

I Mrs Priyamwatha Mariflo would like to say the following :-
I have been the premises licence holder and the nominated dps
for the premises licence Premcam 000531 issued 10/12/2007
for

Luxa Sparkles 103 Cherry Hinton Road CB1 7BS

I have been the premises licence holder as detailed above for
all of its duration

I have always tried to uphold the licensing objectives, and
have kept within my licensing conditions on my premises
licence

I have always been mindful of legislation and regulations
throughout the very many changes over the years.

With regard to [REDACTED] known as [REDACTED] I will
say, we as a family have taken him into our home and life as
he is suffering with mental health problems following his
arrival into the UK.

We were aware of his mental health problems and thought it
best to have him in our company rather than being left to his
own devices as he was demonstrating concerning behaviour.
I was aware of the status of his immigration, however did
mistakenly think it was within my remit as a friend and
mentor to allow him to be present in the premises and take
over temporarily from me, in an unpaid capacity, as part of his
integration into the UK.

I have not been in this position before and panicked when the
officers came into the premises. At the time of the visit he had
been with us for a period of 20 days

I accept there has been a breach of legislation concerning
immigration matters and would ask this be dealt with by way
of the appropriate penalty separate from my premises licence .


Since this incident I have implemented further due diligence training and compliance procedures with a copy of all available to the authorities

I have introduced specific records regarding the goods we are able to stock and sell to our customers

With regard to credit we have been in the area for 17 years and have built up a fantastic rapport with our neighbours, we have and do offer customers temporary credit relief for goods, that does sometimes include the odd purchase of alcohol, this has worked well for both the regular customers and ourselves as we demonstrate a mutual respect and loyal clientele.

I am relinquishing all responsibility with regard to the premises and the business, I have fallen short of the responsibilities and therefore am removing myself
The premises licence and dps are being transferred

Signed

Printed  PRIYAMWATHA MARIFLO

Dated 03/04/2024

For all parties concerning the review hearing

Luxa Sparkles 103 Cherry Hinton Road CB1 7BS

Home office immigration Licensing Act 2003 and Immigration 2016

Following full and frank discussions with the previous licence holder and the potential new premises licence holder the listed action has been implemented

The premises licence has been in force since 10th December 2007 Premcam000531

There have been a number of incidents under the leadership of Mrs Mariflo

Attached is a statement regarding the illegal worker which provides full accountability on her behalf

It is fully understood there will be an external separate penalty through the immigration services and acknowledge this will be dealt with between the parties

Trading standards and Licensing Licensing Act 2003

The responsibility of the premises licence has been completely overhauled

The previous licence holder has been removed and will not be part of the business at all

Formation of a new company

Responsibility is now Miss Luxa Mariflo

Action taken

New Ltd company formed with full responsibility removed from the current licence holder

Akshysm LTD

14763476

Introduction of a new premises licence manager and dps

Name Luxa S Mariflo

Position Manager premises licence holder and dps

Staff

Mariyanayagam Mariflo

Luxa Shiny Mariflo

Vivekan Sathiyamoorthie personal licence holder

No problems with language barrier

Miss Mariflo has completed the personal licence qualification and is applying to the licensing authority for a personal licence which enables all of the below

Specific training with regard to age restricted goods has been put in place, with additional attention being given specifically to vapes and legal requirements

Staff Training introduced and documents in place

Which include

Age Verification checks

Challenge 25

Staff Training

Till prompts

Signage regarding CCTV

Refusal Registers

Compliance Registers

Immigration Registers

Copy of document attached

Transfer of premises licence

Variation of premises licence to specify a new dps

Both are currently being submitted to the licensing authority

The suggestion for a minor variation to be submitted has not been actioned, therefore it is suggested at this stage the addition of conditions to be added to the licence

Suggested Conditions

All staff will receive full training with regard to the responsible sale of alcohol, refreshed every 6 months

Staff will receive training prior to commencing work in the premises

Challenge 25 will be in place within the premises with notice being placed throughout the premises this will be in accordance with the age verification policy

Records of staff training will be made available on to authorised officers of the licensing authority and or Cambridgeshire Police

The premises licence holder will ensure all logs are maintained and made available to authorised officers of the licensing authority and or Cambridgeshire Police

Nitrus Oxide cannisters and similar products will not be stocked or sold at the premises

Immigration checks will be carried out where appropriate prior to any staff being employed, records of the right to work checks will be made to relevant authorised officers

Attached is the information confirming the above

Jane Gilliead

Agent for the premises April 2024



LICENSING ACT 2003
COMPLIANCE AND DUE
DILIGENCE RECORD BOOK FOR



Jane Gilliead
EMAG LICENSING SERVICES LIMITED

Index	Page
Cover	
Index	1
General Licensing act 2003 training	2-3
Licence in force in premises	4-5
Mandatory and imposed conditions	6-11
Age verification policy	12-14
Further staff guidance regarding underage sales	15-16
Dps authorisation sheet	17-18
Staff training quiz on LA 2003 laws	19-23
Answers	24
Staff questions on premises licence in place	25
GDPR Policy and compliance for use of CCTV cameras required under the ICO	26-40
Staff training record	41
Refusal register	42-43
Incident log	44
CCTV compliance log	45
Businesses buying alcohol from wholesalers	46
<p>Businesses that sell alcohol to the public will need to ensure that the UK wholesalers they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check the wholesaler's Unique Registration Number (URN) against the HMRC online database.</p>	
<p>If a business is found to have purchased alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and have their alcohol stock seized.</p>	
Information logs for door supervisors and immigration	46-54

General Licensing Act 2003 Training

The Licensing Act 2003 came into force in November 2005, this means all responsibilities of the licensing act and carrying all functions is governed by the licensing authority whose area the premises is in so the council

The council, and or the local police are able to visit the premises at any reasonable time, they are able to ask a number of questions and for the production of the licence summary and full licence

Included are a number of bullet points highlighting your responsibilities as a member of staff working in a licensed premises.

There are four licensable activities

Retail sale of alcohol

Supply of alcohol to club members

Late night refreshment

Regulated entertainment

There are four licensing objectives which underpin the licensing act it is imperative to know and be comfortable with these as you may be asked what they are

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

Retail Sale of alcohol

You must not sell any alcohol to anyone under the age of 18 years at **anytime**

You must not sell to anyone who appears to be underage, you must carry out the challenge 25 procedure if you are unsure of a person's age.

Challenge 25 means if the person does not look 25 challenge them to make sure they are 18 years or older

Ask the person for valid ID

Assess the ID, make sure it is valid and belongs to the person,

Record the request in the due diligence book if it is accepted or rejected

Remember **NO ID NO SALE** is always the rule

If you sell alcohol to a minor you could be subject to a fine or fixed penalty notice (fpn)

Exemption for sale of alcohol to 16- and 17-year-olds

If a person is with an adult over the age of 18 years and is undertaking a full table meal, the person over the age of 18 years is able to order and pay for beer, wine or cider as part of the table meal for the 16 / 17 year old.

The permission is merely to allow an alcoholic drink to accompany the full meal eg whilst out with family for a full table meal.

It would be advisable to record this in the due diligence book, be aware this is the only exemption ordering and payment **cannot** be made by under 18 year olds.

Children in the premises

There are no individual conditions attached to the premises licence with connection to restricting children being allowed into the premises, it is therefore decided by owners/management if there are any restrictions with regard to children.

Mandatory conditions (compulsory conditions added to every licence) state there needs to be an age verification policy in place, demonstrating the protection of children from harm.

Children are therefore entitled to come into the premises when open, as specified there are no current restrictions with regard to children being present at tables where alcohol is served to adults the legal standards of No ID No Sale apply **NEVER SELL ALCOHOL TO ANYONE UNDER THE AGE OF 18 YEARS**

Premises License in force

The premises has a licence attached to the building which is called premises licence

This allows licensable activities to take place which includes the provision of late night refreshment

The licensable hours permitted for retail sale of alcohol on and off the premises are

Neither licence are time limited (ie have an end date)

NB IF THE PREMISES LICENCE HOLDER IS INSOLVENT IN ANY MANNER OR DIES, THE LICENCE LAPSES THERE IS A 28 DAY RESURRECTION PERIOD HOWEVER IF THE LICENCE IS NOT TRANSFERRED WITHIN THIS PERIOD THE PREMISES LICENCE WILL AUTOMATICALLY LAPSE

Display of licence

The summary of the premises licence must be displayed at the premises at all times. This is a legal requirement.

This must be kept in full view for anyone to view.

There is a full licence available on the premises this shows the full set of conditions you need to be familiar with the times of the licence and the conditions of the licence

CCTV in use

The premises includes extensive cctv throughout, there is a privacy policy, a working policy and signs demonstrating the use and the contact details of the controller, anyone requesting this information is entitled to receive it.

CONDITIONS ATTACHED TO THIS LICENCE

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in

the licence or at a time when the designated premises supervisor does not hold a personal licence or his or

her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must 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 -

(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 in a manner which carries a significant risk of undermining

a licensing objective;

(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 in a manner which carries a significant risk of

undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person

is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is

reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is

adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of

alcohol at the premises is carried on in accordance with the age verification policy.

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 either-

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other

than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely

closed container) it is available to customers in the following measures -

(i) beer or cider: 1/2 pint;

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

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

(b) these measures are displayed in a menu, price list or other printed material which is available to

customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the

customer is made aware that these measures are available.

Minimum Price of Alcohol:

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises

for a price which is less than the permitted price.

2 For the purposes of the condition:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the

date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax

were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises

certificate, any member or officer of the club present on the premises in a capacity which enables the

member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be

a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually

given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a

day ("the first day") would be different from the permitted price on the next day ("the second day") as a result

of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which

take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the premises Operating Schedule covering :-

General

Prevention of Crime & Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

**CONDITIONS ATTACHED TO THE LICENCE EVERY PREMISES LICENCE CONDITIONS ARE
INDIVIDUAL**

AGE VERIFICATION POLICY Challenge 25 is applied where retail of alcohol is permitted

Name of premise
Address
Premise licence holders
Designated premises supervisor

This premise operates a Challenge 25 Policy

This means if anyone in any capacity attempts to purchase alcohol under the premise licence, does not appear to be 25 years of age they will be challenged in order to prove they are 18 years of age.

Any staff selling alcohol on the above named premise, under the premise licence and authorised by the current Designated Premise Supervisor, in a paid or unpaid capacity **MUST** carry out the Challenge 25 test.

The Challenge 25 test successfully proceeds when the responsible person carrying out the retail sale of alcohol under the Premise licence asks the customer they are serving their age. **YOU CANNOT ACCEPT THEIR WORD ON THIS YOU NEED TO VERIFY THEIR AGE WITH IDENTIFICATION.**

This Challenge 25 test means a responsible reasonable person would believe that the customer appears to be under the age of 25 years. The person attempting to purchase the alcohol is then subjected to a check of appropriate identification documents to prove they are 18 years or older.

Appropriate and Acceptable Identification include

A photo card driving licence both provisional and full (green and Pink) **MUST BE IN DATE AND NOT EXPIRED DO NOT ACCEPT EXPIRED CARDS**

REMEMBER DRIVING LICENCES ARE ISSUED AS YOUNG AS 17 YEARS OF AGE ALWAYS CHECK THE DATE

A PASS hologram proof of age card These will also have a photograph and date of birth. The hologram is forge proof and recognisable . The Home Office, the Association of Chief Police Officers, and Trading Standards support the scheme.

A CURRENT Passport **DO NOT ACCEPT EXPIRED DOCUMENTS** ALWAYS CHECK THE DATE OF BIRTH UNDER 18 S CAN HAVE AN INDIVIDUAL PASSPORT

Responsible Person Under the Licensing Act 2003

Part 7 Section 153 (4)

- (a) In relation to licensed premise
 - (i) The holder of a premise licence in respect of the premise
 - (ii) The designated premise supervisor (if any) under such a licence
 - (iii) Any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor
- (b) In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises, in a capacity which enables him to prevent the supply in question
- (c) In relation to premises which may be used for a permitted temporary activity by virtue of Part 5 –
 - (i) The premise user or
 - (ii) Any individual aged 18 or over who is authorised for the purposes of this section by the premises user.

Refusal of sales of alcohol will be recorded in the appropriate refusal log book which is in operation on the premise.

Refusal logs are available to authorised officers on request

YOU ARE UNLIKELY TO SELL TO UNDERAGE PEOPLE WHEN CHALLENGE 25 IS USED PROPERLY

Further Guidance

By selling alcohol on the premise to a person who is under the age of 18 years it is **YOU** that commits the offence as well as the customer

Persistently selling of alcohol to children is defined as selling alcohol on the same premises to a person who is under the age of 18 on two or more occasions within a single three month period. Currently there are alternatives which can result from such persistently selling to children

1. The Premise licence holder if prosecuted can plead not guilty and go to court, if found guilty at court can face a punishment of a fine up to and including £10,000 with up to 3 months suspension of the alcohol licence.
2. As an alternative to prosecution, the Police or Trading Standards Officers can present the premise licence holder with the option of voluntarily accepting a 48 hour closure notice rather than criminal action.
3. A representation to the relevant licensing authority can be made by the Lead Responsible authority to review the licence THIS CAN BE THE ACTION TAKEN ALONGSIDE 1 and 2 .

IT IS A MANDATORY CONDITION FOR THE PREMISE TO HAVE AN AGE VERIFICATION POLICY

Failure to do so may result in 6 months imprisonment and an unlimited fine

It is the full responsibility of the premise licence holder to ensure that all staff are aware of the policy and comfortable with its content. It is their responsibility to ensure all staff are trained and pro actively working within the scope of the policy

Signed Premise Licence Holder

Date

Challenge 25 is adopted within the premise, this is an extra measure to ensure sales are legal and safe this is to enhance the law stating alcohol cannot be sold to anyone under the age of 18 years

Challenge 25 posters are on display throughout the premises

All staff are trained with regard to the policy and challenge 25

Further staff guidance for premises licences with and without sale of alcohol

Operate Challenge 25 policy as stated in the age verification policy

Operate NO ID NO SALE at all times if young people cannot produce Identification DO NOT SELL

Ensure Staff are effectively trained and record details you should have a training record book in the premises with all staff training recorded

It is important that you make sure all staff selling age restricted products receive staff training

Make sure all of your staff know what Challenge 25 policy is and they have the confidence to challenge customers and refuse them.

Regularly monitoring staff to check how they are dealing with proof of age some may need extra training to ensure they are carrying the policy out correctly.

If possible set up a prompt on your till to remind staff to ask for proof of ID when selling age restricted products

If you or your staff refuse a sale ALWAYS record this in your refusals book monitor this book regularly this is your only way of DUE DILIGENCE this is your only defence under the licensing act

The Refusals book can demonstrate your responsibility underpinning the licensing objectives and your seriousness with regard to sales to underage people. It can help identify problem areas and people. You should always monitor the refusals book to ensure staff are correctly using it, this could identify need for staff training in the premise.

Ensure your statutory notices and good practice notices are prominently placed and easy to read

Display a CLEAR POSTER to make adults aware that they may be fined for purchasing age restricted items for young people and that you and your staff have the right to refuse to sell them if you are suspicious.

Staff Under The Age of 18

Alcohol staff under the age of 18 can only sell alcohol if the DPS (Designated Premise Supervisor) over the age of 18 agrees to the transaction.

Staff who are over the age of 18 and are authorised by the DPS can agree to the transaction in place of the DPS

TRAINING YOUR STAFF AND PUTTING THE ABOVE IN PLACE WILL GIVE YOUR STAFF THE CONFIDENCE TO SAY NO

KEEP SAFE AND MINIMISING CONFRONTATION

Customers often become irate and confrontational if they are challenged to prove their proof of age. Training and advising staff on how to deal with these situations may be useful

Points to assist staff

STAY CALM

Don't lose your temper or raise your voice this will merely add to the customers response

Be Positive

Try to control the situation by maintaining eye contact and showing understanding to the customer with regards to their complaint.

Give an explanation

Tell the truth deflect the situation the law demands we ask for proof of age the council The police Its part of the licence conditions

There are many ways to pass on the responsibility to others.

Stay Behind the service area / counter

See this as the safety barrier between you and the customer if you are feeling threatened this creates the necessary space

Refer to the CCTV

Refer to the signage pointing out that the premise are being monitored constantly by CCTV as well as pointing to the actual CCTV cameras

Report incidents to the appropriate authorities where necessary always keep your registers and logs up to date with incidents and refusals or anything that may be of worth / concern

DPS DESIGNATED PREMISE SUPERVISOR AUTHORIZATION SHEET

I consented current and approved Designated Premise Supervisor, and holder of a personal licence am the person in authority and day to day control of the premise known as

Premise licence number

Personal licence number

Hereby authorise the following persons for the sale and supply of alcohol under the Licensing Act 2003 and in conjunction with the premise licence and conditions attached to it
Premise Licence number

This authorisation is made to cover both in my presence and absence.

Authorised persons

I am fully aware of and accept my responsibilities under the Licensing Act 2003 as an authorised person.

I am trained to comply in accordance with the Licensing law along with the licence and its attached conditions.

Licensing Act 2003 questions

Staff Name

Date

Training Quiz

1. When can alcohol be sold to persons under the age of 18 for drinking off the premises?

- A. From an off licence
- B. If they are with an adult
- C. It can never be sold to under 18-year-olds
- D. Only after 8 pm

2. Which of these proof of age policies should be adopted by licensed premises?

- A. No proof only sells low abv drinks
- B. No proof no spirits
- C. No proof needed known to shop worker
- D. No proof No sale

3. What is a recommended good practice scheme for the retail sale of alcohol

- A. Challenge 25
- B. Challenge 16
- C. Challenge anyone you think you should
- D. Only allow adults on the premise

4. What age can a person legally purchase alcohol

- A. 16
- B. 18

C. 21

D. 19

5. A person aged 16 is allowed to drink alcohol with a table meal which they are sharing with

A. An adult on licensed premises when:

B. The person has the adult's permission to drink whatever they want to

C. The alcohol is under 5% abv

D. The underage person is having a table meal with beer wine or cider with an adult and the meal and drinks have been purchased by the adult

6. Which of these is the most reliable proof of age document?

A. An ID card which carries proof of ID hologram

B. A utility bill issued in the last 6 months

C. A bus pass with a photograph

D. A college pass with a photograph

7. When/ what is the exemption for consumption of alcohol by an under 18 on a licensed premise

A. There is no time they can consume alcohol of a licensed premise

B. If they are with their parents

C. If they are 16 or 17 years old having a table meal accompanied by an adult (who makes the purchase)

D. On their birthday

8. The table meal exemption for 16- and 17-year-olds allows them to consume

A. Beer wine or cider

B. Any alcoholic drink

C. Cider and champagne

D. Any spirits

9. When can alcohol be sold by a person under the age of 18 years

A Never

B On a weekend

C where every sale is authorised and approved by a responsible person

D when it is busy in the premises

10. If a person is found guilty of selling alcohol to underage they may

A. Must leave their employment

B. Not be allowed to work on the checkout at the premise

C. Receive an unlimited fine and or FPN from the police for £90

D. Report it to the magistrate's court

11. Challenge 25 is best practice guide, what does the challenge mean

A. The person is over 25

B. You did not believe the person was 25 or over so asked them to produce ID to prove they were 18

C. They need to spend over £25 to receive discount

D. You are not allowed to purchase alcohol unless you are at least 25

12. An age verification policy is

A. Mandatory (one of the mandatory conditions)

B. Best practice

C. Training material for some staff

D. Optional if you feel you should have one

13. Who would you apply for a premise licence to?

- A. Licensing solicitor
- B. Magistrates court
- C. Licensing authority
- D. Crown court

14. Who can visit the premises as an enforcement officer and request to see the licence

- A. Any member of all authorities
- B. Police officer and licensing authority
- C. Business owners
- D. Magistrates

15. what needs to be in place to allow the retail sale of alcohol

- A. Premises licences
- B. Personal licence
- C. Personal licence and consent dps
- D. Premises licence personal licence and consented dps

16. What must be on display at the premises

- A. Personal licence
- B. Full premises licence
- C. Contact forms for management
- D. Summary of premises licence and CCTV notices

17. Identify the licensable activities

- A. Measuring drinks
- B. Retail sale of hot food

C. Retail sale of alcohol, late night refreshment

D. Working on a licensed premises.

18. Identify the licensing objectives underpinning the licensing act 2003

A. Protection of children from harm

B. Public nuisance

C. Prevention of crime and disorder

D. All of the above

19. How many people can be named as dps at the same time

A. 5

B. Unlimited

C. 1

D. 2

20. How long do the premises and personal licences last for

A. 10 years

B. 5 years

C. Unlimited

D. 2 years

ANSWERS

Question 1	C
Question 2	D
Question 3	A
Question 4	B
Question 5	D
Question 6	A
Question 7	C
Question 8	A
Question 9	A
Question 10	C
Question 11	B
Question 12	A
Question 13	C
Question 14	B
Question 15	D
Question 16	D
Question 17	C
Question 18	D
Question 19	C
Question 20	C

General staff training questions relevant to this premises licence

1. Who is the premises licence holder
2. Who is named as dps where applicable (retail sale of alcohol)
3. What are the activities permitted on the premises licence
4. What hours does the premises licence permit for each activity
5. Does the licence hold any conditions ?
6. Name three standard conditions which are placed on the licence
7. Name one mandatory licence condition pertaining to the licence

GENERAL DATA PROTECTION POLICY

Contents:

Section 1	
Business Information	
Section 2	
Nature of the business	
Mission Statement	
Section 3	
Objectives and Purpose of the Policy.....	
Necessity of Processing.....	
Lawful Basis.....	
Legitimate interests	
Section 4	
Accountability.....	
Lawful Basis for Processing / Additional Legislation	
Privacy Notice	
Section 5	
CCTV	

Section 6.....
Processes and Working Methods relating to CCTV

Section 7.....
Responsibilities.....
Reporting a Breach.....
Records Management

Individuals working responsibilities within the Company

Section 8.....
Definitions

Section 9.....
Compliance with Legal Obligations.....
Recommendations

Privacy Notice

Section 10.....
Appendices.....

1. Data Transfer Authority Register
2. Policy Updates.....

Section 1: Business Information

NAME:	
ADDRESS:	
CONTACT NUMBER:	
CONTROLLER:	
PROCESSOR:	
ICO REGISTRATION DATE:	
REGISTRATION NUMBER :	
WEBSITE ADDRESS:	
FACEBOOK PAGE:	
TWITTER:	
OFFICIAL APP	
EMAIL ADDRESS:	

Section 2: Privacy Policy

This privacy policy allows the company to demonstrate to your clients/ customers that the company can be trusted with their personal data.

The policy also provides a clear indication of how much data the business controls, ensuring the data protection practices are legally compliant.

The GDPR is more rigorous than the previous data protection directive.

The requirement for the policy is legal

Customers expect to see them

Effective date: February 2024 .

The business is committed to protecting the security and privacy of your personal information by way of digital collection CCTV.

This method of data collection provides security and safety for all patrons including management, staff, visitors and customers.

All personal information is handled correctly.

DPO

Definitions

Personal Data :- any information relating to a living, identifiable person. It can include names, addresses, telephone numbers, e mail addresses etc also including any information relating to a person or a combination of information which , if put together means the person can be identified. Including recording of CCTV, directly or indirectly, in particular by reference to an identifier such as a name, and identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Data subject Is the person whose personal data is being processed.

Processing covers all activities relating to the use of personal data by an organisation, from its collection of the data to its storage and disposal including everything in between

Non personal data is data which will be logged for internal system related and statistical purposes, which cannot be tracked back to an individual. Data disclosing any identity will not be publicly used by the company.

Processing means any operation of set of operations which is performed on personal data, whether or not by automated means such as collection recording organisation structuring storage adaption or alteration retrieval consultation use disclosure by transmissions dissemination or otherwise making available alignment or combination restriction erasure or destruction. This applies to using cctv with regard to criminal investigations.

Nature of the Business

Principles for processing personal data, article 5 of the GDPR

Section 3: Objectives and Purpose of Policy

The policy is to ensure total compliance with both the requirements of the GDPR following its implementation on 25th May 2018, along with the ICO(Information Commissioners Office.)

There can be multiple lawful bases in connection with data capture.

This policy is focused on a single legal basis in connection with the capture of CCTV.

A valid lawful basis needs to be identified and documented in order to process personal data as specified in Article 6 of the GDPR, the policy identifies that lawful basis.

Necessity of Processing

The lawful basis shows that the processing is necessary, identifying that the data capture is necessary and the business cannot reasonably achieve the same purpose without the processing in this case by means of CCTV capture.

The necessity to document the lawful basis is then created. Demonstrating compliance in line with Articles 5(2) and 24.

This has been assessed and implemented in accordance with the principles underpinning the Regulation which are:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate relevant and not excessive
- Accurate
- Not kept for longer than is necessary
- Processed in line with your rights
- Secure

Lawful Basis for processing

Legitimate interests the process is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individuals personal data which overrides those legitimate interests.

Legitimate interests has been identified as the appropriate lawful basis taking into consideration

Who does the process benefit :- **the business, customers, the police and local authority / licensing authority**

Would individuals expect this processing to take place **yes**

What is the relationship with the individuals **Owners, employees, guests, visitors, customers.**

Are you in a position of power over them **No**

What is the impact of the processing on the individual **None on a normal direct basis may have data capture used if there is a requirement legally**

Are they vulnerable **No**

Are some of the individuals concerned likely to object **No measured and reasonable for the purposes intended**

Are you able to stop the processing at any time on request **No this is a condition of the premise licence**

Section 4: Accountability

Local authorities have their obligations as stated, this policy creates due diligence for both the requirements of GDPR and the necessities of the promotion of the premise licence which is pivotal to the running of the business.

The lawful basis of being able to apply a means of data capture (CCTV) if you cannot reasonably achieve the purpose by some other less intrusive means

(Article 6) is enforced by the promotion of the four licensing objectives under the Licensing Act 2003.

This policy details how as a company the demands of both are accommodated and promoted.

Lawful basis for the processing / Additional Legislation

The Licensing Act 2003 governs the application and granting of licences for premises to sell alcohol. Licensing authorities, in most cases the local authority, have to determine the granting of a licence in line with the "licensing objectives", which are:

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance;

d) the protection of children from harm

Conditions which are placed on a licence must be consistent with the operating schedule, their object being to achieve and promote the licensing objectives. Licensing Authorities are bound, as public bodies, to ensure that they act in accordance with the provisions of the GDPR 2018 and that any processing of CCTV is necessary and proportionate to meet a legitimate aim. In addition, any retention, use or disclosure of personal information caught on CCTV must be carried out in line with the principles.

The Individual Licensing Authority makes the ultimate decision on which conditions are imposed on determination of the licence.

Beyond mandatory conditions in the Licensing Act 2003, Licensing authorities CAN only set further conditions where it considers these are necessary to meet the licensing objectives.

CCTV is not one of the mandatory conditions and should only be imposed where this helps to meet one of the licensing objectives.

Guidance to Licensing Authorities informs the authority of their obligation.

CCTV should not be introduced as a matter of course, only where there is a justifiable reason for doing so.

The Processor must ensure that all CCTV images that can be used to identify an individual are captured on camera, used, stored and disclosed in line with the GDPR 2018.

It is a must that signs are displayed explaining that CCTV is in operation. Other than in exceptional circumstances any sound recording function on the CCTV system is not acceptable

Premise Licence issued under the licensing act 2003 is in situ.

Local authorities have their obligations as stated, however conditions are attached which enforce this capture of data as part of the licence. Failure to promote the licensing conditions will lead to action by the authorities, this policy creates due diligence for both the requirements of GDPR and the necessities of the promotion of the licence which is pivotal to the running of the business.

The lawful basis of being able to apply a means of data capture (CCTV) if you cannot reasonably achieve the purpose by some other less intrusive means

This policy details how as a premises benefiting from a premises licence, the demands of both are accommodated and promoted.

Privacy Notice

The privacy policy needs to tell people about the lawful basis under the transparency provisions of the GDPR this includes

Your intended purposes for processing the personal data **Section 10**

Section 5: CCTV

Article 30 states capture of data needs to be documented when it is

Activities of data processing that are not occasional

Could result in a risk to the rights and freedoms of individuals

CCTV is installed throughout the premises. This is present as a deterrent, whilst promoting security and discouraging crime and disorder.

The premises are operating as a hotel and bar, restaurant. The need for the use of CCTV cameras is proportionate and necessary. The nature of the business make this method of data capture reasonable.

The premises deals with a lot of customers.

Health and safety are also a constant consideration in the use of the system for both the staff, members and guests.

The premise licence is attached to this licence which is granted under the Licensing Act 2003. The licence is underpinned by 4 licensing objectives namely:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Protection of Children from Harm
- Public Safety

The Prevention of crime and disorder states the following with regard to the provision and maintenance of CCTV

The premise licence issued by grants the permission under the Licensing Act 2003 this permits licensable activities to take place inclusive during the periods of maximum hours.

There are the appropriate number of cameras sited in each premises

- Camera 1
- Camera 2
- Camera 3
- Camera 4
- Camera 5
- Camera 6
- Camera 7
- Camera 8
- Camera 9
- Camera 10
- Camera 11
- Camera 12
- Camera 13
- Camera 14
- Camera 15

The cameras are in place to protect the premise and promote the four licensing objectives which underpin the premise licence in particular the prevention of crime and disorder.

Under the authority detailed in the licence, footage can be used to assist investigations under crime and disorder.

The CCTV recording is supported with full signage of data capture with signs being sited at the rear of the factory building, the front of the building and in the office area of the building. The signage supports the times of coverage (24 hours) the details of the controller and a contact number to allow anyone to directly contact the controller if there is a need to do so.

The system is situated in the main office of the individual premises , the monitoring screen system is also situated at the same point. There is always a full view of all cameras on show.

Access to the footage is readily available with download available to the controller if necessary.

The footage records continually for a period with an automatic reset built into the system.

Full compliance with the DPA

The controller as named in the policy has the responsibility for the control of the information having decided what is being recorded, how it may be used and to whom it may be disclosed.

There is no outside agency who deals with controlling any of the CCTV therefore there is no need for any third party written agreement.

Procedures when dealing with CCTV downloading.

The controller or trained member of staff as required in the conditions of the club certificate will be the only persons who have access to any downloaded footage.

The system is in a safe environment with access only by the nominated controller and named person above of the club.

Access to the system is controlled strictly by password.

When images are required to be downloaded for the purposes provided in this policy they are done so by securely transferring the data onto a memory stick. Any transferred footage will only be used for the purposes as set out in the policy.

A full documentation of the download including the reason for it being necessary, the time, date duration of footage captured will be recorded in a log attached to this policy.

Any third party who requests and then receives any data captured will be fully documented in the log with them signing the log for audit purposes.

A copy of the ICO In the picture A data protection code for practice for surveillance cameras and personal information is available at ICO.org.uk.

The requirement and effectiveness of the club participating in the use of CCTV monitoring is reviewed on an annual basis. The review is detailed in the recommendations attached to this policy in Section 10

Section 6: Processes and working methods relating to CCTV

The equipment controlling the gathering of the data is situated in the premises area. The monitor is password protected.

Information processes gathering and storage, daily working processes

All information relevant to members are password protected, securely locked away.

Section 7: Responsibilities

There has been a review of the purposes of the processing activities and as a result the most appropriate lawful basis has been chosen for the activity.

Processing is necessary for the relevant purpose, accepting that there is no other reasonable way to achieve that purpose.

There is documentation reflecting the decision on which lawful basis applies to help us demonstrate compliance.

The Privacy notice includes information about both the purposes of the processing and lawful basis for the processing.

Transferring data for the purposes of third party usage are documented and recorded

Reporting a breach

Article 19 states:

- Not every breach needs to be reported however if a security breach has a significant impact you **MUST** notify the ICO within 72 hours
- You must notify your users if they are likely to be affected.
- Consider whether to inform anyone else who might be affected.
- If you are unsure whether any of the above applies it is safer to report the breach to the ICO
- The breach must be reported to the ICO within 72 hours or sooner if it is reasonable to do so
- Appendix 4 - Regulation breach notification form

If the breach is likely to adversely affect any users or customers, you will also need to advise them of the breach without undue delay.

You can choose how to inform them as long as it is done and reaches them promptly what should be included is:

- Your name and contact details
- The date of the breach
- A summary of the incident
- The likely effect on them
- Any measures you have taken to address the breach and
- Any steps they can take to protect themselves from harm
- You should take into consideration if any other persons need to be informed of the breach say any end users relying on the integrity or trust service

- The ICO will give advice if the breach needs to be informed publicly this will only occur if it is in the interest of the public.

The company is registered with the ICO as a company storing data if there were to be any breaches.

A confirmed incident in which sensitive, confidential or otherwise protected data has been accessed and/ or disclosed in an unauthorised fashion. This could be for the following reasons:

- Personal Health Information (PHI)
- Personally Identifiable Information (PII)
- Trade secrets
- Intellectual property

A security incident in which sensitive protected or confidential data is copied transmitted viewed stolen or used by an individual unauthorised to do so usually involving venerable unstructured data files documents and sensitive information.

Records management

The company recognises that it is vital that we manage records as it is to deliver the service in an orderly efficient and accountable manner.

In doing ensure that records in all formats are accurate reliable ordered complete useful up to date and accessible whenever it is needed.

- Our aim in using effective management includes
- Help us carry out our business
- Protect the rights of all individuals
- Ensure regulation compliance
- Provide an audit trail to meet all requirements
- Support continuity and consistency
- Ensure openness transparency and fairness

Individuals working responsibilities within the premises

Everyone has their individual roles and responsibilities to ensure the details are appropriately managed

Manager and bar staff ensuring the smooth running of the organisation, demonstrating the day to day working policies and procedures are carried out on a daily basis.

Anyone who receives creates maintains or has access to any of the company documents or records is responsible for ensuring that they act in accordance with records management stipulation and procedures.

Section 8 Definitions

General Data Protection Regulation (GDPR) is a legal framework that sets guidelines for the collection and processing of personal data of individuals within the European Union.

Personal data or any information relating to an identified or identifiable natural person (Data Subject) an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to him.

Personally Identifiable Information (PII) is any data that could potentially identify a specific individual any information that can be used to distinguish one person from another and can be used for de anonymizing anonymous data can be considered PII.

Sensitive Data is defined as information that is protected against unwarranted disclosure. Access to sensitive data should be safeguarded protection of sensitive data may be required for legal or ethical reasons for issues pertaining to personal privacy, or proprietary considerations.

ICO - Information Commissioners office ICO.org.uk

Controller - a controller determines the purposes and means of processing personal data

Processor - a processor is responsible for processing personal data on behalf of the controller

Lawful basis

Legitimate interests

Section 9 Legislation

Regulation (EU) 2016/679 of The European Parliament and of the Council of 27 April 2016

On the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC(General Data Protection Regulation)

The protection of natural persons in relation to processing of personal data is a fundamental right. Article 8 (1) of the Charter of Fundamental rights of the European Union (the "Charter") and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.

The Data Protection Act 2018 is the UK's implementation of the GDPR making sure that information is used fairly, lawfully, and is transparent

Recommendations to ensure compliance with ICO governing body for use of CCTV

Always maintain the ICO registration it is easy to become registered simply visit ico.org.uk you can register on an annual basis paying by direct debit (this saves you £5 and means you do not need to re register as the payment is taken out annually)

Appropriate signage needs to be sited around the business, so informative cctv signs need to be sited at prominent points both inside and outside of the property

Signs need to include the following information

Cctv is being recorded at all times

Name of the processor if anyone wants to contact them to discuss any data capture

Telephone number for anyone to contact the processor

Non compliance with signs and details could result in a breach.

CCTV remote access it is recommended that anyone with mobile footage access by tablet phone or other means have an extra measure of securing the data in place. In the event of the loss of equipment it should be documented in the policy how extra security to secure such data is taken.

There are a number of apps for smart phones which allow apps to be deleted it is recommended as well as having password protection these steps are taken to demonstrate complete due diligence.

Privacy policy needs to be available to all persons at all times.

It is recommended that consideration is given to the needs of the business on an annual basis, this would lead to an assessment with regard to the continuation of the use of CCTV data capture.

Mandatory conditions include any use of door supervisors must be currently registered with the SIA there is a compliance form attached for checking all door supervisors and a link to the SIA register. It is your responsibility to ensure all staff are legal and able to work legally

SIA badges may still be in the possession of suspended or revoked door supervisors ensure you check the register and record the check for your compliance

<https://services.sia.homeoffice.gov.uk/rolh>

Immigration Act restrictions have also been added to the licensing act 2003 again it is your responsibility to ensure all staff are legally entitled to work on your premises. You should check the status from the link provided and record the result in your supplied compliance documents

<https://www.gov.uk/check-job-applicant-right-to-work>

Failing to comply with the above conditions creates a real risk of losing your premises licence

Insert the following information

- Page 1 Premises details
- Page 5 Insert the licensable activities and times and the authorised opening times
- Page 11 insert your individual conditions as stated in annex 2 of your licence
- Page 26 Insert GDPR details of premises
- Page 28 Details
- Page 29 Effective date the date you sign up insert name of DPO (responsible for the control of cctv)
- Page 33 Complete the permissions of the licence days and times
- Page 34 Complete the cameras place throughout the premises, insert the licence number and document the amount of time the recordings are maintained