

Hearing before Middlesbrough Sub-Licensing Committee  
Wednesday 24<sup>th</sup> March at 13:00

Go Local, 136 Marton Road, Middlesbrough, TS1 2ED

Applicants Information

### **INDEX**

No.	Document	Page
1	Proposal – Amended Conditions, Proposal and New Plan	2-4
2	Photographs of the Premises	5-7
3	Information about the development of 134/136 Marton Road, with plans of units 1, 2, 3a, 3b, 4 and 5	8-10
4	Map of the Area	11
5	The DPS, Mr Azeem Sarwar	12-13
6	Heads Of Terms and Lease Extract	14-18
7	D&B Licensing training	19-32
8	Londis 66-70 Corporation Road – Decision and Premises Licence extract	33-39
9	B&M Store, Unit E Middlehaven Gateway – Premises Licence extract	40-44
10	Iceland The Food Warehouse, Unit B Gateway Retail Park – Premises Licence extract	45-48
11	Brewdog Case	49-50
12	Letters of Support (To Follow)	

## **GO LOCAL (EXTRA) 136 Marton Road**

### **Conditions taken from application**

1. The management of the premises will be the responsibility of the applicant/nominated Designated Premises Supervisor, supported by Go Local retailers supply chain.
2. The applicant will train each member of staff introduced into the business in alcohol related legislation. A training record in the sale of alcohol and other restricted products will be maintained. Induction training, refresher training and regular staff updates will be undertaken
3. Any incident of crime and disorder shall be reported to the Police and a record kept on the premises will be maintained and monitored by the Premise Licence Holder/DPS
4. No person who is drunk or disorderly will be served alcohol.
5. A challenge 25 proof of age policy shall be in operation to ensure no person under the age of 18 years is sold intoxicating liquor.
6. Any new member of staff within the business will receive induction training relating to the sale of alcohol and staff refresher training will be carried out on a regular basis.
7. The CCTV system is to be a modern digital DVR system. An external camera will cover the entrance and glass front. A camera will focus on customers at the till area whilst other cameras will focus on the wine and beer fridge areas and ambient goods The system will be a digital DVR with USB access to a backup video continuously recording for a minimum of 31 days.
8. There will be no sales of 5cl bottled spirits, single tins of beer, lager, cider or Perry and the premises will not stock or sell any beer, lager, cider or Perry above 6.5% alcohol by volume.
9. The applicant is adequately knowledgeable to ensure the safe evacuation of customers from the premises in the event of an emergency. All fire escape routes shall be kept unobstructed and will be clearly identifiable. All escape doors and routes will be checked before premises are open for trading to the public and a record of checks shall be maintained
10. All fire exit doors shall be capable of being opened without the use of any key, card code or similar means. All fire fighting equipment will be maintained in good working order and shall be available for immediate use. All emergency lighting and fire safety signage will be maintained in good order and will not be altered without the approval of the Fire Authority.
11. The premises, entrance and shop aisles are of acceptable width and are well illuminated.
12. CCTV cameras will cover all areas of the store.
13. The DPS and subsequent members of staff will monitor customers whilst shopping and leaving the premises. Notices shall be displayed in a prominent position asking for customers to respect the needs of the local residents especially during the early morning and evening period.
14. Litter and cleanliness issues will be addressed at the front and rear of his premises.
15. Challenge 25 proof of age policy shall be in operation to ensure no person under the age of 18 years is sold intoxicating liquor. Signage to that effect will be placed throughout the store.
16. The applicant and future members of staff shall be trained to ensure that no person under the age of 18 years will be sold intoxicating liquor including the need for any person who looks under the age of 25 years to provide evidence of their age by producing an acceptable form of ID at the point of sale.

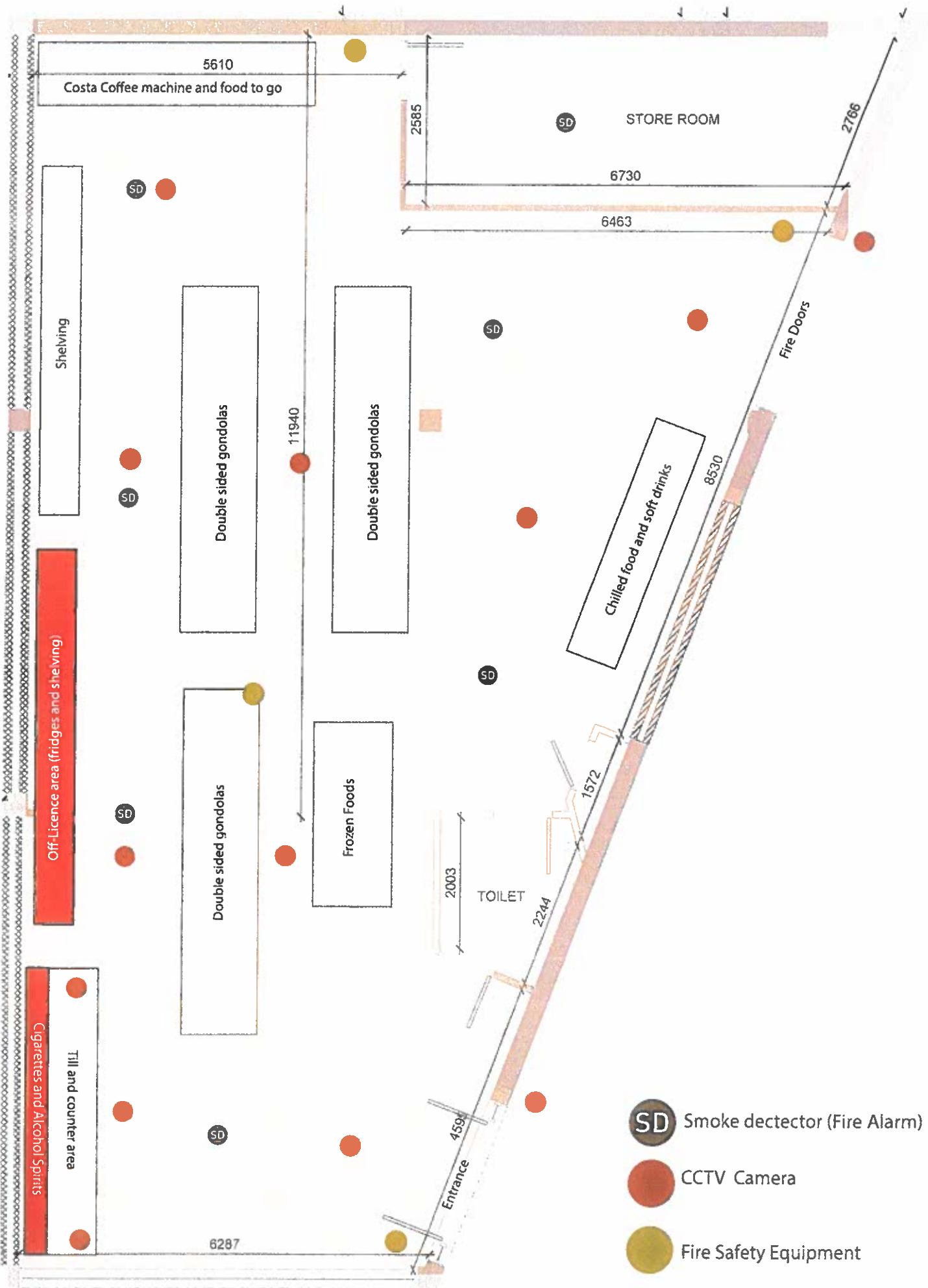
17. A refusal register will be kept and maintained with integrity.




18. Training will be provided regarding the prevention of adult purchase and supply of alcohol and restricted products both to the Premise Licence Holder/DPS and any other staff who are introduced into the business.

19. The Premise Licence holder will respond to any and all information supplied by the Police or other partnerships involved in the sale of alcohol. i.e. Licensing Forums.

### **Further Proposals**

1. Hours for supply of alcohol will be varied to 08:00-22:00 (was 07:00 to 23:00)
2. The incident book and refusals register will be made available to Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.
3. The premises will operate an Electronic Point of Sale computerised till which will notify the cashier when an age restricted product is rang through the till.
4. No alcohol must be stocked within 5 metres of the entrance/exit door, except for alcohol kept behind the counter.
5. Alcohol will only be displayed within a 5% area of the shop floor. Alcohol will be kept within the controlled area which will be in sight of the checkout area. The controlled area will be outlined on the plan in red in red on the map provided by the Premises Licence Holder (copy of which will be attached to the Premises Licence).
6. The Premises Licence Holder/ Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.
7. There will be a personal licence holder on duty at all times.
8. The Premises Licence Holder/Designated Premises Supervisor will participate in any local Off Licence forums held by the Local Authority.
9. There must be a minimum of two signs in the premises visible at the points of sale stating that it is an offence (a) to sell alcohol to persons under 18 years of age. • to purchase alcohol on behalf of any person under 18 years of age; and (b) to sell alcohol to any persons who appear drunk or under the influence of other illegal substances



-  SD Smoke detector (Fire Alarm)
-  CCTV Camera
-  Fire Safety Equipment

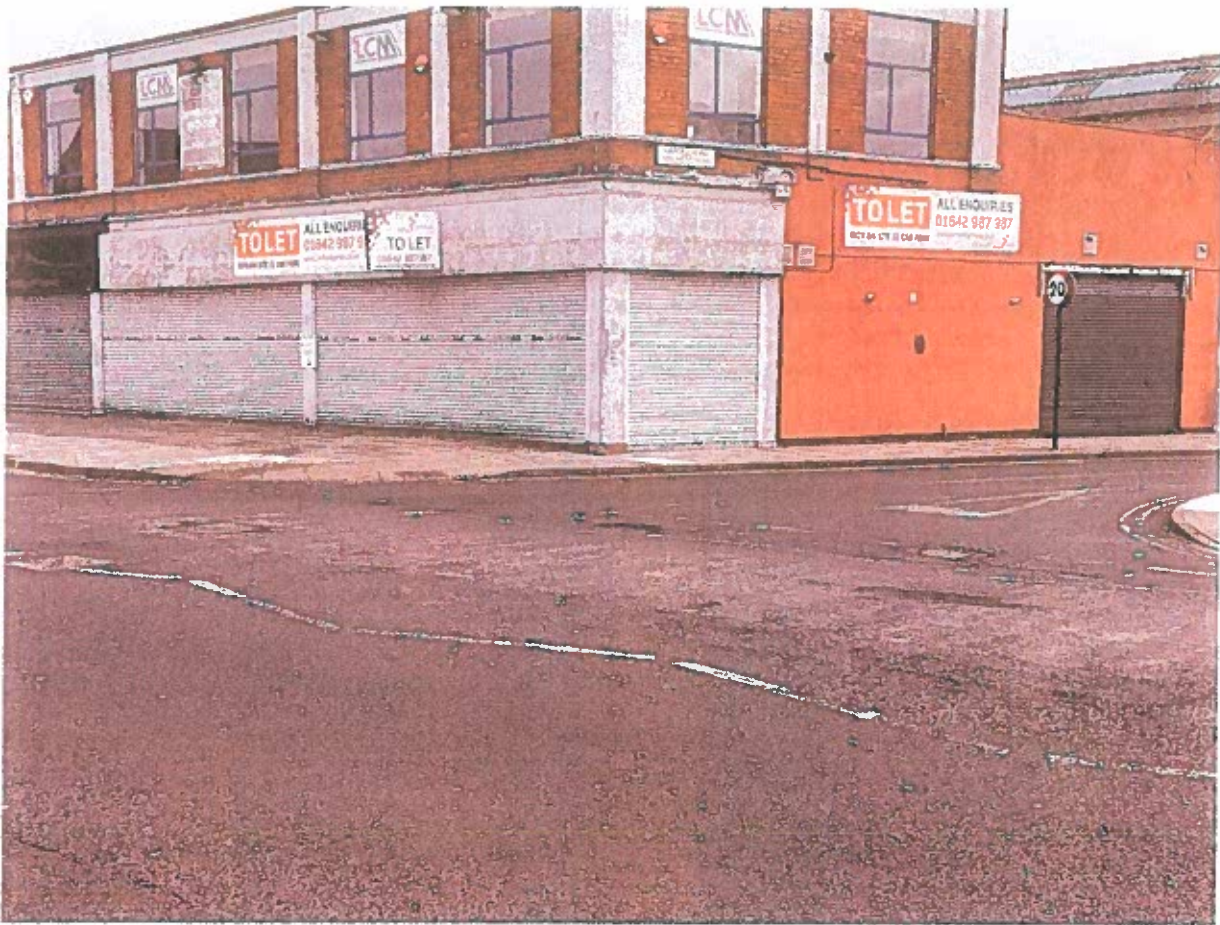
View of building looking towards Middlesbrough Retail Park



Closer view of the side of the premises



Close up side profile of proposed premises



Front profile of proposed Go Local at 136 Marton Road



## New offices for Colour Box opened 2019



Side view of the building showing large car park to the side



## **Development of 134/136 Marton Road**

Colour Box was established in 1991 when we opened our first shop in the Hill Street Shopping Centre in Mbro, selling photo enlargements, t-shirts, keyring, printed mugs etc. We then decided to expand our business and moved in 1997 to 218 Linthopre Road Mbro and started to do more B2B work which included work for the hospitality and leisure businesses. We supply a varied customer base from sole traders to international companies including the likes of AV Dawson, PD Ports, Darlington and Middlesbrough council, MFC and many local businesses.

During 2019 we saw a demand for internal, exterior signage and vehicle graphics. We decided to look for larger premises, after a while we came across 134/136 Marton Road and it seemed ideal, 1. Good location, 2. Car park, which can accommodate up to 35 cars. 3. Larger premises, 4. Good road links to dual carriage way, north and south. 5. Short distance from our previous location.

The building is approximately 20k sqft and was much larger than what we required to run our printing business. We had a vision of dividing the building into 5 units with the intention of leasing each unit to individual businesses. When we purchased the property, the building was in a very poor dilapidated state and we started a program of renovation and modernisation of Unit 4 and 5 on the upper floors of the building. Development cost was in the region of £12000

With this investment we made in renovating these two units it allowed us to find two business tenants. Unit 4 is now occupied by a sports therapist company and Unit 5 occupied by a performing arts, film studio company. Having these two businesses on board has created 10 new jobs for the local economy and community. Both tenants spent up to £120k between themselves on fixtures, fittings and equipment to establish their business.

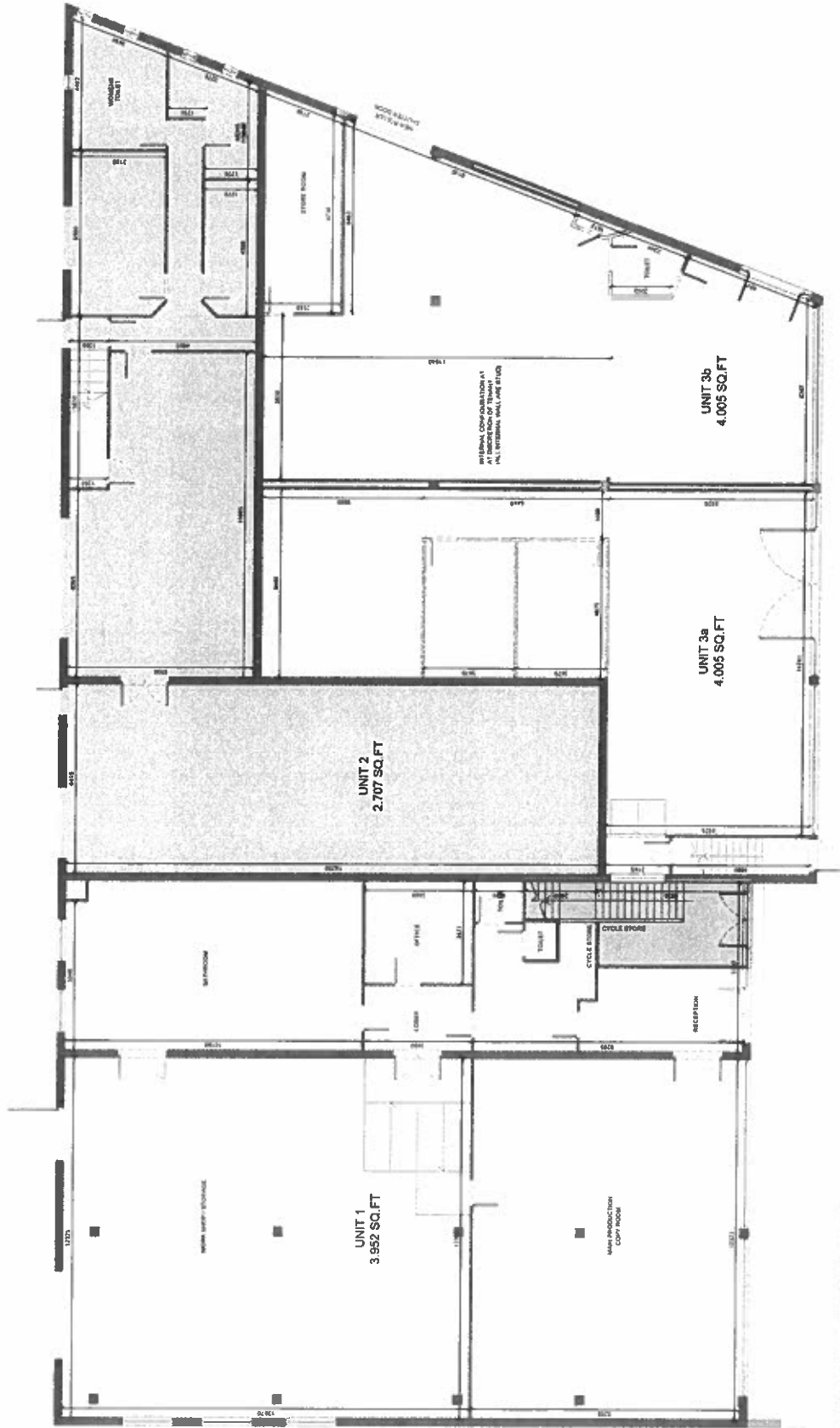
We are also planning to complete some external works to enhance the look of the building which will include painting the outside of the building from red to grey, upgrading the cladding on the front of the building and also looking to illuminate the building with soft outdoor lighting.

We have spent a considerable amount of time and money (£15k) renovating Unit 3, having first gained planning permissions in September 2020 to convert unit 3 into 2 separate units to give unit 3a and unit 3b. Unit 3b is the proposed mini supermarket and Unit 3a possibly a flooring/furniture store. If we are granted the PL, £100k will be spent on the internal and external shop fitting for the mini supermarket including signage and associated equipment for the store. We also anticipate a new tenant for Unit 3b spending up to £30K on internal shop fitting and signage.

Unit 2 of the property is also being let to a local businessman for use as a sports centre for one-to-one fitness training, he recently applied for change of use and building regulation which were approved by the Middlesbrough Council but due to the Covid 19 pandemic there are delays, but we anticipate him opening for business by end of June 2021. This unit will also be renovated and modernised and we are expecting the investment by the tenant and ourselves to be in the region of £45k.

There will be an on going renovation program for this building over a period time and once all the work is complete we will have a fantastic looking building with 5 new businesses collectively creating up to 60 jobs plus. I have also researched on google earth, Unit 3a and 3b (where the roller shutter is) has been like this prior to June 2018 giving the appearance the building is unoccupied and with having the 4 Units occupied and the mini supermarket it will breathe some new life into this building and i am sure it will become an asset to Middlesbrough and look more attractive building than before.





PROPOSED GROUND FLOOR PLAN  
SCALE 1/75

C

SCALE 1/75@A1  
DATE: 29/06/2020  
DWG NO = 10



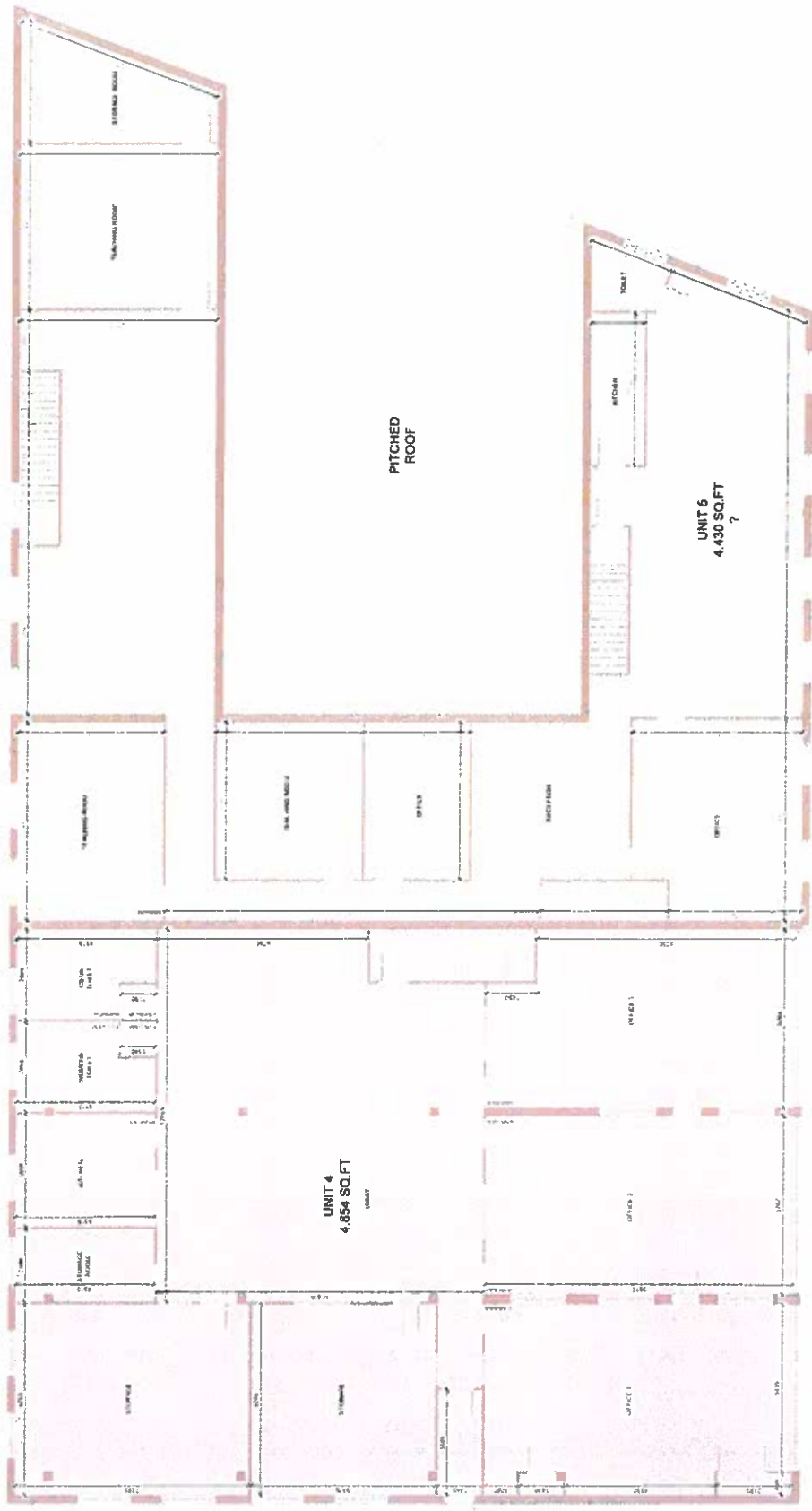
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DO NOT SCALE CWF DRAWINGS  
ALL DIMENSIONS TO BE CHECKED BY CONTRACTOR ON-SITE  
CONSTRUCTION MUST ONLY COMMENCE ONCE PLANNING, BUILDING CONTROL, AND ANY OTHER RELEVANT APPROVALS HAVE BEEN  
OBTAINED  
IT IS THE RESPONSIBILITY OF THE OWNER TO ENSURE APPROVALS HAVE BEEN GRANTED  
ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY  
THE CONTRACTOR IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE CDM REGULATIONS AND MANAGING RISKS IN ACCORDANCE  
WITH THE CDM REGULATIONS  
THE CLIENT/BUILDING OWNER MUST OBTAIN THE NECESSARY PARTY WALL AGREEMENTS PRIOR TO COMMENCING WORKS ON SITE

DRAWING  
PROPOSED  
GROUND FLOOR PLAN

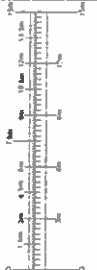
ADDRESS: 134 MARTON ROAD -  
MIDDLESBROUGH

DRAWN BY: HH  
CHECKED BY: RW  
EMAIL: INFO@PYRAMIDDESIGNS.CO.UK  
TEL: 01642280339

WEBSITE:  
WWW.PYRAMIDDESIGNS.CO.UK



SCALE: 1:75@A1  
 DATE: 29/06/2020  
 DWG NO - 02



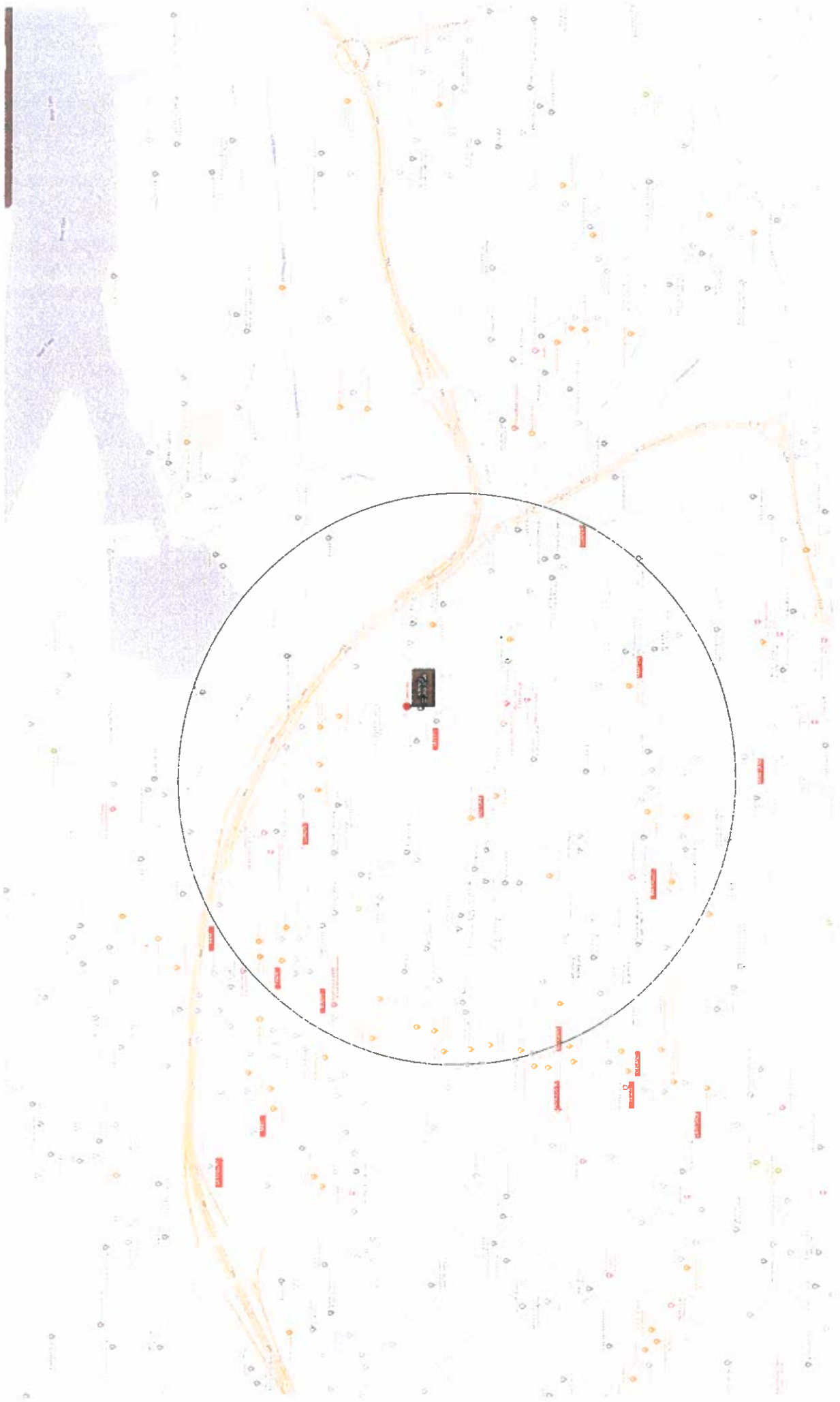
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 CONSTRUCTION MUST ONLY COMMENCE ONCE PLANNING, BUILDING CONTROL, AND ANY OTHER RELEVANT APPROVALS HAVE BEEN OBTAINED  
 THE ARCHITECT'S RESPONSIBILITY OF THE WORK IS TO ENSURE APPROVALS HAVE BEEN OBTAINED  
 THE ARCHITECT'S RESPONSIBILITY IS NOT TO BE HELD RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED BY THE CLIENT OR CONTRACTOR  
 THE CONTRACTOR IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THE CURB REGULATION AND MANDATORY HEALTH AND SAFETY REGULATIONS  
 THE CLIENT/BOILING DOWNER MUST OBTAIN THE NECESSARY PARTY WALL AGREEMENTS PRIOR TO COMMENCING WORK ON-SITE

DRAWING:  
 EXISTING  
 FIRST FLOOR PLAN

ADDRESS: 114 MARTON ROAD -  
 MIDDLESBROUGH

DRAWN BY: FII  
 CHECKED BY: BW  
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 TEL: 01642280339

WEBSITE:  
 WWW.PYRAMIDDESIGNS.CO.UK



## Matt Foster

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**From:** MOHAMMED SARWAR <sarwar.mohammed@btinternet.com>  
**Sent:** 18 March 2021 14:57  
**To:** Matt Foster  
**Subject:** Azeem Sarwar

Hi Matt.

You have asked me for a little detail in terms of my experience in the retail sector. I have approximately 25 years' experience in licensed premises. I am a professional retailer.

I have owned my own shop at Lane House Convenience Store, 11-13 Lane House Road, Thornaby. TS17 8AF and have had a clean license there for 11 years. I have operated that store under Premier, Best ONE and NISA. When I operated under NISA Local our contract included mystery shoppers and test purchases and we never failed one. We have also had the Lottery for 8 years, and have never failed one of their test purchases. I have had no issues and have a good reputation. Before this I worked two and a half years for the Co-Operative group as a cashier. I left there only because I had the opportunity to buy my own store in Thornaby.

My father has also owned his own shop for 35 years, before he sold it. When I was old enough to sell alcohol I took over the running of that shop from 1996 to 2006.

Over the years we have had plenty of experience with anti-social behaviour and other issues. I feel we have dealt with these problems successfully by working with the individuals and the families, as we were a big part of the community we served. I have also worked closely with the council and the Police. I am an existing operator in Thornaby and work with Stockton Council and Cleveland Police, and feel that if any checks are made, then that can easily be confirmed.

As a business in Thornaby we have always passed test purchase operations when they have been carried out, and that much has been confirmed by the Police and Council afterwards. We always insist that our staff do not sell age related goods unless they are 100% sure the customer is old enough. WE operate Challenge 25. When ID can't be provided then a refusal is made. I am not interested in short term business that involves endangering my licence. I like to think we are in business for the long term which involves building relationships with the community and the authorities.

Within my business, if staff want to refuse a sale we are always supportive of them at all times. During staff training I always remind staff that a small sale lost because ID is better than getting a large fine or possible loss of licence and the loss of their job. I like to think I am responsible and respected retailer.

I have always had a good relationship with Police and Trading Standards.

I always work with the community I serve and support the local charities and school fates. I am also a regular donator to James Cook Hospital Children's ward from the shop I'm currently running and support food banks.

I like to think I'm not just a regular shop keeper. Many times I have stopped children for getting involved in gangs that are involved in the sale of drugs and crime by speaking to their parents I've prevented them from come to harm.

I understand that the Police and Council are concerned that I would be the DPS of two units and that this would not be an ideal scenario from their point of view. I am fully committed the this new shop and I am in the process of selling my existing shop, which should complete in early April. So long as we obtain a licence for this shop I am moving by family back to Middlesbrough, my home town, to operate this unit as a family business under the brand of Go Local Extra.

I have discussed some of the evidence presented in regard to this upcoming hearing with Lisa and Araf. I understand the concern about people drinking at home more. In the last 12 months there has been a massive growth in people ordering on line, and having items delivered. This has not limited to takeaway food but also alcohol with companies like Delivero and Uber etc. The drinking at home culture is probably due to the ease in which you can order on line. My experience tells me that at least with shop premises you can do more checks to ensure the proper procedure are being adhered to.

Before we open we will have training carried out by D&B licensing, who I have spoken to. I will also have all of my staff sit the personal licence course, although in our existing business we already have 2 personal licence holders which is me and my wife. I have spoken to Araf about the additional measures being proposed and I have no issue with them.

I have spoken to David Rogers the area manager for Parfett's, which operates Go Local. David used to be my area manager for Best One, so I know him quite well. I see this site as having a lot of grab and go type passing trade, doing well with fresh goods, coffees, snacks for the cinema (when it opens) without a massive focus on alcohol sales. So, although the size of the area for alcohol is small (and the range will be small as well), our focus will be away from alcohol. We need alcohol to complete the convenience range, but the predictions on sales from that are relatively low at maybe 20 % with a focus on high end spirits, wines and craft beers. This isn't necessarily a shop for local customers, but more a high end convenience store for commuters. The products that tend to worry the Police etc are low end products. I'm not interested in stocking that at this store, since the profit margin isn't attractive enough.

My experience tells me that 90% of the profits on this store will be non-alcohol related. The location of this premises is key to how we would design the layout and product range because it has excellent transport links and good parking.

Thank you

Azeem Sarwar

## Heads of Terms for Mr Azeem Sarwar.

Terms for: Unit 3a, 136 Marton Road, Middlesbrough. TS1 2ED

Lease Terms : 10 years, full repair and insurance basis.

Rent : £18000 pa

Rent Review : upwards only rent review on the 4th anniversary of the lease.

Rent deposit : 3 month returnable deposit

Rent Free Period: 3 months from signed lease.

Sarwar Personal Guarantee

Rent payment by standing order, payment monthly on first of each month.

Payment of my legal fee

Fix and replace damaged ceiling tiles

Contribute to the cost of replacing light fittings

### **Tenant**

Mr. Azeem Sarwar

### **Solicitors Details**

Mr. Grant  
Miles Hutchinson  
68-70 Borough Road,  
Middlesbrough TS1 2JH  
01642 232488

**DATED**

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**LEASE**

**relating to**

Unit 3b, 136 Marton Road, Middlesbrough

between

**ALZA LIMITED**

and

**Mr Azeem Sarwar**

## CONTENTS

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### CLAUSE

1. Interpretation.....	6
2. Grant.....	15
3. Tenant covenants .....	15
4. Payment of Annual Rent .....	15
5. Payment method.....	15
6. No set-off .....	16
7. Interest.....	16
8. Rates and Taxes.....	16
9. Utilities .....	16
10. Common items .....	16
11. Costs.....	17
12. Prohibition of dealings .....	17
13. Assignments.....	17
14. Underletting.....	18
15. Sharing Occupation.....	20
16. Charging.....	20
17. Notification and registration of dealings .....	20
18. Repair .....	21
19. Decoration.....	21
20. Alterations .....	22
21. Signs .....	22
22. Window cleaning .....	22
23. Returning the Property to the Landlord.....	23
24. Use.....	23
25. Use of Parking Spaces .....	24
26. Regulations .....	25
27. Exercise of the Rights.....	25
28. Allow entry.....	25
29. Keyholders and emergency contact details .....	26
30. Compliance with laws .....	26
31. Energy Performance Certificates .....	27
32. Third Party Rights.....	28
33. Registration of this lease .....	28
34. Removal of entries in relation to this lease and easements granted by this lease .....	29
35. Encroachments and preservation of rights.....	29
36. Replacement guarantor .....	30



37.	Procure guarantor consent .....	30
38.	Indemnity.....	30
39.	Landlord covenants .....	31
40.	Quiet enjoyment .....	31
41.	Variation in extent of Building .....	31
42.	Designation of alternative areas, routes and facilities .....	31
43.	Guarantors Covenants .....	31
44.	Exercise of right of entry.....	32
45.	Scaffolding .....	32
46.	Re-entry and forfeiture.....	32
47.	Section 62 of the LPA 1925, implied rights and existing appurtenant rights .....	33
48.	Compensation on vacating .....	33
49.	No restriction on Landlord's use .....	33
50.	Limitation of liability .....	33
51.	Tenant's option to break .....	33
52.	Breach of repair and maintenance obligation.....	34
53.	Notices .....	34
54.	Consents and approvals.....	35
55.	Expert determination .....	36
56.	VAT .....	37
57.	Joint and several liability.....	38
58.	Entire agreement.....	38
59.	Contracts (Rights of Third Parties) Act 1999.....	38
60.	Governing Law .....	38
61.	Jurisdiction .....	38

## **SCHEDULE**

Schedule 1	Property .....	39
Schedule 2	Rights.....	41
Schedule 3	Reservations .....	43
Schedule 4	Third Party Rights.....	45
Schedule 5	Rent review .....	46
Part 1	Definitions .....	46
Part 2	Assumptions .....	46
Part 3	Disregards .....	47
Part 4	Hypothetical Lease .....	47
Part 5	Review of the Annual Rent.....	48
Schedule 6	Insurance .....	50
Schedule 7	Service Charge .....	55

Part 1	Services.....	55
Part 2	Service Costs.....	56
Part 3	Excluded Service Costs .....	58
Part 4	Service Charge administration and obligations .....	59
Schedule 8	Guarantee and indemnity .....	64

**ANNEX**

ANNEX A	Property Plan.....	69
	Building Plan.....	66

# *D & B Licensing and Security Consultants*

Authorised Grade One BIIAB Tutors - Centre No. C01699

E mail [barriehodgson@ntlworld.com](mailto:barriehodgson@ntlworld.com) Home 01642 510820 Mobile 07533831728

[dave.overdinsdale@btinternet.com](mailto:dave.overdinsdale@btinternet.com) 01325 335516 07521887292

Registered Office 161 Castle Road Redcar, Cleveland.

## Licensing course contents.

- Introductions
- Aims of the course
- Guess the age section
- What should we accept as proof of age?
- Why a premises licence is important
- Licensable activities
- Test purchasing
- What actions can be taken to prevent under-age sales?
- Proxy sales/ Buy and supply
- Refusal register.
- Incident report forms.
- Partnership working Police/Trading Standards/Licensing Authority/Local community.
- What is alcohol? How does it affect the body?
- Safe weekly limits of alcohol intake.
- Licensing objectives
- Irresponsible promotions
- Moral and legal obligations
- Offences under the licensing Act and penalties including persistently selling
- How to deal with refusals of possible underage sales.
- Difficult situations.
- Child exploitation/Grooming
- New mandatory conditions
- CCTV
- Due diligence. Training records and refusal register.
- 20 Question multi choice tests
- Course Certificate.
- (Menthol cigarettes banned by 20<sup>th</sup> May 2020)

*D & B Licensing Consultants*

# PREMISE LICENCE PROTECTION AND DUE DILIGENCE MANUAL

**Malton International**  
**XXXXXXXXXX .**  
**XXXXXXXX**



*Licence Protection & Due Diligence Manual*

# **Training File Contents List**

- **Useful telephone numbers**
- **Premise Licence Part 'A'**
- **Personal licences.**
- **Authorised members of staff**
- **Sale of Alcohol Policy**
- **Certificates of training by D&B Licensing Consultants**
- **Individual acceptance, responsibility & compliance to Alcohol Policy**
- **Individual record of advice/training attendance**
- **Examination test paper**
- **Induction guidance for new members of staff**
- **Incident reports & Evidence handling section**

USEFUL TELEPHONE NUMBERS

**Malton XXXXXXXX XXXXX**

Premise Licence Holder - .....

DPS - .....

Local Police Station Name .....

Tele. No .....

Local Beat Officer Name .....

Contact Tel. No. Office/Mobile .....

Police Community Support Officer .....

Contact Tel. No. Office/Mobile .....

D&B Licensing Consultants 07533831728 or 07521887292

Others

Pub/Shop Watch contact .....

Radio Partnership .....





**All staff must read and understand this company policy on the sale of alcohol and fully understand the companies Challenge 25 Age Verification Policy and confirm they will comply with it at all times.**

1. All members of staff have been made aware that they will not sell or serve alcohol or other age restricted products to anyone who is under the legal age. Anyone who fails to comply with this policy, will commit an offence of gross misconduct and also commit a Criminal Offence and be liable to a fine and 14 days imprisonment.

2. Understand that a Challenge 25 Age Verification Policy is in place at these premises and that you must ask for identification from anyone who appears to be under the age of 25 years.

3. If someone appears to you to be under the age of 25 years or if you have any doubt about the age of a person buying or trying alcohol or other age restricted product you **MUST** request proof of their age prior to completing any sale.

4. The only forms of Proof of Age you will accept are:

- x Valid Passport
- x UK Photo driving licence (Full or Provisional)
- x Pass (not approved) proof of age card. It is a valid UK/Citizen Card.

5. If you are challenged and you do not have a valid form of ID, you must challenge the person who appears to be under the age of 25 years. If you do not challenge the person, you will be liable for the sale of alcohol or other age restricted product. The only age you will accept is 25 years. If you do not challenge the person, you will be liable for the sale of alcohol or other age restricted product.

CHALLENGE CHALLENGE CHALLENGE  
NO PROOF OF AGE - NO SALE - NEVER GAMBLE.

Remember it is **illegal to sell:**

**Alcohol or other age restricted products to anyone under legal age  
To any person buying or attempting to purchase on behalf of an  
underage person.**

**To anyone having the appearance of being under the age of 25 years without producing Proof  
Of Age.**

*Licence Protection & Due Diligence Manual*





## **Employee acceptance of Responsibilities regarding the Sale of Alcohol**

**Employee name: Xxxxxx** I hereby confirm that I have read, understood and will comply with both the Premise Licence and company policy on the sale of alcohol and Age Restricted Products and fully understand the companies Challenge 25 age verification policy.

- I also understand that if I fail to comply with this policy, I will commit an offence of gross misconduct and a **Criminal Offence** and I may be liable to a fine and/or imprisonment.
- I understand that a Challenge 25 policy dictates that I must ask for identification from anyone who looks to be under the age of 25 years.
- I understand that if someone appears under 25 or if I have any doubt about the age of a person trying to buy alcohol, I must ask for proof of their age.
- If I have reason to believe that someone is attempting to buy alcohol on behalf of an underage person I **MUST** refuse the sale.

• The only forms of identification I should accept are:-

- Valid Passport
- UK Photo Driving Licence (full or provisional)
- Pass Logo Approved Proof of Age Card e.g. Citizen Card

• I understand that if a customer fails to produce acceptable identification and I believe a person is under the age of 25 years, I will refuse to sell alcohol to such a person and when the customer has left the premises, will complete an entry in the refusals register.

• I hereby confirm that I have received advice and training from my employer regarding the sale of alcohol.

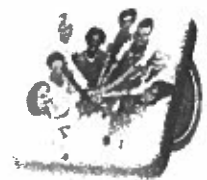
**Employee Signature:** .....

**Date 10<sup>th</sup> March 2021**

I hereby confirm that I have explained our Age Verification Policy and provided training for them in relation to the sale of alcohol and other age restricted products and feel confident that they fully understand, are competent and will comply with our Premise Licence and our policy and procedures.

Signature of Premise Licence Holder / DPS .....

**Date: 10th March 2021**



**Record of Advice and Training Given to a Member of Staff  
Relating to the Sale of Alcohol and other Age Restricted Products**

I hereby confirm that we have delivered a course of instruction to

in relation to the sale of alcohol and other age restricted products and  
feel confident that he/she fully understands the relevant legislation,  
liabilities, policies, and procedures to be complied with.

Position held:           Team Member.

Candidate signature .....

Name of Premises   XXXXXXXXXXXXX

Trainer Name:           David Lester.

Date of Training    10<sup>th</sup> March January 2021

Signature: .....

*We recommend that refresher training is given at regular intervals*

***Licence Protection & Due Diligence Manual***



# Overview/Due Diligence

D. & B. Licensing Consultants is a company operated and controlled by two former Police Officers, both having over thirty years experience in Policing and many years experience in alcohol retailing, having been employed for several years in a management role by a major North East Convenience Retailer and leading Supermarket Chain.

This resource is to help you the retailer to deal with sales of age restricted products including alcohol and cigarettes and to help you and your staff to deal with confrontational situations. The content will give you a brief guide to the law on the sale of alcohol, cigarettes and other age restricted products and guidance around “Due diligence” with a view to preventing underage sales and ultimately protecting you, your staff, your premises licence and your business from prosecution.

## **What is due diligence.**

Basically this means that you as a seller of a restricted product, a personal licence holder, designated premises supervisor or premises licence holder have done everything within your power to prevent an underage sale taking place. Good quality CCTV. High visibility age restricted product signage, refusal registers, incident report forms, correctly documented staff training/refresher training records, partnership working with the statutory agencies, police, trading standards and local authority licensing departments all contribute towards showing good due diligence.

**You have a statutory defence if as a person charged with selling alcohol to someone under the age of 18 years you can show that:-**

**You believed that the individual was aged 18 years or over and either:**

**You had taken all reasonable steps to establish the individuals age,  
Or**

**Nobody could reasonably have suspected from the individual’s appearance that they were aged under 18 years.**

**A person is considered to have taken all reasonable steps to establish an individual’s age if:**

**He/She asked the individual for evidence of his/her age.**

**The evidence produced would have convinced a reasonable person.**

**However if you have a challenge 25 policy in your store and fail a test purchase this defence may be difficult to call on. However challenge 25 is still one of the best methods to adopt to protect your staff/colleagues from making a mistake and getting it wrong.**

**(Now view our brief introduction to the law on age restricted goods)**

# **BEST PRACTICE**

By following some or all of the steps listed here, you should reduce the possibility of an under-age sale occurring and also minimise the risk of prosecution.

## **GENERAL**

Never assume the age of a young person. If in doubt, ask for their age and always seek proof. You must refuse to sell if they can't prove their age.

## **STAFF TRAINING**

ALL staff (including temporary and part time staff) should be aware of their legal responsibilities and you should have staff meetings, reminders and updates regularly. New staff should be trained at induction as soon as they join the business. Keep a written record of individual staff training and updates given in order that you can prove that they have been given. (Proof of due diligence) We recommend that refresher training is carried out every three months and documented.

## **ASK FOR PROOF OF AGE**

Consider adopting a 25 policy for Alcohol, cigarettes and other tobacco related products, intoxicating substances, fireworks and '18' videos/DVDs. You and your staff must ask for proof of age if the customer does not look 25

## **MAKE A RECORD OF REFUSALS**

Keeping a record of refused sales is a good way of showing that you are being diligent and trying not to sell products to the under-aged. Recording refused sales can also provide a useful insight into which members of staff are refusing sales, therefore highlighting staff that may need further training. It can also act as a deterrent to young people attempting to buy. Refusal registers are available from D&B Licensing.

## **DISPLAY WARNING NOTICES FOR ALCOHOL AND CIGARETTES**

If you sell alcohol, cigarettes or other tobacco products you should display warning notices as part of your requirement to have an age verification policy. You may wish to consider warning notices at the point of sale or entry to the store as deterrents to the under-aged customer.

## **KEEP AGE-RESTRICTED PRODUCTS BEHIND THE COUNTER**

If a purchaser has to ask for a product this can act as a deterrent on its own. It may also prompt you to ask for proof of age.

## **IF POSSIBLE USE "TILL PROMPTS" AT THE POINT OF SALE**

These reminders could take the form of an electronic display on the till, stickers or posters.

## **POSITIVE ACTIONS**

Other steps you could take include: -

Implement a policy of not selling to anyone wearing school uniform.

Install good quality CCTV. Train key members of staff in its operation.

Keep high value age restricted goods behind the checkout.

Do not place beer or wine display stacks near to the stores exit to help prevent theft and thereby helping to reduce crime and disorder

# A GUIDE TO SAYING 'NO'

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## **DISPLAY PROOF OF AGE MATERIAL**

As from the 1<sup>st</sup> October 2010 there is a Mandatory requirement under the licensing Act 2003 which states that there must be an age verification policy in place to prevent underage sales. We recommend Challenge 25. It therefore follows that staff should be trained in that policy. The best way to gain your customers support is to display proof of age material throughout your store. Displaying proof of age material often makes youngsters think twice before attempting to buy.

## **WHEN PRESENTED WITH AN AGE RESTRICTED PRODUCT**

Stop what you are doing.

Look up.

Take control of the product.

Assess the age of the customer. (Does the customer look 25 years old or not?)

If not then you must ask **"How old are you please"**.

This must always be followed up by then requesting an acceptable form of Identity (follow your store policy on acceptable forms of I.D)

**Remember no I.D. No Sale. Never take a chance.**

## **IN DIFFICULT SITUATIONS STAND YOUR GROUND**

A refusal can embarrass a customer, so be tactful. Always be polite and calm, and don't antagonise by getting annoyed or aggressive. Be professional. Apologise.

If faced with a group, move the person you're talking to away from the rest. This lessens the chance of them playing to the crowd.

- **Be polite**
- **Apologise (Point out that the Law requires you to see I.D.**
- **Don't antagonise**
- **Be firm**
- **Use tact**
- **Don't humiliate**

## **AVOID BLAME**

When refusing to serve someone, politely stress your legal obligations. If you're asking for identification for proof of age, emphasise it's nothing personal but the law requires it. State it's the policy of the shop to make this request to anyone suspected of being under-age.

- **De-personalise the situation**
- **Explain your legal obligation**
- **Blame the shop policy**
- **Don't get angry**

## **KEEP YOUR DISTANCE**

- **Try to keep a barrier between you and the potential aggressor**

## D & B Licensing Consultants

### Incident Report

Date of incident:

Time of incident:

Name of person recording details:

Description of Incident (Theft, Disruptive, Disorderly, Assault)

1. Name of licensee: \_\_\_\_\_

2. Name of licensee: \_\_\_\_\_

3. Name of licensee: \_\_\_\_\_

4. Name of licensee: \_\_\_\_\_

Include names and contact details of witnesses, Staff and/or police

Notes for identity statement (if applicable)

Signature of licensee: \_\_\_\_\_

Signature of licensee: \_\_\_\_\_

Signature for TV, TV Images, SES, and/or Licensee (signature over Seal)

Event Ref. Number (Request from Police)

*Licence Protection & Due Diligence Manual*





Request for evidential images from CCTV system.

DVD/USB (Indicate)

Time and date of request .....

Images downloaded by.....(Signature)

Time and date copied.....am/pm...../...../.....

Handed to.....(Police Officer/Other)

Time and date.....am/pm...../...../.....

Exhibit No.....

To be completed when any lawful request is made for CCTV images by Police, Trading Standards or other enforcement agency.



**Samy Limited - Application for Premises Licence - Unit C, Rede House, 66-77 Corporation Road, Middlesbrough – Notice of Decision of Licensing Sub-Committee on 10 May 2018**

1. The Committee considered an application for a Premises Licence under Section 18 of the Licensing Act 2003 ("the Act") to sell alcohol off the premises in respect of premises at Unit C, Rede House, 66-77 Corporation Road, Middlesbrough TS1 1LY between the proposed changed hours of 8.00am until 10.00pm daily. The Applicant is Samy Limited
2. The Committee noted that as relevant representations had been received to the Application a hearing must be held. The Committee noted under Section 18 of the Act that it must, having regard to the representations, take such steps if any as it considers appropriate for the promotion of the licensing objectives. The steps are to grant, to grant with conditions and /or modify conditions in the operating schedule, to exclude a licensable activity, to refuse the Designated Premises Supervisor or reject the application.
3. The Licensing Objectives are the promotion of the prevention of crime and disorder, public nuisance, the protection of children from harm and public safety.
4. The Committee carefully considered the Application on its own merits, it carefully considered the representations by the Applicant, the Responsible Authorities and the Councillors who made relevant representations, the Council's Statement of Licensing Policy and Guidance under Section 182 of the Act.

**Decision**

5. The Committee decided to grant the Premises Licence to sell alcohol between 8.00am and 10.00pm daily subject to the modification of the conditions by deleting the proposals in the operating schedule and imposing the conditions agreed between the Applicant, the Police, Public Health and Trading Standards produced at the hearing.

**Reasons**

6. The Applicant amongst other matters informed the Committee that the Application should be granted subject to the amended conditions for the hours between 8.00 am and 10.00pm daily. The Applicant informed the Committee, in summary, that the original application was drafted in general terms in order for discussions to be had with the Responsible Authorities to identify what would resolve their concerns. The Applicant has a professional operation and will be investing heavily in the premises. It is not a small corner shop it is a mini supermarket with the investment to ensure the robust conditions will be met. Alcohol is only a small element and they will offer a full range of convenience goods. Outside professional training will be provided to staff. At least two staff will be present on each shift one of which will be qualified and have a Personal Licence. They will not sell high risk alcohol and the police, public health and trading standards have confirmed they consider the proposals with the conditions will not be detrimental to the objectives. The Applicant confirmed the franchise was with Londis who provides the produce. The Applicant confirmed that Londis can comply with the requirements in the conditions. The premises will also have Costa Coffee available. The Applicant advised it will enhance the area.

7. The Responsible Authorities agreed to the operation subject to conditions between the hours of 8.00am and 10.00pm. They were satisfied that the Applicant could ensure the conditions would be complied with and that they considered it to be professional responsible operation. They considered that the restrictions are aimed at preventing street drinkers, problem drinkers and those who go on to cause problems in the town. The Responsible Authorities confirmed they considered the application would not be likely to add to the problems in the area within the cumulative impact policy.
8. The Ward Councillor objector informed the Committee that it is within the cumulative impact area and there are serious alcohol related harms in the area. A high number of harms occur during the hours of operation and the Ward Councillor would like to see the hours further curtailed to 9am to 9pm to reduce the risk of those harms.
9. The Committee is satisfied that there is good reason to depart from its cumulative impact special policy in this particular case and grant the Application subject to the restrictions as it considers it will be unlikely to add to the problems in the area.
10. The Committee determined that the proposed operation as a mini market with alcohol being a small percentage of stock displayed, investment in the premises, responsible management and the specific conditions targeted to address the concerns in the area would result in the premises promoting the licensing objectives.
11. The Committee noted that in addition to the restrictions, the Responsible Authorities have confidence in the proposed Licence Holder, the operation and management of the Premises. It was also noted that the Premises Licence Holder will work with the Police and the Council so that issues will not arise.
12. It was noted that the Ward Councillor requested the hours to be reduced because of the amount of incidents in the area during its time of operation. However the Committee did not consider that was an appropriate step in the circumstances.
13. The Committee acknowledged there are a large number of alcohol harms in the area of the town centre.
14. There are many incidents that occur between the hours of 8.00am and 10.00pm, but the incidents appear to be a lot less during the hours of 8.00am and 9.00am and 9.00pm and 10.00pm. The cause may be the availability of alcohol generally or irresponsible premises, however, the Committee did consider that the Responsible Authorities had confidence in the Applicant and that his restricted operation within the amended hours of 8.00am until 10.00pm would not impact on those current problems.
15. The Committee considered that the restrictions in place and the operation will mean the mini supermarket will be ran responsibly and will promote the objectives.

Dated 14 May 2018

## PREMISES LICENCE

### Part A

Premises licence number

MBRO/PR0177/092250

#### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Unit C Rede House 66-77 Corporation Road	
<b>Post town</b> Middlesbrough	<b>Post code</b> TS1 1LY
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by the licence</b> Sale of Alcohol
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<b>The times the licence authorises the carrying out of licensable activities</b> <b>SALE OF ALCOHOL OFF PREMISES</b> Monday to Sunday: 8am to 10pm
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<b>The opening hours of the premises</b> Monday to Sunday: 6am to 12 midnight
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<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> Alcohol sales permitted OFF the premises
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**Part 2**

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

Samy Limited  
73-75 Corporation Road  
Middlesbrough  
TS1 1LY  
  
01642 473906

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

07689168

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

Mr Saravanakumar Selvakumar

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

MBRO/PL1546/093461 issued by Middlesbrough Borough Council

**Granted on 5 March 2020**



**Authorised Officer**

### **Annex 3 - Conditions attached after a hearing by the licensing authority on 10 May 2018**

The premises will amend its operating schedule to reduce the times for licensable activity to take place, namely the supply of alcohol to 8am-10pm seven days a week.

1. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
  - The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
  - CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
  - Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
  - The system will record and retain CCTV footage for a minimum of 31 days
  - The system will record for 24 hours a day.
  - The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
  - The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
  - There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
  - Upon receipt of a request for a copy of CCTV footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.
  - CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises
2. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
  - Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
  - All crimes reported to the venue
  - All ejections of patrons
  - All seizures of drugs or offensive weapons
  - Any faults in the CCTV system, searching equipment or scanning equipment
  - Any visit by a relevant authority or emergency service
3. The incident book must be made available to Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.
4. The premises will not stock, display or sell any lager, beer, cider or perry product with an ABV content above 6.5%
5. The Premises will not sell any single cans of lager, beer or cider
6. No alcohol must be stocked within 5 metres of the entrance/exit door

7. Alcohol will only be displayed within a 5% area of the shop floor. Alcohol will be kept within the controlled area which will be in sight of the checkout area. The controlled area will be mapped out and outlined in red on the map provided by the Premises Licence Holder (copy of which will be attached to the Premises Licence).

8. The Premises Licence Holder/ Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.

9. There will be a personal licence holder on duty at all times.

10. The Premises Licence Holder/Designated Premises Supervisor will participate in any local Off Licence forums held by the Local Authority.

11. The Premises Licence holder shall ensure that at all times when the premises are open for any licensable activity there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

12. A Challenge 25 policy will be implemented at the premise.

13. Training in relation to Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale, supply or delivery of alcohol and at least every six months thereafter.

14. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor/ Premises Licence Holder or external training providers.

15. Documented training records must be kept at the Premises and made available to the Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.

16. Staff must require ID in the form of a current ten year passport, photo card driving licence or PASS Hologram identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made.

17. There will be at least four notices/posters in prominent positions inside the premise informing customers that a Challenge 25 policy is in operation

18. The premise will keep and maintain a refusals book/electronic register which will be used to record all incidents/occasions of where the premise refuses to sell alcohol to an individual. The refusals book/electronic register will be used solely as a refusals book. It will be kept at the premise and will be made available for inspection by the Police or any other Responsible Authority.

19. The Premises Licence Holder/Designated Premises Supervisor must monitor the refusals book/electronic register on a monthly basis and must sign and date the register to confirm when this has been

completed.

20. There must be a minimum of two signs in the premises visible at the points of sale stating that it is an offence:

- to sell alcohol to persons under 18 years of age.
- to purchase alcohol on behalf of any person under 18 years of age
- to sell alcohol to any persons who appear drunk or under the influence of other illegal substances

## PREMISES LICENCE

### Part A

Premises licence number

MBRO/PR0288/100323

#### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> B & M Store Unit E Middlehaven Gateway Heath Road	
<b>Post town</b> Middlesbrough	<b>Post code</b> TS3 6RS
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by the licence</b> Sale of Alcohol
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<b>The times the licence authorises the carrying out of licensable activities</b> <b>SALE OF ALCOHOL OFF PREMISES</b> Monday to Sunday - 8am to 10pm During December - 7am to 11pm
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<b>The opening hours of the premises</b> Monday to Sunday - 7am to 11pm
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<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> Alcohol sales permitted OFF the premises
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## Part 2

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

B & M Retail Ltd  
The Vault  
Dakota Drive  
Estuary Commerce Park  
Speke  
L24 8RJ

0151 7285400

[alcohol@bmstores.co.uk](mailto:alcohol@bmstores.co.uk)

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

01357507

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

Mr Andrew Wicks  
13 Rushyford Avenue  
Stockton-on-Tees  
TS19 9BE

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

SBC 146393 issued by Stockton -on-Tees Borough Council

Granted on 24 November 2020



Authorised Officer

## Annex 2 - Conditions consistent with the operating Schedule

### LICENSING OBJECTIVES

#### GENERAL - ALL FOUR LICENSING OBJECTIVES

This Licence does not permit any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

#### THE PREVENTION OF CRIME AND DISORDER

1. Staff must require ID in the form of a current passport, photo card driving licence or PASS logo identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made
2. Notices must be placed in a prominent position advising customers the Premises operates a challenge 25 policy and all customers who appear under the age of 25 will be challenged for ID proving they are over 18 in the form of a current passport, photo card driving licence or PASS logo identity card
3. Training in relation to Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers and incident records must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale, supply or delivery of alcohol and at least every six months thereafter.
4. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training and the person providing the training on behalf of the Premises Licence Holder
5. Documented training records must be kept at the Premises and made available to the police, trading standards or licensing officers on request.
6. There will be an electronic incident recording system used at the Premises and kept up to date at all times recording the time date and details of all incidents of crime and disorder or anti-social behaviour at the premises or directly outside of the premises. The incident book must be made available to the police, trading standards and / or licensing officers on request.
7. There will be an electronic refusals system used at the Premise and kept up to date at all times recording the date time and reasons for every refusal to sell alcohol to a customer. The refusals record must be made available to the police, trading standards and / or licensing officers on request
8. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
  - The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
  - CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
  - Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
  - The system will record and retain CCTV footage for a minimum of 31 days
  - The system will record for 24 hours a day.
  - The system will incorporate a means of transferring images from the

hard-drive to a format that can be played back on any desktop computer.

- The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
  - There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
  - Upon receipt of a request for a copy of CCTV footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.
  - CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request
- The premises will place and maintain CCTV signs on all exits from the premises both inside and out as a reminder to customers and staff that their behaviour is being monitored.

9. No beer, lager or cider of 6.5 ABV (alcohol by volume) or above shall be displayed or sold at any time at the premises.

10. The display of alcohol will not exceed the area specified and identified as alcohol display areas on the plan attached to the application or such other areas within the store equivalent to and not exceeding the shelf and floor space identified on the said plan for the display of alcohol, without the consent of the police and licensing officers.

11. The Premises Licence Holder/ Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.

12. The Designated Premises Supervisor will participate in any local Off Licence forums held by the Local Authority.

13. Plain clothes security staff shall be employed at the premises when deemed necessary by the Licence Holder.

14. All staff will be trained in Security Awareness as part of their induction training.

15. Notices to be displayed inside the premises stating that it is an offence for any person under 18 years of age to purchase alcohol.

16. B&M operate a zero tolerance to aggressive and/or violent behaviour towards staff members.

#### **THE PREVENTION OF PUBLIC NUISANCE**

1. The area immediately in front of the store shall be inspected on a regular basis and management and staff shall use their best endeavours to prevent B&M customers from loitering in the said areas, persons refusing to move shall be subject of a report to the Police to facilitate safe dispersal.

#### **THE PROTECTION OF CHILDREN FROM HARM**

1. Staff will be trained on induction (and undergo 3 monthly refresher training (in the form of a written test)) in respect of the sale of all age restricted goods (including awareness/prevention of proxy sales, signs and symptoms of intoxication, dealing with refusal of sales and any subsequent confrontational behaviour from customers) - such training sessions to be documented and records made available to authorised persons from Responsible Authorities and kept on site for a minimum of 2 years.

2. The cash tills used for the sale of alcohol to have the benefit

of an electronic prompt for operators in respect of age restricted sales.

3. Refusals registers for each store will be printed, checked and signed by the DPS or duty manager on a weekly basis.

## PREMISES LICENCE

### Part A

Premises licence number

MBRO/PR0297/100306

#### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Iceland The Food Warehouse Unit B Gateway Retail Park	
<b>Post town</b>	<b>Post code</b>
Middlesbrough	TS3 6AT
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>
Sale of Alcohol

<b>The times the licence authorises the carrying out of licensable activities</b>
<b>SALE OF ALCOHOL OFF PREMISES</b>
Monday to Sunday - 8am to 10pm
Seasonal Variations
From the 1st December through to 2nd January annually, the supply of alcohol shall be permitted from 7am - 11pm daily. In the week prior to and the week proceeding Easter Sunday in any given year, the supply of alcohol shall be permitted from 7am - 11pm daily.

<b>The opening hours of the premises</b>
Monday to Sunday - 7am to 11pm

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
Alcohol sales permitted OFF the premises

## Part 2

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

Iceland Foods Ltd  
Second Avenue  
Deeside Industrial Park  
Deeside  
CH5 2NW

01244843 699

[robert.hayes@iceland.co.uk](mailto:robert.hayes@iceland.co.uk)

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

1107406

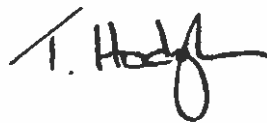
**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Ashley Stephen Triplett  
5 Buckthorn Grove  
Middlesbrough  
TS8 9BF

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

SBC 133823 issued by Stockton-on-Tees Borough Council

Granted on 17 December 2020



Authorised Officer

## Annex 2 - Conditions consistent with the operating Schedule

### LICENSING OBJECTIVES

#### GENERAL - ALL FOUR LICENSING OBJECTIVES

This Licence does not permit any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

#### THE PREVENTION OF CRIME AND DISORDER

##### CHALLENGE 25

1. Staff must require ID in the form of a current ten year passport, photo card driving licence or PASS logo identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made
2. Notices must be placed in a prominent position advising customers the Premises operates a challenge 25 policy and all customers who appear under the age of 25 will be challenged for ID.

##### STAFF TRAINING

1. All relevant staff shall be trained in relation to their responsibilities under the Licensing Act 2003 including but not limited to the companies Age Verification Policy, Under Age Sales, Proxy Sales and Sales to Intoxicated Persons.
2. In addition, relevant staff shall also be trained on specific Premises Licence condition attached to this Premises Licence.
3. Such training will be provided upon company induction and at regular intervals of no longer than six months.
4. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training.
5. Documented training records must be kept at the Premises and made available to the police, trading standards or licensing officers on request and / or during an inspection.

##### INCIDENT BOOK

1. An incident book must be kept at the Premises and maintained up to date at all times recording the time date and details of all incidents of crime and disorder or anti-social behaviour at the premises or directly outside of the premises. The incident book must be made available to the police, trading standards and / or licensing officers on request or during an inspection.

##### REFUSALS REGISTER

1. A refusals register must be kept at the Premise and maintained up to date at all times recording the date time and reasons for every refusal to sell alcohol to a customer. The refusals record must be made available to the police, trading standards and / or licensing officers on request or during an inspection

##### CCTV

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.  
CCTV will be capable of providing pictures of evidential

quality in all lighting conditions, particularly facial recognition. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.

The system will record and retain CCTV footage for a minimum of 31 days

The system will record for 24 hours a day.

The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.

The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.

There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.

Upon receipt of a request for a copy of CCTV footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours or less if urgently required for investigations of serious crime.

CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on request during an inspection of or visit to the Premises

The premises will place and maintain CCTV signs on all exits from the premises both inside and out as a reminder to customers and staff that their behaviour is being monitored.

#### **TYPES / STRENGTH / DISPLAY OF ALCOHOL**

1. No beer, larger or cider of 6.5 ABV (alcohol by volume) or above shall be displayed or sold at any time at the premises.
2. The Designated Premises Supervisor will participate in any 'Responsible Retailing' scheme and any relevant training / campaigns which the Police or Local Authority provide or recommend.
3. The Premises Licence Holder/Designated Premises Supervisor will participate in any local Off Licence forums held by the Local Authority.

The premises will be fitted with a burglar alarm system.

The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

#### **THE PREVENTION OF PUBLIC NUISANCE**

A complaints procedure shall be in operation at the premises, details of which will be made available in store.

#### **THE PROTECTION OF CHILDREN FROM HARM**

No member of staff will be permitted to sell alcohol until such time as they have successfully completed the training.

A till prompt system will be utilised at the premises in respect of alcohol.



IN THE LEEDS MAGISTRATES COURT

BETWEEN :-

BREWDOG BARS LIMITED

Appellant

- and -

LEEDS CITY COUNCIL

Respondent

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NOTE OF DECISION OF  
DISTRICT JUDGE ANDERSON  
6<sup>th</sup> SEPTEMBER 2012

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No doubt when the 2003 Licensing Act came into being, no-one foresaw the emergence of an operation such as Brewdog. They are a Scottish company specialising in craft beers with a devoted clientele. They do not operate large public houses selling cheap lager or cheap food. They have outlets in other cities including in cumulative impact areas where they operate well and without police objection. Now they seek to come to Leeds.

The company takes a didactic approach, with books on brewing, and customers invited to watch instructional videos playing at their premises. Their customers could be described as "alcohol geeks." They are not run of the mill or everyone's cup of tea, but there is a demand for outlets selling a good quality of beer.

If they had identified a site outside the City's Cumulative Impact Policy area, there is absolutely no doubt that they would already have their licence. They are an intelligent, well-run company, and in a short space of time they have shown themselves to be an effective operator.

However, this site does fall foul of the Cumulative Impact Policy which was introduced with the best possible motives to control the grant of licences to new premises. There is a presumption within it that new applications shall not be granted, unless the applicant can discharge the reverse burden in establishing that they will not add to the cumulative impact, and that is the issue in this case.

I can deal with one conclusion briefly, the issue of noise and nuisance. The Court heard evidence from Miss Ludford that she had gone to the trouble of circulating a letter to all residents in the neighbouring block of flats but received no objections. Against that was the more general evidence of Mr Kenny, which showed noise complaints to the Council. But most of those complaints were amplified music and Brewdog does not seek to be able to provide amplified music and so there is no risk of noise from regulated entertainment emanating from the premises. The capacity is small and any noise generated as people leave the premises will be very marginal indeed. It seems to me that the premises of this public house would not be a significant impact on the Cumulative Impact area regarding public nuisance and so I do not intend to mention this further.

That leaves the more important objection of the Police and the potential impact of another premises on the levels of crime in the area. There are a number of clubs around the Corn Exchange and the late

hours they trade, the marketing operations and the type of customer they attract means that there is regular disorder and violence. they run with late hours, attracting a different sort of customer. Their presence causes violence. That is a sad fact of modern life. The situation cannot be assisted by the sort of promotion I saw advertised by Chilli White with cheap vodka and free vodka, but they have their licence.

It cannot be the policy of the Cumulative Impact Policy to bring the iron curtain clanging down to allow such clubs to continue to trade while shutting out Brewdog which attracts more discerning customers who do not engage in binge drinking, though I do accept the requirement of the Cumulative Impact Policy is to ascertain specifically whether there will be impact.

If I accept, as I do, that the enterprise sells expensive beers in expensive measures, then I think I can conclude that the people likely to be attracted are not “get it down your neck” drinkers but rather better heeled customers. The type of clientele a premises attracts has a material part to the play in the decision, because if I am not worried about their clientele and am impressed by the running of their bars elsewhere, it follows that it is unlikely that their clientele will have any adverse impact on the area here.

The Police argued that customers may accidentally cause impact. Their argument that customers could get caught up in a melee caused by others is not a valid one. A simple increase in footfall isn't a rational reason to refuse entry to Leeds by Brewdog.

I have listened carefully but have heard nothing which causes me to believe that the application should not be granted. I am satisfied that the appellants have discharged the burden of proof placed on them.

I accept that the Committee and the Police did their best but their application of the Policy was too rigid. They seemed to take the view that man was made for the Policy, when the Policy should be made for man.

The appeal is upheld, and the licence granted in the terms set out in the bundle served on the Court.