

# Warwick District Council Licensed Premises Log Book and Guide

Premises Name:

Premises Address:

Premises Licence Number:



This log book has been produced to advise Premises Licence Holders, Club Certificate Holders, Designated Premises supervisors and staff on matters relating to the day to day running of their premises and how to ensure requirements as set out in law are complied with.

This log book includes sections from a number of Authorities and example recording forms which may be used at the premises. The recording forms are not a mandatory requirement, but are recommended as good practice. They can demonstrate that the Licensing Act 2003 and conditions, which may be on your licence, are being complied with.

Warwick District Council and other agencies who have provided information for this document are available and willing to provide assistance and guidance. If you have any questions in relation to the content in this document please use the quick contact guide at the back of this log book.

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## Licensing information and how to comply with the Licensing Act 2003

**All licensed premises are issued with a premises licence. This consists of Part A and Part B and sets out all the licensable activities that may take place at this premises.**

**Part A** is to be kept on the premises along with a copy of the plans showing the layout of the premises and the area of the premises which is licensed. Part A and the plans do not need to be displayed and may be kept in an office at the premises. When asked by an authorised officer, you must be able to produce these.

**Part B** must be displayed in a prominent position inside the premises and each page must be displayed separately.

If the licence holder changes you must apply to transfer the licence immediately to ensure the premises can continue with licensable activities.

For those premises which sell alcohol and have a Designated Premises Supervisor (DPS), in the event of a DPS leaving the premises, all sales of alcohol must cease until an application to vary the DPS has been made to the licensing department.

The forms for the above are available on our website to download and you may also apply for these online.

## Compliance and Multi Agency Premises Inspections

Warwick District Council Licensing Department will carry out compliance visits at each licensed premises, these may or may not be scheduled inspections and may be carried out during the evening. Officers request that full cooperation is given during these visits.

During these visits the Licensing Enforcement Officer may be accompanied by Warwickshire Police, Trading Standards and Warwickshire Fire and Rescue. The officers will have questions and may request to see documents to ensure that legislation and requirements are being adhered to. The officers are there to give advice and will write to you after the visit to confirm any changes which must be made to ensure you are complying with the law and your licence.

## Gambling Act 2005

Licensing Enforcement Officers may ask for details of any gaming machines located in the premises. This is because Licensing Officers also deal with the Gambling Act 2005. In the event that any machines are not licensed, you will be instructed to unplug the machine(s) and advice will be given on how to apply for an appropriate licence. Gaming machines may not be sighted in a take away premises unless they are skill only. You may be required to provide proof of the type of machine located in your premises.

Following an enforcement officer visit they may ask to view this document to sign the visit log at the back of this booklet.

## Don't forget to register your food business

All food businesses (including catering businesses run from home and mobile or temporary premises, such as stalls and vans) must be legally registered with their local food authority at least 28 days prior to trading. This also includes businesses who operate a wet sales establishment.

The application to register your food business may be found on the Warwick District Council website.

For information and advice relating to food safety please contact the Food Safety Team.

Food Safety Team  
Warwick District Council  
Milverton Hill  
Royal Leamington Spa  
CV32 5QF

Tel: 01926 456713  
Email: [foodsafety@warwickdc.gov.uk](mailto:foodsafety@warwickdc.gov.uk)

- Remember the Police have a legal power of entry into licensed premises, this very rarely causes an issue and the Police are on the whole welcomed into venues. Please ensure your staff and door supervisors are aware of this legislation to prevent any embarrassing conversations at doors.
- Particularly in town centres, Police Officers will walk through venues on occasions during the night time economy hours, this should not be seen as a negative on your venue, it is an activity that is encouraged to ensure good relations with door supervisors, managers and customers. It should be viewed as a reassuring message.
- If you are a member of a Pubwatch scheme or a retail radio scheme, use these schemes proactively not reactively. Be aware of what is happening around the location and act accordingly on the information received.
- If you have an issue developing at your premise, do not avoid it, contact your local Police Officers or Sgt and discuss the problems, there maybe a joint approach that can help you, or other agencies we can put you in touch with.
- Ensure that appropriate incidents that happen at your venue are reported to Police, either by retail radio, 101 or 999 depending on the circumstances. Incidents that are reported by the victims, particularly in assaults, the next day or later that evening can create a negative impression or suspicion of the venue as to why it wasn't reported at the time.
- If you detain anyone with Class A drugs at your venue, contact the Police immediately.
- If an incident occurs at your venue of a serious nature, i.e. serious assault, glassing etc, preserve as much evidence for the Police as possible, e.g. – location of assault, weapons / glasses used, witnesses, CCTV etc. Please remember not to touch any evidence.
- Should you get a report of drink spiking, try and secure the vessel that the alleged victim was using, do not discard its contents.

**Remember** – The Police have a vast and varied experience of working with licensed premises and can be a good source of advice and guidance. We are here to help so use us and do not avoid issues until they get too large or out of control.

### Your responsibilities and legal obligations in brief

#### Drug use on premises (Section 8) Misuse of Drugs Act 19171

Section 8 of the MDA controls the consumption (**of certain controlled drugs**), production and supply of controlled drugs on premises. This section creates a criminal liability for occupiers or managers who allow their premises to be used for certain drug related activities.

*The law states:*

*8. Occupiers etc of premises to be punishable for permitting certain activities to take place there*

*A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say –*

- a) producing or attempting to produce a controlled drug in contravention of section 4(1) of this Act;*
- b) supplying or attempting to supply a controlled drug to another in contravention of section 4(1) of this Act, or offering to supply a controlled drug to another in contravention of section 4(1);*
- c) preparing opium for smoking;*
- d) smoking cannabis, cannabis resin or prepared opium.*

There are a number of considerations relating to the definition of s.8, such as, who constitutes an occupier of a premises or what constitutes knowledge.

#### Activities prohibited under s8

**Section 8** creates a criminal offence where an occupier/manager permits or suffers the production or attempted production of any controlled drug; the supply or attempted supply of any controlled drug; the preparation of opium; or the smoking of cannabis or opium.

## Who is section 8 aimed at?

Section 8 affects anyone who is the 'occupier or concerned in the management of any premises'. This places an obligation on anyone who has a sufficient degree of control of premises. In reality, this can range from a director of an organisation, a team leader, or a parent of a person who is using cannabis within the home, the overriding issue will be control. It will be usual to assess whether the person deemed to be the occupier/ concerned in management has the power to exclude someone involved in one of the activities listed in section 8.

## What constitutes premises under s8?

This has not been defined in law but it would appear that it could apply to any property where there is an element of control. Section 8 has been applied to hostels and other services accessed by drug users as well as nightclubs. It has also been applied to residential properties, where the person deemed to be in control is the property owner or tenant.

## Knowledge

In order for an offence to be committed under s8 the occupier/ manager "must knowingly permit or suffer" one of the prohibited activities. The definition of "permit" is actual knowledge of the act(s) however the definition of "suffer" is slightly more complicated. To suffer is the failure to take action, in essence, it is turning a blind eye to the activities. This clearly places an obligation on occupiers/ managers to take action to stop the act(s) otherwise they may face criminal prosecution.

Please be aware that Warwickshire County Council Community Safety Team will respond to any requests from you for advice and will arrange to visit you at your premises should you so wish. Contact email address as below.

We will visit you as a matter of routine to offer assistance should any incident occur at your premises, that relates to, or suggests that, drug use or associated drugs offences may have been committed on your premises. It is stressed that the visit will be to offer assistance and advice rather than criticism.

## Paul Ledden

Warwickshire County Council Community Safety Team

[pauledden@warwickshire.gov.uk](mailto:pauledden@warwickshire.gov.uk)

## SIA licence

There are two types of SIA licence:

- A **front line** licence is required if undertaking licensable activity, other than key holding activities (this also covers undertaking non-front line activity). A front line licence is in the form of a credit card-sized plastic card that must be worn, subject to the licence conditions.
- A **non-front line** licence is required for those who manage, supervise and/or employ individuals who engage in licensable activity, as long as front line activity is not carried out – this includes directors\* or partners. A non-front line licence is issued in the form of a letter that also covers key holding activities.

Licence type	Role
Any person who manages or supervises employees of a security provider where such employees perform designated activities for the purposes of or in connection with any contract to a consumer (see page 10).	Non-front line
Any person who manages and supervises agency workers who are instructed to carry out designated activities (see page 10).	Non-front line
Directors or partners of a company/firm when any other of the directors, partners or employees of that company/firm perform licensable conduct.	Non-front line
Any person that employs door supervisors or vehicle immobilisers.	Non-front line
Any person (whether an employee, or the director of a company, or the partner of a firm) that performs door supervision or vehicle immobilisation.	Front line (These roles are often referred to as 'in-house')
Persons who are employed to manage or supervise door supervisors or vehicle immobilisers.	Non-front line (These roles are often referred to as 'in-house')

**Note:**

- If you act as a manager or supervisor of an individual, where that individual is required to carry out designated licensable activities for the purposes of or in connection with a contract for the supply of services then you will require a licence even if you are an employee of the customer of the services.
- If you merely give directions to a licensable individual on the customer's behalf, you are not considered a manager or supervisor of that person. In addition, if you are engaged by the firm providing the security services, to give directions only, you are not required to be licensed.

**To apply for a licence please follow this link to the SIA website.**

**[www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk)**

## Warwick District Council CCTV

There are CCTV cameras in the communal areas of the four towns of Warwick District Council. They are there to protect the people who live, work, shop, or spend their leisure time in the area. The aim of Warwick District Council CCTV is to reduce crime and the fear of crime, making our streets safer for everybody.

The CCTV cameras are monitored 24 hours a day, 365 days a year by highly trained surveillance professionals in the control room. The radio call sign to communicate with operators of Warwick District Council CCTV is 'Tango Victor', (which are the words to communicate the letters 'T.V.' in the NATO phonetic alphabet).

All footage is recorded and can be made available to Warwickshire Police to help ensure convictions in Court.

With the help of the local business community, the Warwick District Council CCTV team are able to locate, track and monitor members of the public who are suspected of criminal and anti-social activities. The CCTV operators have facilities within the control room including numerous dedicated radio links, which enable them to impart information about anything they are monitoring. The cameras are also used in emergency situations, and images recorded live can be patched directly through to the Warwickshire Police control room, so that any incidents can be dealt with as efficiently and promptly as possible.

Establishments are encouraged to notify 'Tango Victor' to any individual or activity that they find suspicious, antisocial, or involved in crime in any way. The operators can then trace them and alert others to their whereabouts.

## CCTV Control

Surveillance using CCTV cameras is governed by a Code of Practice and is strictly regulated, in compliance with various legislation. All footage from cameras is recorded and retained for one month in a protected environment. The control room is a restricted area and there is no access to anyone other than authorised personnel. Warwickshire Police can request access to this footage at any time. The Police are governed by the same regulations as Warwick District Council CCTV operators, as well as by the Police and Criminal Evidence Act.

Signs stating that CCTV cameras are in operation are displayed in the region in accordance with the Data Protection Act. Furthermore, privacy zones are digitally fitted to prevent cameras seeing into private property, as required by the Human Rights Act.

Warwick District Council CCTV is regularly audited to maintain compliance with the Councils Code of Practice and with the law. It is also systematically reviewed in order to meet the rigorous requirements of the British Standard award it has sustained since the accreditation was formulated.

## Working in partnership

The strength of our CCTV system lies in the excellent partnership between the organisations that it interacts with on a daily basis. The CCTV operators are in continuous liaison with Warwickshire Police, Street Marshals, Street Pastors, and all businesses in the Warwickshire Retail Crime Initiative and Warwick District PubWatch.

## The prevention of public nuisance

Nuisance can affect people in many different ways and may be caused by a number of reasons, including:

- Noise
- Light
- Odour
- Litter, waste and street fouling

When considering the likelihood of nuisance, you should think about the impacts that your activities may have on other nearby premises. For example, if your premises regularly opens late and/or plays loud music, you may be preventing somebody from enjoying the normal use of their property such as reading a book, having a conversation, watching television, or even sleeping at night.

## Noise

Noise nuisance can be caused by a number of activities including; live and recorded music, singing, public address systems, delivery vehicles and transport, machinery and equipment, smoking areas, pub gardens, and customers outside the premises. Many noise complaints come as a result of music being audible in nearby or attached premises. This is because entertainment noise can break out or be transmitted from licensed premises through the building. There are many ways in which you can prevent, or minimise the amount of noise leaving your premises by considering the following:

- Keeping windows and doors closed when noisy activities are taking place will help reduce the amount of noise escaping from your premises but remember to keep the premises well-ventilated and not to block any fire exits.
- The use of a lobby system with two sets of self-closing doors at the entrance/exit of the premises can help provide good noise control providing they are not opened unnecessarily during events.
- Regularly check the level of noise leaving your premises whilst entertainment takes place and reduce the volume if it is too loud. The level of noise should be monitored at the boundary of the premises, and should consider nearby sensitive properties that may be affected.

- Keep speakers within the premises and point them away from doors, windows and any party walls that may be affected.
- Consider a noise limiting device to control the maximum volume levels that entertainment equipment can be operated. If noise is a recurring problem, Environmental Health may be able to help with setting a suitable sound level.
- Ensure that equipment, e.g. kitchen extraction, refrigerators and air conditioning units are regularly maintained to make sure they are working properly and not causing noise problems.
- If your premises are near to residential properties, avoid emptying bins and glass waste in the late evening. Try to empty these during the daytime or at the beginning of an evening shift.
- Think carefully about where you put outdoor areas and smoking shelters. These should be located or screened away from residential properties to minimise disturbance. Also consider how many people you want to be outside at any time or whether a member of staff or door supervisor can regularly monitor the level of noise from these areas.

## Liaison with local residents

You are encouraged to build and maintain good relationships with local people and be proactive about controlling noise from your premises. This can help promote goodwill and resolve complaints quickly without the involvement of the responsible authorities. You may find it useful to record the details of any complaints using incident record sheets as this can help you identify any improvements that may be needed.

## Odour

The main causes of odour from licensed premises include waste and bottle storage areas, drainage systems, and cooking smells from kitchen extraction systems. To minimise the possibility of nuisance, reasonable care should be taken to ensure that:

- Waste bins are sealed and are a suitable size for your business.
- Waste is regularly collected and that waste storage areas are routinely cleaned.
- Kitchens are provided with grease-traps and are cleaned regularly to prevent blockages. Food waste should not be put into the drainage system.
- Kitchen extraction units should be designed to discharge at a high level, taking into account other surrounding buildings.
- Appropriate odour filters should be fitted based on the type of food you serve, how it is cooked and how many meals you are likely to provide. These should be changed regularly as part of your kitchen maintenance schedule.

## Light pollution

You may find that you need to install additional lighting for a number of reasons such as recreation, safety, security, advertising or displays. If you intend to operate lighting at night, it is important to ensure that it does not cause annoyance, distraction or discomfort to others. To avoid this, it is recommended that premises should:

- Ensure that lighting is suitable for your needs and avoid 'over-lighting' an area.
- Carefully consider where the light is located and aim the beam away from sensitive premises and transport routes.
- Use screens, baffles, hoods or louvres on light fittings to control the direction of the light beam.
- Turn off lighting when it's not in use or consider using a time-switch where possible.
- If fitting motion sensors, make sure that these are properly located to avoid the lights being activated unnecessarily as this could cause annoyance to nearby properties.



## Litter, waste and street fouling

Litter and waste outside of licenced premises can be unpleasant and in some instances can cause public nuisance by attracting pests and vermin. Examples of this can include take-away packaging and food waste, cigarette ends, poorly stored waste, leaflets and flyers, as well as broken glass and cans. There are already a number of laws regarding proper waste collection and disposal which should be familiar to business operators. Matters such as street fouling, however, is an increasing problem and should be prevented by premises supervisors as much as possible. Whilst customers are ultimately responsible for their own behaviour, premises supervisors should consider the following measures that can help minimise these problems:

- Cut down on the use of promotional leaflets and publicity materials. Only hand flyers directly to members of the public and avoid putting leaflets on vehicle windscreens.
- Reduce the amount of packaging provided to the public, and recycle bottles, cans and other waste wherever possible.
- Encourage customers to dispose of their litter responsibly using posters and displays inside your premises and on bins.
- Provide an appropriate amount of clean and accessible toilet facilities for customers to use.
- Carry out regular checks of the outside areas for your premises and clear away any litter.

**Remember:** Premises licences and temporary event notices are not permissions to cause nuisance. Activities can cause nuisance at any time of the day or night, therefore it is important that appropriate controls are in place at all times.

Not all the recommendations provided may be suitable for your premises and additional measures may be necessary to manage nuisance. Further advice and information is available from the Environmental Sustainability team at Warwick District Council Telephone: 01926 456725

Email: [environment@warwickdc.gov.uk](mailto:environment@warwickdc.gov.uk)

## Trading Standards

### Advice Pack

Warwickshire County Council  
Trading Standards Service  
Old Budbrooke Road  
Warwick  
CV35 7DP

Tel: 01926 414040

E-mail: [tradingstandards@warwickshire.gov.uk](mailto:tradingstandards@warwickshire.gov.uk)

Internet: [www.warwickshire.gov.uk/tradingstandards](http://www.warwickshire.gov.uk/tradingstandards)

## Keeping within the law in pubs, restaurants and cafes

The following information provides a general summary of the main requirements of weights and measures and consumer protection legislation enforced by the trading standards service as applicable to pubs, restaurants and cafes.

### The Consumer Protection from Unfair Trading Regulations 2008

#### Trading fairly with your customers:

The law requires you not to trade unfairly with your customers.

#### Information to be provided to consumers – prices and descriptions:

Consumers need to be able to make an informed decision about making a purchase of food and/or drinks. The above regulations have removed the specific requirements on pricing of food and drink services on premises. However, they do now require you not to trade unfairly which includes not leaving out important information that may affect a customer's choice of purchase. In order for them to make this choice they must have access to the following information **before** they make the purchase:

**Main characteristics of the product** – for drink this will be a description of what it is and may include its brand name. For food this will be the name of the food and should include sufficient description of the item, or dish, for a consumer to make an informed choice.

**Price** – including VAT and any additional service or other charge that has not been included.

**Quantity** – size of drinks or specific portion sizes of foods (where appropriate).

#### **Description of drinks:**

Care must be taken with drink brand names. The following are examples of well known brands of spirits:

- ‘Bacardi’ is a brand of white rum
- ‘Smirnoff’ is a brand of vodka
- ‘Bells’ is a brand of whisky

If you cannot be certain that you will always have a particular brand in stock, you may wish to list spirits as rum/vodka/whisky, with no specific brand. If you supply a different brand to that advertised on your menu, or what the customer requests, or what is shown on a plaque attached to the optic, you may be committing a criminal offence.

## **Weights & Measures Act 1985**

#### **Weights and measures:**

**Beer, lager and cider**, except when mixed with other drinks, can only be sold draught in these quantities:

1/3 pint, 1/2 pint, 2/3 pint, or multiples of 1/2 pint.

If you use glasses, every glass must be stamped with either the ‘crown mark and number’ or the new ‘CE and M marking’. You will find that both types of marking will appear in circulation for some time as new stocks merge with old. If you use meters, glasses do not need to be stamped, but the meters must be stamped, the consumer must be able to see the glass being filled, and you must not fill the glass before it has been ordered.

**Sale by the jug.** Draught beer, lager and cider can be sold by the jug provided the stated quantity is in multiples of 1/2 pint (e.g. two pint or four pint) and either the jug is stamped as a transfer measure of that capacity or the liquid is measured by a meter in front of the consumer at the time of sale, but not before. Price lists must be clear about the measure that is used for a jug sale.

Gin, rum, whisky and vodka, unless they are sold in cocktails of three or more drinks, may only be sold in these quantities:

25ml, 35ml, or multiples of these quantities. If you have changed over to use 35ml measures, the 25ml thimbles must be removed from the bar to avoid mistakes. Also, if you use 35ml measures for single shots, you cannot use 50ml for doubles. The correct double would be 2 x 35ml.

Old imperial measures (e.g. 1/6 gill) cannot be used for the sale of any spirits.

A notice, which is easy for consumers to read, must make it clear which quantity applies, e.g. for 25ml:

#### **‘Gin, rum, whisky and vodka are sold on these premises in quantities of 25ml and multiples thereof’**

The same quantity must apply in all the bars of your pub, restaurant, or cafe.

Whatever you use to measure gin, rum, whisky or vodka (e.g. optics, thimbles), these must be stamped and be where consumers can see them being used. Bottle top pourers are not usually stamped, and they should only be used by pouring them into a thimble before putting the drink into a glass for the consumer.

**Wine** (except fortified wines) must be sold in the following quantities:

- by the bottle
- by the glass in 125ml, 175ml or multiples of these quantities
- by the carafe in 250ml, 500ml, 750ml or one litre quantities

**Wine exemption** – wine in quantities less than 75ml are exempt from the above requirement. This will permit ‘flights’ or ‘tasters’ of wine to be sold as samples to prospective customers.

Fortified wines must be sold by the glass in quantities of 50ml or 70ml.

These quantities must be made clear to consumers on a notice, or in every wine list or menu, that is easy to read and, again, anything you use to measure out wine (e.g. carafes, glasses or optics) must be stamped.

### Mandatory Condition 5

This condition provides customers the opportunity to choose small measures of beer, ciders, spirits and wine.

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: 25ml or 35 ml; and
  - (iii) still wine in a glass: 125ml; and
- (b) customers are made aware of the availability of these measures.

### Business Names:

Your trading name and details of ownership - plus the address of the premises (unless this is obvious from the situation) are required to be displayed.

How or where you display the information required above is not prescribed but it should be clear and easily readable by the average consumer.

This leaflet is not an authoritative interpretation of the law and is intended only for guidance. Please contact us for further information.

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### Age verification policy - alcohol sales Mandatory licence condition

Mandatory licence conditions require every premises licence holder, or club premises certificate holder, to ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

### What is an age verification policy?

This means procedures should be established, and put into practice, so that when any customers who appear to be below a certain age, usually 25, attempt to buy alcohol, they are always asked to show suitable proof of age so that you actually verify that they are old enough to be served.

Such policies are already well established in many business sectors and you may have heard of Challenge 21 and, more recently Challenge 25.

### How can I achieve what is required?

The law does not say in detail what you must or must not do, so there is flexibility as to how you may achieve the requirements. For example the policy adopted in an independent convenience store may be very different to that applied in a nightclub or a major supermarket.

Our guidance has been developed with local retailers in mind and suggests what we consider to be best practice. You may choose to do things differently but you will need to be able to demonstrate that your policy satisfies the mandatory condition. Always bear in mind that the ultimate objective of the policy is to prevent anyone under 18 being illegally supplied with alcohol.

## Best practice guidance

To avoid selling alcohol to persons under 18 years of age Warwickshire Trading Standards Service recommends the following best practice:

- Ensure that your staff are trained and know not to sell alcohol to people that they suspect are underage. Provide them with training on asking for proof of age, and the forms of ID you are prepared to accept, as well as how to question customers and refuse sales if necessary. Valid photo ID could be a photo driving licence, passport or a PASS (Proof of Age Standard Scheme) approved photo ID card.
- Ensure that refresher training is carried.
- Keep a record of who has been trained, by whom and on what date.
- Display appropriate posters, point of sale material and window stickers to dissuade youngsters from trying to purchase and to remind your staff. Further details can be found at [www.wsta.co.uk/challenge-25](http://www.wsta.co.uk/challenge-25)
- When considering if a person is legally able to buy alcohol, it is good practice to operate a “Challenge 25” policy, whereby anyone who looks under 25 years old is asked for a valid photo ID to prove their age. If they cannot provide this then refuse to sell them the alcohol.
- Whenever sales are refused, either by you or your staff, the following information should be recorded:
  - Time
  - Date
  - Type of alcohol attempted to be purchased
  - A description of the child
  - Type of ID presented to you (if any is offered)

This should be noted in a formal refusals register or in a desk diary (Incident book) kept behind the counter. You should check the refusals book regularly, to ensure that your staff are using it correctly and making entries whenever an attempt to purchase alcohol is made.

*Working for  
Warwickshire*

## Adopting Challenge 25



The Licensing Act 2003 introduced mandatory conditions on every alcohol licence, including one that requires all premises to have a policy in place in order to prevent underage sales.

While there is a minimum policy for premises to adopt, they are able to go further in order to ensure that they have the most robust procedure in place should they choose. The Challenge 25 policy has been developed by the Retail of Alcohol Standards Group to support the effort to eradicate underage sales.

### Why Challenge 25?

Since the introduction of Challenge 25 (previously Challenge 21) the number of underage sales has significantly declined. In 2012 Serve Legal reported that the test purchase pass rate had risen from 55% in 2007 to 76% now (\*1). Further to this, the Department of Health report into Drinking, Smoking and Drug Use among young people show the number of young people purchasing alcohol continues to decline \*2). This is because the increased threshold of challenging 25yr olds, along with the training involved in the scheme, has meant better awareness of frontline staff leading to fewer mistakes and ultimately fewer underage sales.

### How do you adopt Challenge 25?

Challenge 25 simply requires that every person buying an age restricted product such as alcohol, who looks under the age of 25, is challenged to produce a valid ID. In order to adopt Challenge 25, organisations are recommended to consider the following:

**Training** – It is important to have programmes in place to regularly train staff about the Challenge 25 scheme. Including who to challenge and how. This will help to ensure that staff are confident in making challenges and that the policy is consistently applied in store. It's also useful to keep training records to ensure staff have their training refreshed regularly;

**Advertise** – Display posters in prominent places in the premises to advertise your proof of age policy. This helps not only to deter potential underage customers, but will also act as a back up to staff members who make challenges;

**Support staff** – Challenge 25 only works if the staff have confidence that the decisions they make will not be undermined. It is therefore important to ensure that difficult decisions staff have made are not challenged and overturned;

**Keep records** – It is useful to keep records of all failed attempts to buy alcohol of those without ID who look under 25, this could help with police or trading standards operations;

**Be clear about what ID is acceptable** – There are hundreds of forms of ID that are used in the UK. The standard Challenge 25 scheme suggests accepting Passports, Driver's Licences and PASS approved cards. While individual premises can accept anything with the law (ID that includes a hologram, name, date of birth and photo) it is important to make a decision about what you will accept and publicise this clearly.

**Be aware of fake ID** – The Home Office has produced guidance for retailers to help them understand how to spot fake ID. It will be important to ensure staff are trained about the types of ID that are acceptable and how to look out for fakes.

### What are the penalties for underage sales?

There are significant penalties for selling alcohol to a person under the age of 18 for both staff and retailers. These include:

- A fine of up to £5000 if a member of staff makes an underage sale unless they can show they have taken all measures including asking for identification that would convince a reasonable person that they were over 18;
- A fine of up to £20,000 for a premises that persistently sells to people underage, defined as happening on 2 or more occasions in a 3 month period;
- Closure orders for a maximum of 14 days following persistent underage sales;
- A fine of up to £5,000 for proxy sales, where a person purchases alcohol on behalf of a minor.

### Is there any further useful information?

For further information about Challenge 25, including all designs for posters, badges and shelf sliders which are available to download for free, visit: [www.wsta.co.uk/challenge-25.html](http://www.wsta.co.uk/challenge-25.html)

**Home Office Guidance on Fake ID is available here:** [www.acs.org.uk](http://www.acs.org.uk)

**Community Alcohol Partnerships** – Community Alcohol Partnerships aims to tackle public underage drinking through co-operation between alcohol retailers and local stakeholders, such as Trading Standards, police, local authority licensing teams, schools and health networks.

CAP addresses both the demand and supply side of underage drinking through enforcement, education and public perception. There are over 35 CAPs in operation across the UK. For more information visit [www.communityalcoholpartnerships.co.uk](http://www.communityalcoholpartnerships.co.uk)

**The Proof of Age Standards Scheme (PASS)** – PASS is the UK's national proof of age accreditation scheme, endorsed by the Home Office, the Association of Chief Police Officers (ACPO), the Security Industry Authority (SIA) and the Trading Standards Institute (TSI).

PASS sets and maintains minimum criteria for proof of age card issuers to meet. All cards schemes are required to submit to periodic audits carried out by an independent audit team appointed by the Trading Standards Institute (TSI) to ensure that they meet and keep the standards required for PASS accreditation. For more information visit [www.pass-scheme.org.uk](http://www.pass-scheme.org.uk)

## Challenge 25 resources



The Retail of Alcohol Standards Group (RASG) developed and maintains the challenge 25 scheme. RASG has developed a suite of designs from posters, to shelf barkers, to badges to reinforce the message throughout the store making it clear that under 25's would expect to be challenged to prove their age.

## The Protection of Children in Licensed Premises



### Guidance for Premises Licence Holders, Designated Premises Supervisors Management Committees / Boards of Community Facilities and Clubs with a Premises Certificate

We very much hope that within the terms of your Licence families including their children can enjoy being with you and feel safe in your Premises.

The spirit of the Licensing Act is to provide a venue for families to meet and socialise and to provide as few restrictions as possible. To this end the Designated Premises Supervisor or Management Committee / Board have a broad responsibility for ensuring that the management of a Licensed Premises provides a safe environment for children.

It is worth bearing in mind that if a child comes to harm on your Premises and legal action ensues you are able to use the legal defence of having taken 'due diligence' to protect children within the scope of these Guidance Notes. There may also be implications regarding Third Party Insurance claims against you.

To help you with this we have provided a number of key pointers.

- Take a few minutes regularly to check that your premises are safe for children. This should include electrical fittings, fire places and possible hazards in the garden such as ponds or easy access to moving traffic. Also regularly check that play facilities for children are secure. Keep a record of each check.
- It is important that all staff, volunteers and helpers are trained to observe age validation procedures to ensure that they do not serve alcohol to a child or to a person on behalf of a child. (This also applies to arrangements for home deliveries.) The importance of keeping children away from alcohol is that the alcohol has a more extreme effect on a child and with certain levels of consumption it can permanently damage the development of a child's brain.

(It is possible for children aged 16 and 17 years when accompanied by an adult to have an alcoholic drink of beer, wine or cider with a table meal in a Licensed Premises.)

There is a Fixed Penalty Fine of £90 for the offence of selling alcohol to a child which the serving member of your staff is required to pay. Much higher penalties exist for persistent offenders. The protection of children from having access to alcohol is enforced by The Police and by The Trading Standards Agency.

- All gaming machines (except those in category D) must be positioned in areas of the premises that are not accessible to children under the age of 18 years and it is an offence for a child to use one of these gaming machines. (Gambling Act 2005 and The Gambling Commission Code of Practice).
- You should be aware of any inappropriate behaviour by your staff, volunteers or customers towards children. This could include abusing a child either verbally or physically or making inappropriate suggestions to a child.
- Due care should be taken to prevent children from being involved or exposed to episodes of violence.
- Children must not have access to adult entertainment in the form of nudity, obscene language, coarse humour or material advertising this form of entertainment.
- Management Committees / Boards for community facilities and Clubs that do not have a Designated Premises Supervisor are advised to have a written Child Protection Policy that is freely available to everybody who attends the facility. They are also advised to ensure that a Terms of Hire Document is signed by individuals or groups who hire the facility which commits hirers to operating within the terms of the Child Protection Policy Licensing.
- Children must be protected from drug trafficking and drug influenced behaviour.
- A Designated Premises Supervisor or Management Committee / Board has the right to exclude any person from Licensed Premises.
- It is important to ensure that children under 16 years are accompanied by an adult in your Premises when alcohol is being served. If alcohol is not being served we recommend that all alcohol is securely locked away when unaccompanied children are present.



- If you arrange an event for children under 18 years old such as a disco this may also be subject to the Licensing Act as playing recorded music is defined in certain circumstances as a Regulated Entertainment. Therefore you may need to apply for your Licence to be varied or for a Temporary Event Notice.
- It is important that any restrictions on your Licence concerning children are observed. These restrictions may cover prohibiting children from occupying certain parts of the Premises or provide a time limit when children must leave the Premises.
- Adults who are accompanying children on your Premises are also responsible for the well-being and safety of the children in their care. It is therefore important that their behaviour is appropriate and if necessary protective towards the children. Be aware if an accompanying adult is over drinking alcohol and ensure your staff refuse to serve further alcohol to an accompanying adult if this becomes apparent.
- If you are faced with concerns about a child's behaviour, or well-being or safety in your Premises and the accompanying adult is no longer in attendance or not responding appropriately to the child you should consider phoning one of the numbers shown below. There is information on recognising child sexual exploitation on the web site [www.warwickshirecse.co.uk](http://www.warwickshirecse.co.uk). This web site is provided by a team of professional staff in Warwickshire that specialise in protecting children from sexual exploitation. Training programmes are available to promote awareness of child sexual exploitation and information about these programmes can be obtained through the District Office that issued your Licence.
- You are advised not to touch a child unless this is needed to ensure a child's safety.
- There is specific legislation in Warwickshire concerning the employment of children in premises. No children under the age of 13 years may work at all and children aged between 13 and 16 years may only work up to 19:00 pm with a permit provided by Warwickshire Children's Employment Officer. Children may not work in a kitchen or collect glasses and they may not serve alcohol unless this is in a sealed container. If a child is injured when working illegally your third party insurance may be invalid. Contact details for the Youth Employment and Entertainment Service are provided on page 25.
- If a performance takes place on your premises in which a charge is made (whether for admission or otherwise) and children are taking part in this performance a special Child Licence may be required. Contact the Youth Employment and Entertainment Service for further details.

## Useful Contact Points

Warwickshire Police Service Tel: 01926 415000 or 101 or 999 depending on the urgency of the issue.

Child Protection Service. For advice on child abuse or specifically on child sexual exploitation Tel: 01926 414144 Monday to Thursday 8:30am – 5:30 pm and 8am-5:00pm Fridays. Outside these times phone: Tel: 01926 886922

General advice on child protection in Licensed Premises Tel: 01926 742334

Child Employment and Entertainment Tel: 01926 742201

## The Role of Public Health in Licensing

Department of Health guidance on the role of Public Health as a responsible Health Authority states that they should have sufficient knowledge of the licensing policy and health issues. They must be fully notified of licence applications.

They can make representations relating to new or major licensing variations, or regarding the potential effect of a licensing application in an area where there is policy in place regarding cumulative impact. Any representation should be evidence based. Evidence can be obtained from other bodies exercising health functions in the area, such as emergency A&E departments or ambulance services.

Currently local authorities in England can only conduct its licensing function in relation to the four licensing objectives. Public Health authorities must therefore influence licensing decisions by clearly linking representations to the four licensing objectives. In this way public health can have a positive influence on local authorities to exercise responsible licensing.

International evidence suggests that making it less easy to buy alcohol, by reducing the number of outlets selling it in a given area and the days and hours when it can be sold, is an effective way of reducing alcohol-related harm. Licensing authorities should take into account the links between the availability of alcohol and alcohol-related harm when considering a licence application.

In January 2016, the Chief Medical Officer published new guidelines on 'how to keep health risks from drinking alcohol to a low level' (DoH, 2016), the advice includes:

You are safest **not** to drink regularly more than 14 units per week, to keep health risks from drinking alcohol to a low level.

- If you do drink as much as 14 units per week, it is best to spread this evenly over 3 days or more.
- If you have one or two heavy drinking sessions, you increase your risk of death from long term illnesses and from accidents and injuries.
- The risk of developing a range of illnesses (including, for example, cancers of the mouth, throat and breast) increases with any amount you drink on a regular basis.
- If you wish to cut down the amount you're drinking, a good way to help achieve this is to have several drink-free days each week.

As a responsible authority, Public Health Warwickshire offer the additional guidance to responsible alcohol licence premises holders when responding to a licence application or variation:

- Responsible server training to prevent over-service, particularly in relation to intoxicated customers.
- Public awareness campaigns on responsible drinking, providing information on units/recommended limits [www.nhs.uk](http://www.nhs.uk)





- Controls on the price of alcohol and enforcement of the mandatory licence conditions.
- Training of bar staff and security staff on how to monitor and prevent problematic behaviour including intoxication, dealing with under age persons and with rowdy customers.
- Offering smaller spirit measures as a default rather than automatic doubles.
- Restrictions on who alcohol can be sold to; regularly asking young people to prove their age.
- Welfare services including contributing to local taxi marshals.
- Providing free water and reasonably-priced non-alcoholic drinks.

## References

Department of Health (2016) How to keep health risks from drinking alcohol to a low level [www.gov.uk](http://www.gov.uk)

Public Health England. Public Health and the Licensing Act 2003 – guidance note on effective participation by public health teams. October 2014.

Home Office. Additional Guidance for Health bodies on exercising functions under the Licensing Act 2003. Sept 2014. Accessed on 09/09/2015 at [www.gov.uk](http://www.gov.uk)

Local Government Association. Public Health and alcohol licensing in England. LGA and Alcohol Research UK Briefing. January 2013. Accessed on 09/09/2015 at [www.local.gov.uk](http://www.local.gov.uk)

NICE. Alcohol-use disorders: preventing harmful drinking. NICE public health guidance 24. June 2010. Accessed on 10/10/2015 at [www.nice.org.uk](http://www.nice.org.uk)

## Visit log

To be completed by officers

Date and time	Authority/Organisation	Reason for visit

Date and time	Authority/Organisation	Reason for visit

Date and time	Authority/Organisation	Reason for visit

Date and time	Authority/Organisation	Reason for visit

Date and time	Authority/Organisation	Reason for visit



Refusal record for \_\_\_\_\_

Date and time of refusal	Personal details/ description of person	Product requested	Reason for refusal	Name of employee refusing the sale

Letter of delegated authority to sell or supply alcohol

Designated Premises Supervisor: \_\_\_\_\_

Personal Licence Number: \_\_\_\_\_

Personal Licence Issuing Authority: \_\_\_\_\_

As Designated Premises Supervisor of the premises known as: \_\_\_\_\_

I hereby authorise the named members of staff detailed below to undertake the sale or supply of alcohol at the above named premises.

I confirm that all authorised persons have been made aware of their responsibilities under the Licensing Act 2003 relevant to the sale/supply of alcohol as well as the conditions of the Premises Licence.

Full name of authorised person	I understand my responsibilities under the Licensing Act 2003 (Sign and date)	Designated Premises Supervisor (sign and date)	Date Expired

Incident record for \_\_\_\_\_

Date and time of incident	Personal details/ description of persons involved	Details of incident	Action taken	Name of employee recording incident

## Quick Contact Guide

**WDC Licensing Department**  
 Tel: 01926 456705  
 Email: [licensing@warwickdc.gov.uk](mailto:licensing@warwickdc.gov.uk)

**Warwickshire Police**  
 Tel: 01926 684226  
 Email: [southwarksliquorlicensing@warwickshire.pnn.police.uk](mailto:southwarksliquorlicensing@warwickshire.pnn.police.uk)

**Environmental Health**  
 Tel: 01926 456725  
 Email: [ehpollution@warwickdc.gov.uk](mailto:ehpollution@warwickdc.gov.uk)

**Child Protection Service**  
 Tel: 01926 414144/886922

**Child protection in Licensed premises**  
 Tel: 01926 742334

**Child employment and entertainment**  
 Tel: 01926 742201

**WCC Community Safety Team**  
 Email: [pauledden@warwickshire.gov.uk](mailto:pauledden@warwickshire.gov.uk)

**Trading Standards**  
 Tel: 01926 414040  
 Email: [tradingstandards@warwickshire.gov.uk](mailto:tradingstandards@warwickshire.gov.uk)

**Health and Safety**  
 Tel: 01926 456320  
 Email: [ehsafety@warwickdc.gov.uk](mailto:ehsafety@warwickdc.gov.uk)

**Food Safety**  
 Tel: 01926 456713  
 Email: [foodsafety@warwickdc.gov.uk](mailto:foodsafety@warwickdc.gov.uk)

**Produced by Warwick District Council in partnership with Warwickshire Police,  
Trading Standards, Community Safety, Children's Services, Public Health  
England and the Security Industry Authority**

Where possible, information can be made available in other formats,  
including large print, CD and other languages if required.

**Tel. 01926 456426**

