

BABERGH DISTRICT COUNCIL

From: LICENSING TEAM	Report Number: M122
To: LICENSING SUB-COMMITTEE	Date of meeting: 17 December 2012

LICENSING ACT 2003 SUMMARY (EXPEDITED) REVIEW OF PREMISES LICENCE BPL0072 - EASTERNS STATION LOUNGE, SUDBURY CO10 2SS

1. Purpose of Report

- 1.1 This report outlines the matter before the Sub-Committee.
- 1.2 This matter relates to an application made by the Chief Officer of Police under section 53A of the Licensing Act 2003 for a summary (expedited) review of premises licence BPL0072 held in respect of Easterns Station Lounge, 31 Station Road, SUDBURY, Suffolk CO10 2SS. A copy of the review application and accompanying certificate is attached at **Appendix A**.

2. Recommendations

- 2.1 That the Sub-Committee consider the application for review and any relevant representations and take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives:
 - to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor from the licence;
 - to suspend the licence for a period not exceeding three months; or
 - to revoke the licence.

For this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee is able to resolve this matter.

3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

4. Risk Management

- 4.1 Those which inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 The application made has been subject to the expedited procedure. The application has been advertised, as required by regulation, for not less than seven days with a period of ten working days from the application for relevant representations to be made.

6. Equality Analysis

- 6.1 There are no equality impacts arising directly from the matters contained within this report.

7. Shared Service / Partnership Implications

- 7.1 Not applicable.

8. Key Information

A. The Application

- 8.1 On 21 November 2012, the Licensing Authority of Babergh District Council was served with an application for a summary (expedited) review given under section 53A of the Licensing Act 2003 by the Chief Officer of Police. This was accompanied by a certificate signed by Superintendent Terry Byford stating that in her opinion, and in accordance with section 53A(1)(b) of the Licensing Act 2003, the premises are associated with **serious disorder**. This certificate, combined with the premises being licensed for the sale of alcohol, activates the provision to apply for a fast-track review.
- 8.2 A summary review under section 53A requires a Licensing Authority to consider within 48 hours of the application whether any interim steps are necessary, pending the full expedited review hearing taking place (which must be held within 28 days of the application). Interim steps that a Licensing Authority must consider taking are to (a) modify the conditions of licence, (b) exclude the sale of alcohol from the licence, (c) remove the designated premises supervisor from the licence, and (d) suspending the licence.
- 8.3 At the interim steps meeting held at Babergh District Council on 22 November 2012, at which both the premises licence holder and Suffolk Constabulary were represented, the Licensing Sub-Committee determined to *not* take any interim steps pending the full review hearing that must follow the application. This preliminary decision and reasons for it were duly notified to the premises licence holder and Chief Officer of Police.
- 8.4 An expedited review under section 53A reduces the usual period within which a full review hearing must take place, and also the period during which other responsible authorities and other persons (including residents) may make relevant representations to the Licensing Authority in respect of promotion of one or more of the licensing objectives. The review hearing under this provision mirrors that of a 'standard' (e.g. section 51) review with the Licensing Authority to determine what steps, if any, are appropriate for the promotion of the licensing objectives.

8.5 The licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

In carrying out its licensing functions, a licensing authority must also have regard to its licensing statement published under section 5 of the 2003 Act and any guidance issued by the Secretary of State under section 182 of the 2003 Act.

B. Premises Licence number BPL0072

8.6 A premises licence (number BPL0072) under the Licensing Act 2003 is held for Easterns Station Lounge by Easterns Café-Bar Limited (registered company number 04217519). The licence authorises a range of licensable activities, including the supply of alcohol for consumption both on and off the premises. A summary of the current permissions, now the subject of the application for review, is attached as **Appendix B**.

8.7 The current designated premises supervisor (DPS) is Mr David Pratt, who has held this position since 24 November 2005 and is the holder of a personal licence issued by Colchester Borough Council, and a director of Easterns Café-Bar Limited (the premises licence holder).

8.8 Since the original premises licence grant (conversion with simultaneous variation) effective from 24 November 2005, the premises licence holder has made the following applications to amend the licence:

Application ref: 006728 Type: Minor Variation Date: 01 July 2011 Voluntary revision (addition) of conditions following discussions with Police/Environmental Health Outcome: Granted as applied for
Application ref: 006816 Type: Variation (section 34) Date: 12 August 2011 Revision of wording of 3 conditions – CCTV, door supervision, last admission time Outcome: Mediated without hearing
Application ref: 007826 Type: Variation (section 34) Date: 27 June 2012 Addition of boxing and wrestling entertainment and amendment of some existing conditions Outcome: Hearing necessary – granted in part

8.9 The premises has not been subject to any previous licence review proceedings. There has been no closure order implemented by the Police pursuant to section 161/160, nor any closure order actioned by the Police or Trading Standards for persistent underage sales under section 169A.

C. Policy / Guidance Considerations

8.10 The Licensing Sub-Committee shall have regard to all relevant sections of the Council’s Statement of Licensing Policy. In particular section 22 of the Statement of Licensing Policy refers to reviews.

- 8.11 The Licensing Sub-Committee shall have regard to all relevant parts of the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 8.12 Sections 9.38 to 9.40 of the guidance (October 2012 version) guide on determining actions that are appropriate to promotion of the licensing objectives.
- 8.13 Section 10.10 guides on proportionality in respect of conditions attached to licences.
- 8.14 Sections 11.1 to 11.30 guide on reviews and sections 11.16 to 11.23 specifically relate to powers of a licensing authority when determining a review.
- 8.15 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.
- 8.16 The Sub-Committee will be alert to considerations in relation to European Convention rights as given further effect by the Human Rights Act 1998 - specifically Article 6(1) and Articles 8 and 1 of Protocol 1 when dealing with applications for the review of an existing licence. The Local Authority will also be aware of its duty under section 17 of the Crime and Disorder Act 1998 when exercising its various functions.

D. Representations

8.17 Responsible Authorities

The summary review has been submitted by the Chief Officer of Police for Suffolk Constabulary. In addition to the Police submissions, representations have been received from Suffolk County Council Trading Standards. These written representations are attached as **Appendix C** to this report.

8.18 Other persons

There have been no representations received from other persons (which would include local residents or businesses).

9. Appendices

Title	Location
A. Application for Review (section 53A) including certificate signed by Supt Byford	Attached
B. Summary of premises licence BPL0072	Attached
C. Representations received from Responsible Authorities – Trading Standards	Attached

10. Background Documents

None

Authorship:
Lee Carvell
Corporate Manager - Licensing

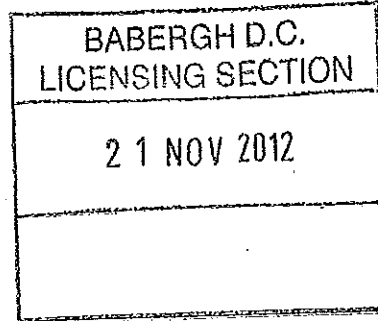
Tel: 01473 825719 or 01449 724685
Email: lee.carvell@babbergh.gov.uk

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FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Babergh District Council
 Corks Lane
 Hadleigh
 Suffolk
 IP7 6SJ



Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I PC 1661 Gary Pinyoun [on behalf of] the chief officer of police for the Suffolk Constabulary police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:
**Easterns Station Lounge
 31, Station Road**

Post town: Sudbury

Post code (if known): **CO10 2SS**

2. Premises licence details:

Name of premises licence holder (if known): Easterns Cafe-Bar Ltd.

Number of premises licence holder (if known): BPL0072

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read

guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Grounds:

On Saturday the 17th November 2012 Officers of Trading Standards and Police attended the premises with four child volunteers to conduct a Test Purchase Operation. The children gained entry to the club without being challenged for ID by door staff or any other member of staff therein. In groups of two, they were then successful in purchasing alcoholic beverages on four separate occasions during a two hour period.

During the evening, the cast of 'The Valley's' television programme, who were the main entertainment for the evening, were collected by Mr. Pratt, the owner, and brought to the venue. They were described by door staff as 'steaming' drunk even before arriving at the premises and continued to consume alcohol 'like animals'. The level of disorder increased when some of the female members of the group began exposing their genitalia to customers, an action promoted by Mr. Pratt.

At the conclusion of the Operation, members of the door staff approached police officers and made allegations levelled at the management of the premises of extreme concern. The allegations related to deliberate serious procedural omissions and practices.

Collectively, this lewd behaviour, lack of order and alleged lawlessness represents, serious disorder in the opinion of Superintendent Byford and is therefore sufficient grounds to make an application for a summary review.

These events, combined with others in the last three months clearly demonstrate that underage drinking is unchallenged in the premises and the actions of the owner are causing serious disorder. The Constabulary therefore seek the support of the Committee to suspend the current premises licence pending a full review.

Our previous interventions have failed, been ignored and have not had the intended impact, as the premises have not adopted the advice and assistance offered. We believe suspension is the only option available to protect our community. The Police have exhausted all alternative avenues available to them and consider this application reasonable, proportionate and necessary to prevent further serious disorder at this premises.

Expanded/Supporting Evidence:

Easterns Station Lounge previously suffered from a high level of crime and disorder. When identified, the Police Licensing department commenced mediated interventions with the premises Licence Holder and DPS; Mr. David

Pratt. Commencing in May 2011 the mediations resulted in Mr. Pratt agreeing in August 2011 to amend his premises licence by way of a Minor Variation Application and accommodate some 25 robust new conditions to uphold the Licensing Objectives.

Suffolk Constabulary continued to work with Mr. Pratt and the premises management. In July 2012 Mr. Pratt submitted a full variation to amend certain conditions that he believed were impossible to uphold. The change was not supported by the Constabulary and we made objections. On the 22nd August 2012 the variation hearing was held before the Licensing Committee who agreed with the Police position and refused to allow the premises licence to be amended in accordance with Mr. Pratt's full submission.

On the 15th September 2012 Police were in the vicinity of the nightclub and were dealing with sporadic occurrences of disorder when a female customer came out of the club and made an allegation of Rape against a male still present inside. Police immediately conducted investigations, which led to the arrest of the suspect inside the club who immediately identified himself as being seventeen years of age. During interview this male admitted purchasing and consuming alcohol from the club. No further action was taken in relation to the allegation of rape following a full investigation.

As a result of further investigations a further four people under the age of 18 were identified as being present in the club during the evening, all of which were consuming alcohol. This information was developed and it became apparent that the premises licence conditions relating to ID, searching and challenge were not being implemented. Further breaches in CCTV were also identified. Trading Standards wrote to Mr. Pratt to alert him to the situation and give him every opportunity to enhance his procedures to ensure underage persons were challenged. He was also alerted to the possibility of a Test Purchase Operation being conducted at his premises.

On the 17th November 2012 a joint Trading Standards and Police Test Purchase Operation was commenced. Four underage children aged 15, 16, 16 and 17 entered the venue unchallenged. Once inside they successfully purchased between them, eight bottles of alcohol. The operation was concluded and the sellers received Fixed Penalty Notices, while matters are still outstanding in relation Mr. Pratt as his capacity as Premises Licence Holder.

As concerning as these events have been to the Constabulary, the situation deteriorated when we were approached by members of door staff on the night who recounted events that clearly demonstrate Mr. Pratt's practices of deliberately breaching his licence conditions and actively instructing others to do exactly the same. Not exhaustively, door staff described the following:

- **People being allowed to return into the premises after fighting inside and being ejected.**
- **Door staff being instructed by Mr. Pratt not to make Incident Book entries as it makes the premises look bad.**
- **Three to four fights inside the premises every night it opens that are not reported.**
- **Male collapsed in toilet. Serious welfare concerns but left lying on the floor in a pool of vomit on the instruction of Mr. Pratt.**
- **Overt sexual exposure promoted by Mr. Pratt inside the club. This**

relates to Mr. Pratt taking customers over to the VIP area where the cast of 'The Valley's' were undressing and exposing their genitals to the general public using the venue. Door staff describe this behaviour as disgusting and diabolical.

Allowing customers entry after 2am.

The Constabulary have grave concerns that real harm may come to children, public safety is compromised and crime and disorder is going unreported. We urge the Committee to suspend the premises licence at the interim steps hearing pending a full review taking place. We believe this is the only option, having exhausted all other options, available to protect our community.

Signature of applicant:

Date: 21/11/12

Capacity: Police Licensing Officer



Contact details for matters concerning this application:

Address: **Suffolk Police Licensing Department**
Landmark House
4, Egerton Road
Ipswich
IP1 5PF

Telephone number(s): 01473 613888 Ext 3009

Email: policealcohollicensing@suffolk.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or

- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

ANNEX B

Suffolk Constabulary.
Police Licensing Department.
Landmark House,
4, Egerton Road,
Ipswich,
Suffolk.
IP1 5PF

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with ~~serious crime / serious disorder / both serious crime and serious disorder~~¹.

*Premises*²:

Eastern's Station Lounge.
31, Station Road,
Sudbury,
Suffolk.
CO10 2SS

BABERGH D.C. LICENSING SECTION
2 1 NOV 2012

Premises licence number (if known): BPL0072

Name of premises supervisor (if known): Mr. David Pratt

I am a Superintendent³ in the Suffolk Constabulary police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The circumstances outlined in the application evidence the threat and risk posed to children and young people, as well as public in general and staff, by serious disorder, and, informal interventions have failed. A standard review would present a time delay which I feel presents inappropriate risk.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

(Signed) JBY/J (Date) 21/11/12
SWT BY FURD

Licensing Act 2003
Premises Licence Summary

BPL0072

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Easterns Station Lounge
 31 Station Road, SUDBURY, Suffolk CO10 2SS

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- **Supply of alcohol (both ON and OFF the premises)**
- **Boxing and wrestling entertainment (indoors)**
- **Films (indoors)**
- **Indoor sporting events**
- **Live music (indoors)**
- **Recorded music (indoors)**
- **Performances of dance (indoors)**
- **Provision of facilities for dancing (indoors)**
- **Late night refreshment (indoors)**

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

STANDARD TIMINGS:

- (a) **Boxing and wrestling entertainment:**
 Hours authorised: 10:00hrs until 01:00hrs (Sunday to Thursday)
- (b) **All other regulated entertainment activities and provision of entertainment facilities:**
 Hours authorised: 10:00hrs until 01:00hrs (Monday & Tuesday)
 10:00hrs until 02:00hrs (Wednesday)
 10:00hrs until 03:00hrs (Thursday to Saturday)
 12:00hrs until 01:00hrs (Sunday)
- (c) **Late night refreshment:**
 Hours authorised: 23:00hrs until 01:00hrs (Monday & Tuesday)
 23:00hrs until 02:00hrs (Wednesday)
 23:00hrs until 03:00hrs (Thursday to Saturday)
 23:00hrs until 01:00hrs (Sunday)
- (d) **Supply of alcohol (both ON and OFF the premises):**
 Hours authorised: 10:00hrs until 01:00hrs (Monday & Tuesday)
 10:00hrs until 02:00hrs (Wednesday)
 10:00hrs until 03:00hrs (Thursday to Saturday)
 12:00hrs until 00:30hrs (Sunday)

Note: Supply of alcohol is for consumption ON the premises only after 23:00hrs Monday to Saturday and after 22:30hrs on Sunday.

SEASONAL VARIATIONS / NON-STANDARD TIMINGS:

Christmas Eve, all bank holidays and the evening preceding a bank holiday:

All licensed activities are authorised until 03:00hrs, except boxing and wrestling entertainment.

New Years Eve (31 December):

From the end of authorised hours on 31 December to the start of authorised hours on the following day. This does not include boxing or wrestling entertainment.

THE OPENING HOURS OF THE PREMISES

STANDARD TIMINGS:

Monday & Tuesday	10:00hrs until 01:00hrs
Wednesday	10:00hrs until 02:30hrs
Thursday to Saturday	10:00hrs until 03:30hrs
Sunday	10:00hrs until 01:00hrs

SEASONAL VARIATIONS / NON-STANDARD TIMINGS

Christmas Eve, all bank holidays and the evening preceding a bank holiday:

Opening hours shall extend until 03:30hrs.

New Years Eve (31 December):

From the end of authorised hours on 31 December to the start of authorised hours on the following day.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

Supply of alcohol for consumption both ON and OFF the premises

Note: ON supplies only after 23:00hrs Monday to Saturday and 22:30 Sunday

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Easterns Café-Bar Limited 82C East Hill, COLCHESTER, Essex CO1 2QW

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Registered company number: 04217519

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr David Pratt

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

A: By virtue of section 145 of the Licensing Act 2003:

(i) Children under the age of 16, that are not accompanied by an individual aged 18 or over, are not permitted to be on the premises at a time whilst the premises is open and being used exclusively or primarily for the supply of alcohol for consumption on the premises.

(ii) Children under the age of 16, that are not accompanied by an individual aged 18 or over, are not permitted to be on the premises between the hours of midnight and 5am whilst the premises is open and being used for purposes including the supply of alcohol for consumption on the premises.

B: By virtue of the operating schedule submitted by the premises licence holder (as modified):

(i) No person under the age of 18 shall be permitted on the licensed premises at any time whilst it is being used as a nightclub, bar or exclusively or primarily for the sale or supply of alcohol. Persons under the age of 18 shall only be permitted on the licensed premises whilst attending a pre-booked function and accompanied by a responsible person aged 18 or over. For sixth-form or similar pre-booked school functions for 16 to 18 year olds, alcohol shall only be sold or supplied to persons aged 18 or over in an area of the premises which is suitably and sufficiently separated and supervised to ensure that persons under the age of 18 are not able to purchase or consume alcohol. All pre-booked school or sixth-form functions shall apply to the whole of the premises and not just part thereof, so that other functions or licensed activities are not taking place in the venue at the same time.

(ii) No person under the age of 14 shall be permitted in the bar area of the licensed premises whilst the premises are open for licensed activities unless one of the following applies:

- (i) He/she is the child of the holder of the premises licence,
- (ii) He/she resides in the premises, but is not employed there,
- (iii) He/she is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

ANNEX 1 - MANDATORY CONDITIONS:

The following conditions in Annex 1 are mandatory under the provisions of the Licensing Act 2003:

1. Alcohol shall not be sold or supplied:
 - (a) At any time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At any time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended
2. Every sale or supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The admission of children to the exhibition of any film shall be restricted in accordance with the film classification awarded by the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984.
4. Where one or more individuals are being used at the licensed premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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

(b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
9. The responsible person shall ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE:

The following conditions in Annex 2 are conditions consistent with the operating schedule submitted by the applicant within the application:

1. CCTV shall be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas and all areas where the sale/supply of alcohol occurs. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a minimum period of 28 (twenty-eight) days and made available to the Police upon demand. The Premises Licence Holder shall ensure that at all times the Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage into a viewable format on disc or storage device and given to the Police/Local Authority within 36 hours of a request. The recording equipment and discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings, actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence Holder/DPS shall report the failure to the Police and Licensing Authority immediately.
2. A Personal Licence Holder shall be on duty on the premises at all times whilst the licensed premises are being used for the sale and supply of alcohol.
3. All bar staff engaged in the sale of alcohol shall be trained in responsible alcohol retailing to the minimum standard of BIIAB Level 1, or equivalent, within three months of commencing employment at the licensed premises. Training records shall be kept on the premises and produced to the Police and authorised officers of the Local Authority upon demand. For the avoidance of doubt this training may be administered in-house in accordance with the relevant criteria.
4. A minimum of 2 (two) SIA registered door supervisors shall be employed at the premises on Fridays. At least 1 (one) of these supervisors shall be female. One shall commence duty by 21:00hrs and the other shall commence duty no later than 23:00hrs, with both to remain on duty until the termination of licensable activities. A minimum of 4 (four) SIA registered door supervisors shall be employed at the premises on Saturdays. At least 1 (one) of these supervisors shall be female. Two shall commence duty by 21:00hrs and the other two shall commence duty no later than 23:00hrs, with all to remain on duty until the termination of licensable activities. On any other day where a specialist music event is arranged to continue past midnight the premises management shall employ a minimum of 2 (two) SIA registered door supervisors. All door supervisors shall be easily identifiable at all times by use of high visibility clothing / uniform. At all times on days when door supervision is required, a member of staff shall monitor the entrance/exit from the club to the smoking area.
5. A search policy shall be implemented at the licensed premises. A minimum ratio of one (1) in ten (10) customers shall be randomly searched upon entry to the licensed premises. ALL persons suspected of possessing prohibited articles shall be searched upon entry.
6. The Premises Licence Holder shall ensure that by use of either Town Link Radio, the 999 service or other non-emergency number, all instances of ejection of persons from the licensed premises shall be

notified to the Police at the time of happening or as soon as possible thereafter. Where an offence has been committed the door supervisors or premises management shall retain the offender for hand over to the Police or else shall take all reasonable steps to identify the offender and pass the identity on to the Police as soon as is reasonably practicable.

7. An incident book shall be kept and maintained on the licensed premises at all times. The book shall detail, in brief, every incident of injury/ejection/refusal/drug misuse/seizure/age challenge. All incident entries shall be timed, dated and signed by the author and produced to Police/authorised officers of the Local Authority upon demand.
8. There shall be no new patrons admitted, or patrons re-admitted, to the licensed premises after 02:00hrs on any occasion save for in exceptional circumstances for reasons relating to personal safety or personal welfare. All persons requesting re-entry to the venue under these circumstances shall be searched by door supervisors. A legible record shall be kept at the premises logging all authorised re-admissions. For the avoidance of doubt, patrons that are observing the smoke-free legislation in the designated smoking-areas for the licensed premises, and whilst they have been under the direct control and supervision of the licence-holder or their staff, may be re-admitted to the licensed premises.
9. Policies relating to age, drugs and dispersal are to be submitted to and approved by the Licensing Authority and Police prior to implementation.
10. Signage, in not less than sized 32 font, shall be displayed prominently and maintained at the point of access, toilet areas and exits in relation to age policy, drug policy and dispersal policy.
11. No person under the age of 18 shall be permitted on the licensed premises at any time whilst it is being used as a nightclub, bar or exclusively or primarily for the sale or supply of alcohol. Persons under the age of 18 shall only be permitted on the licensed premises whilst attending a pre-booked function and accompanied by a responsible person aged 18 or over. For sixth-form or similar pre-booked school functions for 16 to 18 year olds, alcohol shall only be sold or supplied to persons aged 18 or over in an area of the premises which is suitably and sufficiently separated and supervised to ensure that persons under the age of 18 are not able to purchase or consume alcohol. All pre-booked school or sixth-form functions shall apply to the whole of the premises and not just part thereof, so that other functions or licensed activities are not taking place in the venue at the same time.
12. No person under the age of 14 shall be permitted in the bar area of the licensed premises whilst the premises are open for licensed activities unless one of the following applies:
 - (a) He/she is the child of the holder of the premises licence,
 - (b) He/she resides in the premises, but is not employed there,
 - (c) He/she is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
13. All individuals, without any exception, subject to a local Pub Watch ban shall be refused entry and excluded from the licensed premises for the entire duration of their ban. All staff shall be alerted to the banned persons by the Pub Watch representative and report to the Police any attempt by such persons to gain access to the licensed premises.
14. It shall be the responsibility of the DPS to ensure that all staff are clearly instructed to not allow customers to remove any drinking vessels from the premises. For the avoidance of doubt, no drinking vessels shall be taken into the smoking area. Empty drinking vessels shall be regularly collected so as to ensure no accumulation in areas to which the public have access, and any activities such as the taking out of refuse, including glass bottles, must NOT be carried out between 23:00hrs and 07:00hrs.
15. All instances of drunkenness, disorder, drug use or violence shall be challenged, and result in the ejection or retention of the individual(s). Under serious circumstances due consideration shall be given to the individual's permanent exclusion from the premises.
16. The supply of alcohol is authorised for consumption ON the premises ONLY after 23:00hrs Monday to Saturday and 22:30hrs on Sunday.
17. Consumption of alcohol on the licensed premises shall be restricted to the areas as shown in Annex 4 of premises licence BPL0072. For the avoidance of doubt, no alcohol is to be taken outside by customers using the smoking area.

18. The Premises Licence Holder/DPS/Manager shall, each hour, survey noise breakout from the premises whilst regulated entertainment is being provided. Where the noise or vibration level is such that it is likely to cause disturbance to residential properties, he/she shall decrease the volume level accordingly. Where excessive noise is detected, details of the checks, including times and actions taken, are to be logged and kept on the premises for a minimum of 2 (two) years.
19. The volume control of any amplification equipment being used on the licensed premises shall be kept under the direct control of the DPS/Manager, or another responsible individual nominated by the DPS, on all occasions. At the direct request of an authorised officer of the Local Authority or Police, the volume level shall be decreased.
20. All external doors, windows and the internal door of the lobby leading to the smoking area shall be kept closed to reduce noise breakout from the premises, except where practicable for ingress and egress. All such doors shall be fitted with self-closing devices.
21. The Premises Licence Holder shall provide on the licensed premises a secure deposit box to retain any confiscated items, and shall notify the Police of any items requiring safe disposal.
22. Any waste or litter, including smoking related litter, at the perimeter of the licensed premises shall be cleared at least once every 24 hours at the close of business. Adequate smoking related litterbins shall be provided at the front entrance and smoking areas of the premises and these shall be emptied on a daily basis.
23. The licensed premises shall be equipped with suitable and sufficient soundproofing. This shall include 'acoustic lobbies' on all external doors used by customers. The internal and external doors to these lobbies shall be fitted with self-closing devices.
24. The number of persons on the licensed premises shall be recorded by ticket/admission sale records, clicker or other suitable counting device - the results of which shall be made available to an authorised Officer of the Licensing Authority or Police upon request and shall be retained for a minimum of 60 days.
25. The licensed premises shall be structurally adapted and bona fide used for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of alcohol is ancillary.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY:

Attached via hearing 22 August 2012 (variation application 007826) in relation to boxing and wrestling entertainment:

1. All appropriate regulations of the relevant sport's governing body shall be complied with including, but not limited to:
 - (a) a qualified medical practitioner being present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
 - (b) any ring being constructed by a competent person and/or inspected by a competent authority; and
 - (c) at any wrestling or other entertainments of a similar nature members of the public shall not occupy any seat within 2.5 metres of the ring.
2. Plastic or polycarbonate drinking vessels shall be used during all boxing and similar entertainment events at the licensed premises, with drinks which are only available in bottles/glassware to be decanted to plastic or polycarbonate vessels. No bottles/glassware shall be left accessible in the vicinity of the boxing or similar entertainment activity.
3. There shall be a minimum of 4 (four) SIA registered door supervisors on duty at the licensed premises for the duration of any boxing or similar entertainment activity.
4. Entry to any boxing or similar entertainment activity shall be by prior ticket arrangement only.

- Advised the owner he needed to ensure they make sure that ID is checked and that it is recommended that they operate a 'Challenge 25' scheme,
- Train staff regularly and make sure this is recorded in writing,
- Ensure that door staff are operating under the above guidelines and that bar staff shouldn't rely on the door staff.

In November 2012 Suffolk Trading Standards worked with Police Officers from Suffolk Constabulary on a test purchase operation at the above premises.

On this occasion 4 volunteers aged 15, 16, 16 and 17 years old respectively were able to enter the premises unchallenged by door staff. Whilst in the premises they were all able to purchase alcoholic beverages at separate bars.

In total 8 bottles of alcohol were supplied to persons under the age of 18 contrary to Section 146 of the Licensing Act 2003.

Following this Police and Trading Standards Officers announced themselves to the owner and management of the premises.

When asked who was the designated premises supervisor, initially both the manager and the owner seemed unsure who held this position.

Two of the employees who sold the alcohol were interviewed regarding the matter at the time and the third seller was interviewed the following week.

The following bullet points are a summary of the key facts of the interviews of the sellers;

- All appeared to have a lack of understanding of a 'Challenge 25',
- They did not appear to have engaged in any formal written training,
- One said it was their understanding that the door staff had the responsibility for checking for valid forms of I.D. as opposed to the bar staff,
- They were not aware of what a 'refusals register' was.

I understand that the business has provided copies of training records which are unsigned by staff.

In my opinion the answers given by the employees show a lack of delivering quality training by those responsible which has led to a lack of understanding by the staff who have sold alcohol to persons under 18.

This is a clear lack of responsibility of the owner of the business and their management team.

Suffolk Trading Standards fully support Suffolk Constabulary's application for a summary licence review.

Yours sincerely

James Garrett
Trading Standards Officer
Enc

Your Ref:
Our Ref: 54959
Date: 9 October 2012
Enquiries To: James Garrett
Tel: 01473 264 847
Email: james.garrett@suffolk.gov.uk



Designated Premises Supervisor
Easterns Cafe Bar & Nightclub,
31 Station Road,
Sudbury,
Suffolk,
CO10 2SS



Dear Sir/Madam

— SECTION 146 - LICENSING ACT 2003 - SALE OF ALCOHOL

I am writing to you with regard to recent intelligence received from Suffolk Police about allegations of sales of alcohol to under 18's. The nature of the intelligence relates to an intoxicated 17 year old male found inside the premises by police officers.

Under the above legislation, any person who sells alcohol to an individual aged under 18 commits an offence and is liable to a fine of up to £5000.

I would advise you that Trading Standards and Suffolk Police routinely carries out test purchase operations with young people throughout Suffolk.

I must advise you that Trading Standards and Suffolk Police take all contraventions of the law very seriously and as such, I can confirm that you may be subject to an underage test purchase operation in the near future.

In the meantime, there are several steps you can take to avoid you or your staff selling alcohol and other age-restricted products to underage persons:

- **Train your staff**
All staff should be aware of their legal responsibilities. Give regular reminders and updates. Ensure new staff are trained *before* they have responsibility for selling alcohol or other age restricted products. It is particularly important to train staff on techniques for refusing a sale. In our experience, many staff do not ask for proof of age, because they are embarrassed to do so. Keep written records, so you can demonstrate your staff have been correctly trained.



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Consumer Advice: 08454 04 05 06 (Citizens Advice consumer service)
Website: www.adviceguide.org.uk
General Trading Standards Enquiries: 01473 264859

- **Ask for proof of age**
Do not supply alcohol or other age-restricted products to any person who cannot prove their age. If identification is shown but you are still not satisfied then refuse the sale; beware of fake identification. Remember it is your right not to sell.
- **Challenge 25**
Operate a Challenge 25 scheme. This means if you think a person looks 25 years or younger, always request identification. If the purchaser provides valid identification continue with the sale. If they cannot provide identification, refuse the sale.
- **Keep a refusals record**
This need not be too detailed but is an ideal way of demonstrating that you are being diligent and not selling to persons underage. It can also act as a deterrent for young persons attempting to buy.
- **Display warning notices/posters**
These are also useful deterrents for young persons attempting to buy, as well as acting as a reminder for staff of the age limit.
- **Use till prompts**
Prompts such as stickers on till points can act as a useful prompt for staff to check identification or seek authorisation from another member of staff.
- **'No card no sale'**
Implementing such a policy for age-restricted products can have a significant impact on underage sales.

What proof of age is acceptable?

We suggest that the following forms of identification would be acceptable as proof of age. If in doubt, please contact this department for advice:

- Explore card with PASS hologram
- Passport
- Citizen card
- Driving licence with photographic identification.

If you require further advice or clarification on the content of this letter, please contact me on 01473 264 847.

Please be aware that the local Licensing Authority has been copied into this letter and will be kept informed of any further action.

Yours faithfully

James Garrett
Trading Standards Officer

cc Babergh District Council Licensing Section



Public Protection Directorate Trading Standards

Designated Premises Supervisor
The Station Lounge
30 Station Road
Sudbury
Suffolk
CO10 2SS

Stephen Greenfield BSc DTS DMS MITSA
County Trading Standards Officer
Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Your Ref:
Our Ref:
Enquiries to: Marc Titford
Telephone: 01473 264859
Date: 12 February 2008

Dear Sir/Madam

SECTION 146 - LICENSING ACT 2003 - SALE OF ALCOHOL

I am writing to you with regard to recent intelligence received from Suffolk Police about allegations of sales of alcohol to under 18's. The intelligence suggests that sales have been taking place in your local area and this has resulted in anti-social behaviour.

Under the above legislation, any person who sells alcohol to an individual aged under 18 commits an offence and is liable to a fine of up to £5000.

I would advise you that Trading Standards routinely carries out test purchase operations with young people throughout Suffolk. I can confirm that an operation is scheduled to take place in your area in the near future, and you may be subject to a test purchase.

In the meantime, there are several steps you can take to avoid you or your staff selling alcohol and other age-restricted products to under age persons.

- **Train your staff**

All staff should be aware of their legal responsibilities. Give regular reminders and updates. Ensure new staff are trained *before* they have responsibility for selling alcohol or other age restricted products. It is particularly important to train staff on techniques for refusing a sale. In our experience, many staff do not ask for proof of age, because they are embarrassed to do so. Keep written records, so you can demonstrate your staff have been correctly trained.

- **Ask for proof of age**

Do not supply alcohol or other age-restricted products to any person who cannot prove their age. If identification is shown but you are still not satisfied then refuse the sale; beware of fake ID. Remember it is your right not to sell.

- **Keep a refusals record**

This need not be too detailed but is an ideal way of demonstrating that you are being diligent and not selling to persons underage. It can also act as a deterrent for young persons attempting to buy.



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INVESTORS IN PEOPLE



- **Display warning notices**

These are also useful deterrents for young persons attempting to buy, as well as acting as a reminder for staff of the age limit.

- **Use till prompts**

Prompts such as stickers on till points can act as a useful prompt for staff to check ID or seek authorisation from another member of staff.

- **'No card no sale'**

Implementing such a policy for age-restricted products can have a significant impact on underage sales.

What proof of age is acceptable?

We suggest that the following forms of identification would be acceptable as proof of age. If in doubt, please contact this department for advice.

- Explore card with PASS hologram
- Portman group card with PASS hologram
- Passport
- Citizen card
- Driving licence with photographic ID

If you require further advice or clarification on the content of this letter, please contact me on 01473 264859.

Yours faithfully

Marc Titford
Senior Trading Standards Officer