

The Crown & Sceptre Inn
Ross on Wye
Herefordshire

Management Action Plan
December 2023

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1) Designated Premises Supervisor (DPS) – Summary of Legal Requirements

- The Crown & Sceptre has a Premises Licence. A DPS is a mandatory requirement Under the Licensing Act 2003 in order for any premises with a Premises Licence to sell alcohol; no sale of alcohol may be made at a time when there is no DPS in respect of the licence.
- The DPS must be a personal licence holder in order to ensure that where alcohol is sold, there is a person at the premises who has a relevant qualification and therefore an understanding of the social issues and potential problems linked with the sale of alcohol.
- There can be any number of personal licence holders working at a premises but only one can be named on the premises licence as the DPS.
- The position of DPS is one of responsibility the named individual must give their consent to become the DPS.
- Part A of the licence is on the premises and Part B is prominently displayed at the premises. - This allows Officers to easily identify who is in charge and ensure any problems that arise can be dealt with swiftly by engaging with this key individual.

2) Designated Premises Supervisor (DPS) – Summary of Role and Responsibility at The Crown & Sceptre Inn

- The DPS is to be approved by Premises License holder Stankerr Pubs Ltd.
- The current DPS at The Crown & Sceptre pub is **Julie Hawkins**
- The DPS is the individual to have day to day control and responsibility for running the premises.
- The DPS is responsible for alcohol sales and therefore also responsible for any offences relating to alcohol sales.

- The name and contact details of the DPS are stated on Part B of the Premises Licence.
- The DPS does not have to be on the premises at all times, however they need to ensure that the licensing objectives are properly promoted and that the licensing law and licence conditions are complied with by the other staff.
- In accordance with best practice the DPS will endeavour to leave an up to date list of all the named staff who they have authorised to sell alcohol on the premises. This list will be kept by the till so it can easily be produced if requested by an officer from the police or local authority. This list will be signed and dated by the DPS.
- The DPS together with the management team shall ensure that the CCTV will be kept functional and maintained regularly; a maintenance log is to be kept.
- The DPS together with the management team will be responsible for providing CCTV footage to the police with 48 hours of request.
- The DPS will make a list of all the named staff who they have authorised to sell alcohol, which of these staff have been trained to operate the CCTV system so that footage can be provided promptly to the police in the absence of the DPS.
- In the event the CCTV is faulty, the maintenance company will be called immediately and a log of faults, callouts and repairs will be kept.
- The CCTV will be on at all times during licencing hours, including extended licencing hours under TENS.
- The DPS and Management team will ensure that the toilets are inspected regularly for any drug usage. It is recommended that checks are made and recorded during the day, including half hourly checks during busy times. The current check sheets should on the inside of the toilet doors, once completed the sheets should be kept in the office. The DPS should review the sheets weekly.
- Stankerr Pubs Ltd need to approve any proposed changes to the Premises Licences.

- Any approved changes can be actioned through the necessary forms to be found on (<http://www.herefordshire.gov.uk/environment/3887.asp>) and the Licensing team can be contacted on 01432 261 761 or licensing@herefordshire.gov.uk).

3) Designated Premises Supervisor (DPS) Summary of Responsibilities towards staff knowledge and training

In order to prevent illegal sales being made from the premises, the DPS will ensure:

- Staff know the licenced opening and activity hours of The Crown & Sceptre Inn's Premises Licence.
- Staff are aware of the conditions attached to the premises licence and that they are designed to promote the Licensing Act 2003 objectives which are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- Staff are aware of who to raise any concerns with, in relation to complying these conditions/times.
- As the DPS has the day-to-day control over the sale of alcohol at the premises, the DPS will be instrumental in carrying out staff training relating to alcohol sales.
- New and existing staff are trained and aware of all legal requirements relating to your business.
- All full time bar staff are to be trained to hold a Personal License. A course is run by Johnie Walker in Hereford at license-training@hushmail.com Stankerr Pubs Ltd the Premises License holder will pay for the course and recover these funds from the tenant.
- Refresher training is carried out at least every 3 months.
- Up to date records are kept of all training carried out. These should include what training was carried out, when and for whom. It is recommended that staff sign that they have received the training and are tested to ensure they have understood it.
- Training records are kept for a minimum of 12 months.
- Staff are kept up to date with products and the age restrictions that apply.

- Staff who are also personal licence holders will carry their personal licence card with them so they are available for inspection by the police or local authority upon request.

4) Staff Training will include

- The details of The Crown & Sceptre Inn Premises Licence.
- The conditions attached to the premises licence, and the four key objectives of the Licensing Act 2003.
- Mandatory Conditions
- Legal requirements for the sale of alcohol
- The manager on shift, with the assistance of all staff, shall not permit drunken, violent, disorderly or quarrelsome conduct to occur on the premises. Should the presence of any person in a pub make the manager liable to prosecution in the context of the above, the offending person may be ejected.
- Staff's right to refuse the sale of alcohol and other age restricted goods to underage persons – The Crown & Sceptre Inn clear policy of challenging all persons who look under 25 and only accepting photographic; Passport, Driving Licence or Student Card with a PASS hologram logo on it.
- Not to sell alcohol to anyone who appears to be drunk.
- Not to sell alcohol to any police in uniform.
- Staff to be made aware that underage volunteers carry out regular test purchases of age restricted products, on behalf of Trading Standards and sales can lead to prosecutions, large fines, a criminal record and a review of the premises licence. Volunteers may lie about their age.
- Legal requirements for the sale of cigarette & tobacco products
- Not to sell age restricted products to anyone suspected of buying on behalf of an underage person.
- Requirement for all refusals (entry or serving) to be recorded in a Refusals and Incidents Book, detailing; time, date, reason the refusal was made, description of the person refused and staff member who made the refusal. – The refusal book will be monitored weekly by the DPS to check for patterns and should be presented to Police or Local Authority upon request.
- If an underage sale is made, and the member of staff in question is not the actual seller, and you have done all you reasonably can in an attempt to prevent underage sales from your premises, you may be able to raise a due diligence defence* and avoid action being taken against you and a possible criminal conviction. *Definition of due diligence defence: the accused took all reasonable and practical steps to avoid committing the offence.
- If any member of staff suspect any illegal sales of age restricted goods, or of being in breach of their premises licence e.g. trading outside of their licensed hours, the

Licensing Enforcement Team on 01432 261 761 or licensing@herefordshire.gov.uk.

- If there are any incidents that occur at the property of a dangerous, violent, illegal or immoral nature then the incident should be recorded in the Refusals and Incidents Book and should be presented to Police or Local Authority upon request. Police should be notified of any incidents where appropriate.
- Awareness of the legislation surrounding Gaming Machines with particular reference to the machines and games at The Crown & Sceptre.
- Awareness of other aspects of the Gambling Act when considering events which involve a gambling element.
- Requirements to be considered when organising Temporary Events and the use Temporary Event Notices and The Crown & Sceptre aim to give 1 months' notice before an event which would require a TENS.
- The Crown & Sceptre Policy Regarding Children – unless due to a specific event, The Crown & Sceptre does not allow Children under the age of 16 in the bar area after 9 pm.

5) Mandatory Conditions

- The operation of the premises must comply with the all the conditions set out in the Premises Licence document as well as the mandatory conditions.

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of Films

1. The admission of children to the exhibition of any film shall be restricted according to the recommendations of the British Board of Film Classification (BBFC), or other film classification body, as follows:

a) U – Universal. Suitable for audiences aged four years and over

b) PG – Parental Guidance. Some scenes may be unsuitable for young children.

c) 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.

d) 15 – Passed only for viewing by persons aged 15 years and over.

e) 18 – Passed only for viewing by persons aged 18 years and over.

f) Where a programme includes a film recommended by the BBFC as falling into the 12A, 15 or 18 category, no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the youngest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained. [Note: i."children" means persons aged under 18; and ii."film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39).

Door Supervision – As required under TENS or Premises Licence.

- All individuals required to carry out any security activity at specified times at the premises, must be licensed by the Security Industry Authority. This does not apply when The Crown & Sceptre is showing plays or films (so long as it continues to be permitted to do so under the Premises Licence)
- Door staff can prove to be a useful asset during busy periods to help restrict access to the premises (drunks, known offenders or minors), search those entering the premises for weapons, drugs etc and monitor the premises to prevent overcrowding or incidents occurring.
- A manager has a duty not to permit drunken, violent, disorderly or quarrelsome conduct to occur on the premises. Should the presence of any person in a pub make the manager liable to prosecution in the context of the above, the offending person may be ejected. By maintaining control over those entering the premises through the use of door staff it is possible to ensure barred individuals, troublemakers and drunks are refused access and the above duty is not breached.

The following additional mandatory conditions came into force in October 2010, the staff must ensure that the operation of the premises, under the Premises Licence, also complies with these Mandatory Conditions, even if they are not printed on the Premises Licence document.

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children. Including but not limited to;

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other

than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The DPS shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

4. The responsible person shall ensure that customers are aware that the following alcoholic drinks are available for consumption on the premises in the following measures

i) beer or cider: ½ pint;

ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

iii) still wine in a glass: 125 ml; and

[NB: The “responsible person” means

i) the holder of a premises licence in respect of the premises,

ii) the designated premises supervisor (if any) under such a licence, or

iii) any individual aged 18 or over who is authorised for the purposes

6) Summary of Legal requirements for the sale of alcohol

- It is a criminal offence to sell alcohol to a person under the age of 18, even if they look older.
- Staff under the age of 18 must not sell alcohol without the consent of an employee over 18. Consent is required each time a sale is made.
- Selling alcohol to a person under 18 puts the premises licence at risk of review, which could result in the licence being amended, suspended or revoked and/or the DPS being removed from the licence.
- Underage sales can result in a number of people in the business committing an offence. The seller, a personal licence holder, the premises licence holder, the DPS and the owner of the business may all face prosecution.
- The maximum fine for selling alcohol to someone under 18 is a £10,000 per offence and/or up to 6 months imprisonment. The court can also order that the personal licence is taken away from any personal licence holders involved.

- Alcohol is defined under the Licensing Act 2003 as being a strength of 0.5% alcohol by volume (ABV) or above, and therefore the 18 age restriction applies to all products containing this ABV.
- It is a mandatory condition of the Licensing Act 2003, that where the supply of alcohol is one of the licensable activities, there must be a DPS named on the licence.
- Every supply of alcohol must be made or authorised by a person who holds a personal licence. It is recommended that the DPS gives written authorisation to all staff who sell alcohol.
- If the DPS informs Enfield Council Licensing Team in writing that they are no longer the DPS for the premises, the premises cannot sell alcohol until a vary DPS application has been submitted.

7) Gaming Machines & Other Aspects of the Gambling Act 2005

- The Gambling Act 2005 came into force on 1st September 2007. Under this legislation licensing authorities issue, amongst others, Licensed Premises Gaming Machine Permits.
- TENS application forms can be found on ov.uk/environment/3887.asp and the Licencing team can be contacted on 01432 261 761 or licensing@herefordshire.gov.uk).
- Section 235 of the Gambling Act defines the term 'gaming machines' as including all machines on which people can gamble. They are also known as amusement with prizes machines (AWPs) or more commonly as 'fruit machines' or 'one armed bandits' and involve a game of chance or a game of chance and skill combined.
- There are 4 categories of machines A, B, C, D and category B is sub divided into a further five categories. Each category allows a different maximum stake and prize and different types of premises are permitted different numbers of and categories of machines.
- Pubs and other premises with a qualifying on-premise alcohol licence have an automatic entitlement to have two gaming machines of category C or D. However, this is subject to notifying the licensing authority, paying the correct fee and complying with any relevant code of practice. These premises may also apply for a licensed premises gaming permit which allows further machines to be made available.
- Businesses must apply for a Licensed Premises Gaming Machine permit from the council, if they intend to have 3 or more machines.
- Children can only play on Category D machines. All other AWP machines can only be used by adults.
- Skill games such as trivia, racing or shooting game machines are not subject to the Gambling Act.

- The Gambling Commission have produced a “Code of Practice” which relates to supervision and positioning of machines. The principle provisions are:
 - All gaming machines situated on premises must be located in a place where their use can be supervised, either by staff whose duties include supervision (including bar or floor staff) or by other means.
 - Permit holders must have in place arrangements for such supervision.
 - Customers playing on a gaming machine must cease play whilst they withdraw cash from an ATM machine on the premises.
- Compliance with these provisions is a condition of the permit and failure to do so could result in revocation of the permit.
- Events nights which include any type of gambling for example; poker nights or lotteries (arrangements where people pay to participate for the chance of winning a prize e.g. sweep stakes) need to be carefully consider. Guidance can be found on the Gambling Commission website (www.gamblingcommission.gov.uk).

8) Temporary Events Notices (TENS)

- A temporary event notice (TENS) is a way of regulating 'one-off' events where the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment shall take place outside of the parameters of the existing Premise Licence. For example to cover small-scale event at a premises where the hours already permitted are to be extended, or to cater for additional activities (not covered by the existing premises licence).
- Only the Police and the local authority exercising environmental health functions can object to a TENS. Such Objections must relate to one of more of the 4 licensing objectives; The prevention of crime and disorder, public safety, the prevention of public nuisance & the protection of children from harm.
- There are strict limitations which apply to TENS:
 - There may not be more than 499 people attending the event at any one time (including performers and staff)
 - The event may not last any longer than 168 hours or 7 days
 - There may only be 12 such events per year at any one premises
 - The total number of days (aggregate maximum period of time), per year covered by TENS at any one premises, is 21 days, irrespective of the number of events. [If an event begins before midnight and continues into the next day, two days of the 21 days limitation have been used.]
 - There must be a minimum of 24 hours between each event
 - There are two types of TENS
 - Standard TENS – 10+ working days notice being given before an event.
 - Late TENS - 5-9 days' notice being given being given before an event; it is noted that late TENS should only be used in exceptional circumstances and that if Environmental Health and/ or the Police object to a late TEN a counter notice will be issued without any

opportunity for a hearing which will result in the even having to be cancelled.

- The Crown and Sceptre will aim to give 1 months' notice before an event.
- TENS application forms can be found on (<http://www.herefordshire.gov.uk/environment/3887.asp>) and the Licencing team can be contacted on 01432 261 761 or licensing@herefordshire.gov.uk).
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