

BETWEEN:

FAROOQ KHAN
(t/a Supersave, 68 Craven Park Road, NW10 4AE)

and

LONDON BOROUGH OF BRENT
(the Licensing Authority)

WITNESS STATEMENT
Alan Aylott

I, Alan Aylott of Crescent House, 51 High Street, Billericay, Essex, CM12 9AX, will say as follows:

1. I am employed as a Trainee Solicitor at Dadds LLP Licensing Solicitors.
2. I am a retired Police Officer with over 20 years' experience; some of this time as Operations Manager in an East London police station with particular responsibility for Licensing. I was also regularly involved with Pubwatch and engaged in teaching licensing law; accredited with the British Institute of Innkeepers. I have been actively engaged in licensing matters since 1997.
3. Around 10.30am on Thursday 19th May 2016, I went to Supersave, 68 Craven Park Road, NW10 4AE in order to conduct a site visit, ensure suitable training measures were in place for the staff and to meet with PC Mike Sullivan from Brent Licensing police.
4. I was met by Mr Farooq Khan, one of the Premises Licence holders. He is also the designated premises supervisor (DPS).
5. I was shown to an office at the rear of the shop where I met some more persons who were introduced to me as staff. These men were Mohammad

Yasir; Muqarrab Khan; Mubarik Ali and Shahbaz Azam. I produced a folder for Mr Khan and his staff which included a training manual and training record sheets together with a number of posters. A copy of the documents contained in the folder is exhibited as **exhibit ARA/1**.

6. I then went through the training manual with all those present ensuring they were conversant with the contents and fully aware of their obligations and responsibilities under the Licensing Act 2003. I completed their personal training records and they signed to confirm that training had taken place. I also ensured they signed to acknowledge their understanding of the '10 golden rules'.
7. I saw their details were entered upon a form, signed by them and by Mr Khan, to authorise them to carry out licensable activities on Mr Khan's behalf; a DPS authority.
8. I explained what minor points to look for in respect of identifying possible counterfeit alcohol (e.g. quality of the labelling, appearance, quantity in the bottle) and then showed them how the UK duty stamp on a spirit bottle would fluoresce under a UV (black) light.
9. During this time, Esther Chan from Brent Licensing attended to deliver a letter in respect of the upcoming review. She left the letter and signed the Visitors' Register.
10. Around 12.10pm, PC Sullivan attended the shop and I had a discussion with him.
11. I left the store around 2.30pm.
12. I believe that the facts stated in this witness statement are true.


Alan Aylott, dated 23rd May 2016

BETWEEN:

FAROOQ KHAN
(t/a Supersave, 68 Craven Park Road, NW10 4AE)

and

LONDON BOROUGH OF BRENT
(the Licensing Authority)

EXHIBIT ARA/1

This is the exhibit referred to as Exhibit ARA/1 in the witness statement of Alan Aylott.

Training Manual Licensing

**Supersave,
68 Craven Park Road,
London,
NW10 4AE**

IMPORTANT INSTRUCTION

THE TEN GOLDEN RULES

1. (a) Young persons under the age of 18 must not be permitted to buy alcoholic drinks. (Our Company Policy is that anyone appearing to be under 25 must prove that they are 18 or over, by providing acceptable proof of age ID)
(b) Young persons under 18 must not be permitted to sell alcohol without direct supervision by a senior member of staff, who must be over 18.
2. Persons who are under the influence of drink must not be sold alcoholic drinks.
3. A Police Officer in uniform must not be sold alcoholic drinks.
4. You must not allow people to drink on or outside the premises.
5. You must ensure that the “Challenge 25” prohibitive sign and the Trading Hours are prominently displayed.
6. Be very aware of persons over 18 who try to buy for under 18’s. Refuse the sale and record in the refusal book.
7. Be vigilant, constant supervision of the drinks area is not only necessary to deter pilferage, but to prevent under 18’s trying to select alcohol.
8. Before each transaction identify the customer. If in doubt ask for proof of age.
For this you can accept:-
 - a) a Recognised proof of age card with the PASS logo which include the Bite, Portman Group, Citizen, Connexions, Validate, Young Scot etc. identity cards, showing photo, date of birth and signature.
 - c) a Current Passport
 - d) the new style Driving Licence with photo

THE OLD STYLE DRIVING LICENCE WITHOUT A PHOTO IS NOT ACCEPTABLE

THE MAXIM YOU MUST FOLLOW IS:-

9. If in doubt do not make the sale. You have the right of refusal which will be backed up by the Manager and the Company. If a refusal is actioned, record the details in the refusal book e.g. male/female, date, time, reason – underage, drunk abusive.
10. Be aware of the licensing hours and ensure that the blinds are down or tensor barriers in place to prevent access to alcohol displays outside of permitted alcohol trading hours and that no sale takes place outside these hours.

Unit 1:

Unlawful Sales

1.1 Authorising alcohol sales

1.1.1 Licences

The retail sale of alcohol is only lawful if it is licensed. In England and Wales we have a dual licensing system. A building from which alcohol is sold must have a *premises licence* that states that the retail sale of alcohol is a licensable activity to be conducted on those premises. It makes no difference whether the premises are for 'on-sales' or 'off-sales'. Sales of alcohol from a building with a premises licence are lawful only if they are authorised by the holder of a *personal licence*.

1.1.2 Authorising bar and counter staff to make alcohol sales

Under the Licensing Act 2003 all sales of alcohol from a building with a premises licence must either be made or be authorised by a personal licence holder. There may be any number of personal licence holders working in a premises but only one Designated Premises Supervisor (DPS). The DPS will be the person in day-to-day control of the premises and all other personal licence holders working on the premises will be working under his or her control.

- As bar or counter staff, if the premises in which you work sells alcohol, even if alcohol sales are a very small part of the sales mix, you must have the authorisation of a personal licence holder for any alcohol sales you make to be lawful.
- You must therefore make sure you personally are authorised by a personal licence holder to make sales of alcohol – particularly in circumstances where a personal licence holder may not be on the premises all the time it is open for the sale of alcohol.
- A member of staff under the age of 18 may sell or supply alcohol only if each sale or supply is specially approved by the premises licence holder, the DPS or another person over the age of 18 authorised to give such approval by the premises licence holder or DPS.
- Staff members under 18 are not committing an offence if they sell or deliver alcohol for consumption with a table meal. Typically this would include someone working as a waiter or waitress.

1.2 The four licensing objectives

The licensing Act 2003 is underpinned by some basic principles known as the 'licensing objectives'. There are four of these and they are:

- 1. The prevention of crime and disorder**
- 2. Public safety**
- 3. The prevention of public nuisance**
- 4. The protection of children from harm**

The licensing objectives are all of equal importance and the promotion of these objectives is the main purpose of the licensing Act 2003. In addition, if licensed premises are operated in such a way as to undermine any of these objectives, then the police or trading standards officers could apply to the licensing authority to review the premises licence. Making underage sales of alcohol, or selling alcohol to drunks, could certainly undermine the protection of children from harm objective and possibly any or all of the other three objectives – because drunkenness and underage drinking fuel crime and disorder.

It is therefore very important that sales staff refuse service to underage drinkers and to drunks.

1.3 The law relating to underage sales and servicing drunks

1.3.1 Sale of alcohol to children

It is illegal for:

- Sales staff to sell or supply alcohol to anyone under 18. It is also an offence to knowingly allow the sale of alcohol to someone under 18. This applies not just to premises or personal licence holders but to bar and counter staff as well – because they have the capacity to prevent the sale.
- Anyone under 18 to buy or attempt to buy alcohol
- Anyone over 18 to buy or attempt to buy alcohol on behalf of someone under the age of 18

- Children under 18 to consume alcohol in licensed premises, or for a member of staff to allow them to do so
- Unaccompanied children, under the age of 16, to enter licensed premises where alcohol is sold for consumption on the premises, e.g. pubs, clubs and bars
- Unaccompanied children under 16 to be on premises licensed to sell alcohol for consumption on the premises between midnight and 5.00 a.m., when those premises are open, e.g. nightclubs and late-night bars

If a member of the sales staff sells alcohol to someone under the age of 18 they commit an offence. If a member of staff, or anyone else in a position to prevent such sales, knowingly allows the sale, delivery or consumption of alcohol to under – 18s, or to someone over 18 attempting to purchase alcohol for them, then likewise, they are committing an offence and can be prosecuted.

1.3.2 Exceptions to laws in relation to selling alcohol to underage children

It is *not* illegal for:

- A 16 or 17 year old to consume beer, wine or cider with a table meal, provide that an adult buys it for them and accompanies them at the meal
- A child under 18 to carry out a test purchase of alcohol when supervised by police or trading standards officers for the purposes of enforcing the laws on underage drinking.

1.3.3 Sale of alcohol and drunks

It is illegal for sales staff to:

- Sell alcohol to a person who is drunk
- Sell alcohol to someone in the company of a drunk who is buying the alcohol for consumption by the drunken person
- Knowingly allow alcohol to be sold to someone who is drunk

1.4 The law relating to other age-restricted products

1.4.1 Supply (sale or hire) of specific products to person under certain ages

In addition to restricting the sale of alcohol, the law prohibits the supply (sale or hire) of a range of other products to persons under certain ages. Some of these products may be sold in premises that also sell alcohol, some may not.

1.4.2 Products that may be supplied only to persons aged 18 and over

1. Tobacco products
2. 'Adult' fireworks
2. DVDs, videos, video games: classification 18
3. Volatile substances and solvent-based products – if it is believed that they may be inhaled for the purposes of becoming intoxicated
4. Lighter fuel containing butane
5. Crossbows
6. Airguns and pellets
7. Petrol
8. Offensive weapons / knives
9. Caps, cracker snaps, novelty matches, party poppers, serpents and throw downs
10. Aerosol paint

1.4.3 Products that may be supplied only to persons aged 16 and over Lottery tickets and the instant win cards

1.4.4 Products that may be supplied only to persons aged 15 and over

1. DVDs, videos, video and computer games: classification 15

1.4.5 Products that may be supplied only to persons aged 12 and over

1. DVDs, videos, video and computer games: classification 12

1.4.6 Further information on selling offensive weapons and knives

'Offensive weapons and knives' include:

- Any knife, knife blade or razor blade
- Any axe
- Any other article that has a blade or sharp point, and that is made or adapted for the purpose of causing personal injury

Examples of knives that it would be an offence for sales staff to sell to persons under the age of 16 would include:

- Combat knives, such as sheath knives or bladed martial arts weapons
- Kitchen knives
- Craft knives

NB: the minimum age for buying knives is 18 years.

It is *not* an offence to sell the following products to persons under 16:

- Folding pocket knives if the cutting edge of the knife is less than 3 inches or 7.62cm
- Replacement cartridges for the safety razors provided less than 2mm of the blade is exposed.

1.4.7 Further information on selling or hiring recordings

Below is a table showing the age classification in respect of the sale or supply of recordings:

SYMBOL	CLASSIFICATION	MINIMUM AGE REQUIREMENT
U	Universal – suitable for all	Unrestricted
Uc	Universal – particularly suitable for children	Unrestricted
PG	Suitable for general viewing but some scenes may not be suitable for children	Unrestricted – but staff may wish to consult a parent
12	Suitable for persons aged 12 and over	12 and over
15	Suitable for persons aged 15 and over	15 and over
18	Suitable for persons aged 18 and over	18 and over
R18	'Restricted 18' – suitable for persons aged 18 and over in a licensed sex shop	18 and over

Exemptions

Works in categories that are solely designed to inform, educate or instruct or other works that concern only sport, religion or music and comprise only video game are exempt from classification – provided they do not contain scenes of a violent or sexual nature. Some producers of videos and DVDs label exempt products with an ‘E’, but this is not a legal requirement.

Unit 2: Preventing Unlawful Sales

2.1 Refusing service to persons intoxicated by alcohol

2.1.1 Recognising the signs of drunkenness

Sales staff have a duty not to serve alcohol to drunks. The early signs of intoxication may be difficult to spot (Level 1 and 2), but the later stages of intoxication can be obvious (Level 3 and 4), and the staff members need to be able to recognise the signs that drinkers may have reached these levels of intoxication.

Signs of drunkenness include:

- Slurred speech
- Speaking too loud
- Speaking too fast
- Loss of physical co-ordination
- Knocking things over / bumping into furniture
- Staggering, weaving or falling over
- Glazed eyes and / or small pupils
- Heavy sweating
- Vomiting
- Slow or irregular breathing
- Sleepiness or unconsciousness

2.2 Refusing service of alcohol to underage persons

2.2.1 Proof of age

Acceptable identification and proof of age include:

- Passport
- Photo driving licence
- Recognised proof age card incorporating the PASS logo
-

Cards incorporating the PASS (Proof of Age Standards Scheme) logo include:

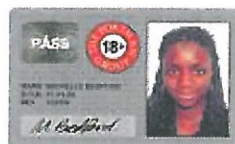
- Citizen Card 16/17



- Connexions card



- Portman Group card



- Validate UK card



- Young Scot card



Any card incorporating the PASS logo should be accepted as a valid photo- ID and proof of age.

Any card incorporating the PASS logo should be accepted as a valid photo- ID and proof of age.

2.3 Refusing service of other age-restricted products

2.3.1 Knowing the product range and further information

Alcohol is the most well known age-restricted product and virtually everyone knows that a customer must be at least 18 years old to buy it. Many people do not know the full range of other products that are age-restricted, or, if they do, what the minimum age for purchasing a product might be. It may well be that underage customers for age-restricted products other than alcohol are attempting to buy without any deliberate intention of breaking the law.

Volatile substance and solvent-based products - These products are age-restricted because of the danger of solvent abuse. Solvent abuse is the inhaling of fumes given off by a wide range of solvent based products. The supply of such products is controlled by two pieces of legislation:

- **The Cigarette Lighter Refill (Safety) Regulation 1999** – makes it an offence to supply or offer to supply any cigarette lighter refill canister containing butane or a substance containing butane as a constituent to any person under 18.
- **The Intoxicating Substances (Supply) Act 1985** - makes it an offence to supply or offer to supply an intoxicating substance to a person you know, or have reasonable cause to believe is under 18, if you know or have reasonable cause to believe that person is going to use the substance in order to get intoxicated. An offence is also committed if you supply or offer to supply an intoxicating substance to someone you know or have reasonable cause to believe is purchasing the substance on behalf of someone who will use it to get intoxicated. This is sometimes called a ‘proxy purchase’.

‘Intoxicating substances’ that are sometimes abused include:

- Solvent based glue
- Dry cleaning fluid
- Correction fluid and thinner
- Marker pens
- Aerosols (e.g. air freshener, hair spray, deodorant)
- ‘Cold Start’ and Antifreeze
- Nail varnish and varnish remover

How sales staff can recognise an abuser:

If you think someone is a solvent abuser you should not serve them.

Signs of abuse include:

- Slurred speech and behaviour
- Spots and sores around the mouth
- The smell of glue or solvents on the person's clothes

Your suspicions should be aroused if someone:

- Is a frequent buyer of solvents
- Buys large quantities
- Purchases solvents and plastic bags at the same time

Petrol sales

The minimum age that must have been reached to manage a petrol station is 18 years. To dispense petrol, as an employee of a petrol station, the minimum age is 16 years. A person under 16 who is not an employee of a petrol station may purchase petrol and it is not illegal for them to dispense it. However, the Health and Safety Executive guidance is that they must be closely supervised by an adult if they do. Allowing an employee under 16 to dispense petrol carries a maximum fine of £5000.

STAFF TRAINING RECORD

STAFF MEMBER: _____ DATE COMMENCED EMPLOYMENT: _____

TRAINING UNDERTAKEN	DATE COMPLETED	DATE REFRESHER DUE	SIGNED (STAFF MEMBER)	SIGNED (MANAGER)



**IMPORTANT INSTRUCTION - THE LAWS AND REGULATIONS COVERING
THE SALE OF ALCOHOLIC DRINKS**

THE TEN GOLDEN RULES

- 1(a) Any person who you believe looks under the age of 25 **must** produce identification to prove that they are over 18 years of age. See Rule 8.
- 1(b) Young persons under 18 must not be permitted to sell alcohol without direct supervision by a senior member of staff who must be over 18.
2. Persons who are under the influence of drink **must not** be sold alcoholic drinks.
3. A Police Officer in uniform **must not** be sold alcoholic drinks.
4. You **must not** allow people to drink on or outside the premises.
5. You must ensure that the 25 year old prohibitive sign and the trading hours are prominently displayed.
6. Be very aware of persons over 18 who try to buy for under 18's (proxy sales) and refuse such sales. Record such incidents in the refusal book.
7. Be vigilant: constant supervision of the drinks area is not only necessary to deter pilferage, but to prevent under 18's trying to select alcohol.
8. **Before each transaction identify the customer. If in doubt, ask for proof of age.**
For this you can accept:-
 - a) a Recognised proof of age card with the PASS logo which include the Bite, Portman Group, Citizen, Connexions, Validate, Young Scot etc. identity cards, showing photo, date of birth and signature;
 - c) a Current Passport; or
 - d) the new style Driving Licence with photo.

THE OLD STYLE DRIVING LICENCE WITHOUT A PHOTO IS NOT ACCEPTABLE

REFUSALS REGISTER – NO I.D. NO SALE

Date	Time	Product attempted	Name of person or description	Why sale refused?	Staff member

Key: M / F – Male or Female U/A - Underage D/D – drunk or disorderly Dr – under the influence of drugs

MANAGER'S WEEKLY SIGNATURE: _____ DATE: _____

INCIDENT REGISTER

Date	Time	Description of person(s) involved	Staff member
Description of incident			

VISITOR REGISTER

Date	Time	Name and organisation of person(s) involved (e.g. police)	Signature	Staff member
Comments (e.g.) "no matters arising"				

Questions

- What is the purpose of your visit?
- Are you visiting other premises?
- May I have your name? See your ID?
- Would you please sign the register/visitors form?
- Do you have any comments?

**DESIGNATED PREMISES SUPERVISOR (DPS)
LETTER OF AUTHORISATION**

To whom it may concern:

I, Farooq Khan, being the Designated Premises Supervisor (DPS) and the holder of a Personal Licence am the person in a position of authority on the premises known as; **Supersave, 68 Craven Park Road, London, NW10 4AE**

Premises Licence Number: 178182

Personal Licence Number:

Hereby authorise the following named personnel to sell and supply alcohol, to comply with the licensing law and the conditions attached to the licence. This being either when I am present on the premises or in my absence when I am away from the premises. I can always be contactable on the following telephone number:

NAMES OF AUTHORISED PERSONS:

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the licence.

NAME	HOME ADDRESS	PHONE NO.	NI. NO.	SIGNATURE

DESIGNATED PREMISES SUPERVISOR:

Name:

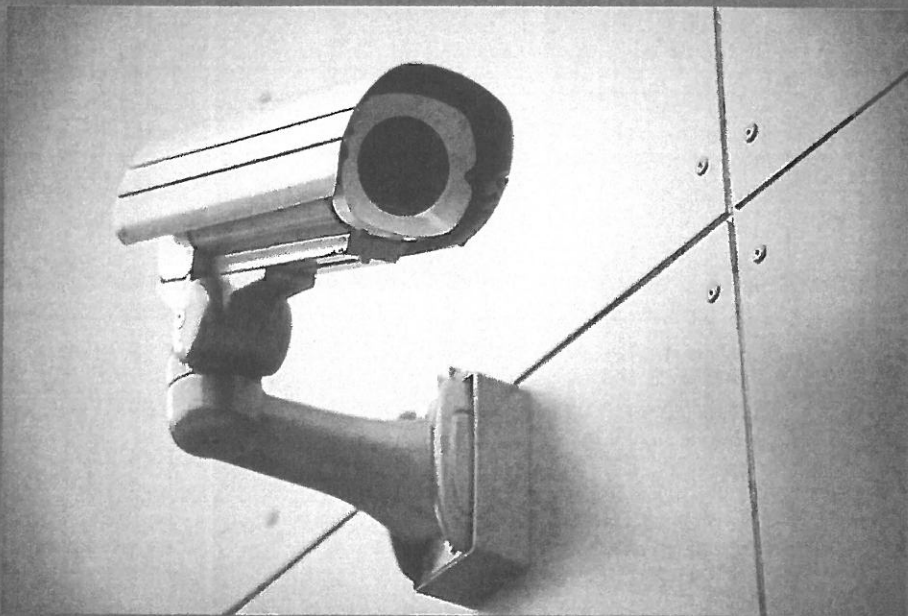
Signature:

Date:

TASK TO COMPLETE	✓
Challenge 25	
Check that "Challenge 25" posters are clearly displayed at the premises and that the posters are in good condition.	
Check that all staff can explain in simple terms what "Challenge 25" means and which forms of ID they are allowed to accept.	
Check that a Challenge 25 poster is at the till (point of sale.)	
Refusal Book	
Check that a refusal book is available for inspection at the premises.	
Check that all staff are aware of where the refusal book is kept, when they should fill it out and what information to include.	
Check that the refusal book is checked every week by the DPS and that all entries have been reviewed. Check that the DPS has signed the book to confirm this has been done.	
Staff Training	
Check that written records are available for inspection at the premises of all staff training and all staff authorised to sell alcohol.	
Check that the DPS has arranged refresher training if needed (training should be refreshed at least once a year, preferably every six months).	
Incident Book	
Check that an incident record is available for inspection at the premises.	
Check that all staff are aware of where the incident book is kept, when they should fill it out and what information to include.	
Check that the incident book is checked every week by the DPS and that all entries have been reviewed. Check that the DPS has signed the book to confirm this has been done.	
CCTV	
Check that all CCTV cameras are working correctly.	
Check that the CCTV system is recording the correct time and date.	
Check that footage is being retained for a minimum of 31 days.	
Check that staff members are aware of how to download and transfer CCTV images.	
Check that a sign is clearly displayed near the alcohol informing customers that CCTV is in operation and recording.	
Alcohol Labelling	
Check that all alcohol is labelled and a box of labels is by the till to ensure that staff labels the alcohol before it leaves the shop.	

WARNING

These premises are
under CCTV
surveillance



Dadds LLP

LICENSING SOLICITORS

www.dadds.co.uk

01277 631 811

POLITE NOTICE

Please note that
we do not sell
single cans of
beer, lager or
cider

Dadds LLP

LICENSING SOLICITORS

01277 631 811
www.dadds.co.uk



NO SMOKING.

**It is against the law to
smoke in these premises**



↓ UNDER ↓ 25?

Please do not be offended
if we ask you to show I.D.
when you purchase
alcohol

Thank you for your co-operation

Valid forms of ID include:

1. Photographic Driving Licence
2. Passport
3. Cards bearing the PASS hologram



Dadds LLP

LICENSING SOLICITORS

LICENSING SPECIALISTS

www.dadds.co.uk

01277 631 811