff and customers on Drug Awareness including the 'spiking' of drinks with drugs;
 Provision of litterbins and other security measures, such as lighting, outside premises;
 Membership of local 'Pubwatch' schemes or similar accreditation schemes or organizations ie Operation Enterprise;
 Responsible advertising;
 Distribution of promotional leaflets, posters etc;
 Drug Seizure Kits (available from Norfolk Police Operation Enterprise);
 Member of the 'NiteLink' radio scheme;
 Working in partnership with the SOS Bus scheme;
 Ban known offenders and share information with other licensed premises in the area;
 Implement a dispersal policy;
 Introduce a 'closed door' policy, with attendance prohibited for new customers 2-3 hours before licensable activities finish;

26. Objective – protection of children from harm

- 26.1 The council will consult with the appropriate area child protection committee for consideration of all applications for licences.
- 26.2 With a view to the promotion of the licensing objective relating to the protection of children from harm the council will work closely with the police and trading standards authority to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol products to children (for Minor Sales Major Consequences information please contact trading standards on 0844 800 8013 trading.standards@norfolk.gov.uk).
- 26.3 Applicants should be aware that the protection of children from harm includes the protection of children from moral, psychological and physical harm and this includes the protection of children from exposure to strong language, sexual expletives and gambling. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.

- 26.4 There should be no presumption of giving children access nor any presumption of preventing their access to licensed premises. Where no licensing restriction is necessary, the admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 26.5 Applicants must ensure that children will not be allowed access into premises when licensable activities involving eg topless female bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. The council has given particular consideration to the types of entertainment referred to above, and has included within this policy their expectations of applicants in section A, paragraph 17.
- 26.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.**
- 26.7 While children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that may particularly impact on harm to children have been considered.** These include:
- where entertainment or services of an adult or sexual nature are commonly or regularly provided
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - where there has been a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 26.8 The council commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. **The council will expect all licensees to agree not to replenish their stocks following notification of a retailer alert bulletin by the Portman Group in relation to any product that is in breach of that code. Commitment to that code should be included in operating schedules.**
- 26.9 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:
- Effective and responsible management of premises.
 - Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.

- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (eg Minor Sales Major Consequences).
- Ensure that all drinks containers carry a price tag or other sticker that identifies your premises. This will be a useful tool for working with authorities to tackle underage drinking if problems arise.
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Train staff to deal with – and be vigilant about – potentially harmful situations, eg children in the presence of adults who are excessively drunk.
- Acceptance of accredited proof of age cards and/or new type driving licences with photographs, or passports.
- Measures to ensure children do not purchase, acquire or consume alcohol.
- Measures to ensure children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

APPENDIX G

National Guidance

(issued under section 182 of the Licensing Act 2003)

CRIME AND DISORDER

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on and access to premises where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave. Examples of measures which may encourage swift and effective dispersal from licensed premises include quietening down periods at the end of the night, security training in reminding patrons to leave quietly and signage on the premises reminding people of this.

2.5 Licence conditions should not replicate offences that are set out in the 2003 Act or other legislation. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on the premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.

2.6 Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.7 Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.8 Radio links and ring-round phone systems allow managers of premises and clubs to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The inclusion of

these systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 However, while this may be appropriate and effective in certain parts of a licensing authority's area, it may be less effective or even inappropriate in others. Licensing authorities must remember that only appropriate conditions, which are within the control of the licence holder or club, may be imposed.

2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only appropriate but both practical and achievable. Further guidance on determining whether a condition is appropriate is given in Chapter 10 of this guidance.

2.16 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

PROTECTION OF CHILDREN FROM HARM

2.41 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2.42 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.43 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm.

2.44 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.45 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.46 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

PROPOSED CONDITIONS

10.6 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.7 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. Proper liaison may avoid the need for representations.

10.8 Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives. They should be written in a prescriptive format and be readily understood and enforceable.

10.9 It is also not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention. Conditions should be appropriate for the promotion of the licensing objectives and easily enforceable.

IMPOSED CONDITIONS

10.12 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.13 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

10.14 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

10.15 Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

THE REVIEW PROCESS

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in

writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.

11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.

11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.

11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

REPETITIOUS GROUNDS OF REVIEW

11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.

11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The

arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing

authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.