

## Trading Standards Representation

## APPENDIX D

From: Hough, David  
Sent: 16 October 2013 10:44  
To: [Barry](#) Richards  
Subject: Application to vary the premise licence for Connollys Bar

For the attention of Barry Richards

As an authorised body under the Licensing Act 2003, Herefordshire Council Trading Standards have received details of the application to vary the premise licence in respect of Connollys Bar 7 Gloucester Road Ross on Wye HR9 5BU

As a Service we need to ensure that steps are taken to prevent alcohol being sold to children/persons under the age of eighteen. To promote the licensing objectives the following conditions are suggested to be included in the licence.

1. All staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training agreed by Herefordshire Council Trading Standards within 1 month of commencing employment at the premises. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Retraining shall take place every 6 months. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand
2. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
3. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any bar area advertising the scheme operated.

If your client agrees to these conditions could you email me stating your agreement and copy the email to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

Or

Please contact me to discuss this matter.

David Hough, Service Manager, Trading Standards and Animal Health

From: Barry Richards  
Sent: 30 October 2013 09:55

David,

We are in a position to agree to the conditions that you have requested.

I have spoken with our client and they are not agreeable to all staff being trained to BIIAB level 1 or to a level agreed by trading standards. Our client is prepared to train staff and provide retraining but the cost and time implications of your condition is felt to be too onerous to be able to be complied with.  
Our client is prepared to implement both a risk register and Challenge 25 policy.  
I hope this explains our clients position.

Kind regards

Barry Richards  
Chartered Legal Executive  
for TLT LLP

From: Barry Richards  
Sent: 30 October 2013 10:02

David,

Apologies, the first sentence should say we are not in a position to agree to all the conditions that you have requested.

If you are prepared to drop the BIIAB Level 1 requirement or to a level agreed by trading standards (unless you already have a training pack in place that you can provide to us which our client can implement) then our client would be prepared to agree a mutually acceptable condition.

Kind regards

Barry Richards

From: David Hough  
Sent: 05 November 2013 12:08

Thank you for your reply,

The condition suggested allows for a business to have their own in house training that is to the minimum standard of BIIAB level 1 which is the bench mark.

I see from the Punch taverns website they operate Flow training which appears to cover this area. Can I ask why they are not using this?

I would be happy to include this into the condition

I await your considered reply.

Regards

David Hough

**From:** Barry Richards  
**Sent:** 05 November 2013 12:23

David,

Punch Taverns operate a tenanted estate. This means that they do not operate the premises as a managed house but act as landlords to a tenant who has a lease from them and operates their own business. They do not have any day to day involvement in the running of the business and are unable to commit to the level of training their tenants provide to their staff.

Punch Taverns operate a program where their tenants (i.e. the people who sign the lease) are provided with training from Flow as part of a course to get them prepared for running a public house. This is what you will have seen on their website. It is not a training program provided to their tenants employees.

The reason that our client is reluctant to agree the condition that you have requested is because they consider it to be costly, onerous and not practical.

Our client is not opposed to adding a staff training condition, just the requirement that it is a formal qualification or to a formal qualification standard. They are prepared to propose the following conditions with regards to staff training;

1. Staff are to be trained in legislation relevant to their job role.
2. All staff who sell alcohol will be trained in underage sales, the Licensing Act 2003, how to deal with difficult customers and the conditions of the premises licence. This training is to be given on staff induction and refresher training will be given annually.
3. A record of all staff training shall be maintained at the premises and made available upon request from the licensing authority or responsible authority. Records of training will specify the time, date and details of the persons providing the training and receiving the training.

As previously indicated they would also be prepared to operate Challenge 25 and the refusal register that you requested.

I look forward to hearing from you.

Kind regards

Barry Richards

**From:** Hough, David  
**Sent:** 07 November 2013 15:35  
Barry,

Thank you for your reply.

It appears that will are not able to agree this condition therefore I suggest that the matter goes to the licensing committee for their decision

Regards  
David Hough

**From:** Barry Richards [barry.richards@tltsolicitors.com]  
**Sent:** 07 November 2013 15:43

David,

Thank you for letting me know.

Kind regards

**Barry Richards**