

Complaint reference number: 103161
LA reference number : ZMCC17339536T

FULL DETAILS OF COMPLAINANT

[REDACTED]

[REDACTED]

POSTCODE: [REDACTED]

TELNO: [REDACTED]

E-MAIL: [REDACTED]

HOW RECEIVED: CDR - CD Referral (TS only)

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: ULA***MOOR/1
LA REF: OPR-164

TRADER: Garricks Head
TRADER:

ADDRESS COMPLAINED AGAINST

Moorside Road
Flixton
Urmston

M41 5SH

AREA: Codes commencing with **
WARD:

DETAILS OF COMPLAINT

Pub - Underage Sales

COMPLAINT CATEGORY: 100 - Trafford Complaint (TS)
GOODS/SERVICES: BA06 - Alcoholic drinks
CA COMPLAINT TYPE: 13A - Underage Sales
PURCHASE MEDIUM: 021 - Trader Premises
COUNTRY OF TRADE: GB - UNITED KINGDOM
UNIT: TSE - Enforcement
INVESTIGATING OFFICER: JSO - Mr J Owen
RECEIVING OFFICER: JSO - Mr J Owen

DATES

DATE RECEIVED: 23/06/2022
DATE OF FIRST RESPONSE: 24/06/2022
DATE CLOSED: 24/06/2022
TARGET RESPONSE DATE: 30/06/2022

RESULT AND FURTHER ACTION

ACTION TYPE: T50 - CD Referral - Info noted, no contact with C
Visit record number / is related to this complaint

Case Classification: Referral - Potential Criminal Case - No TS
commitment to contact customer

Pub - Underage Sales

Contact: 2022-06-18T17:04:02 Adviser ID: ZMCCSPO

hi id like to report the garricks head for the possession of class A drugs on the premises , staff consuming them & the landladys fully aware. id also like to add underage drinking too

Contact: 2022-06-18T17:04:02 Adviser ID: ZMCCSPO

Survey: NA

Mode of Purchase: 0

(GBP)

Contact Channel: I02

Trader Webside: im not sure

Contact: 2022-06-23T10:56:09 Adviser ID: ZMCCZMAVW

Dear [REDACTED],

Thank you for your enquiry to the Citizens Advice Consumer Service dated 18/06/2022. Your reference number is ZM17339536 and should be quoted for any further correspondence in relation to this issue. We are currently receiving a high number of emails, and therefore our response time is longer than usual. We apologise for any inconvenience caused, and thank you for your patience.

We understand from your email you are concerned about underage sales and drug use at the Garricks Head and you would like to report this to Trading Standards.

Firstly, we would like to thank you for the information you have provided.

It seems from your email you are not needing advice on this matter. However, if this is not the case, please do let us know and we will do our best to advise on anything you are concerned about.

What we'll do:

We will refer the information you have provided to Trading standards, there is no commitment for them to contact you directly, Trading Standards will only contact you if they deem it necessary. Whilst this does not help you resolve your dispute, it gives Trading Standards vital intelligence on how a trader is conducting their business.

If you would like to discuss this further please call us on 0808 223 1133 or reply to this email.

Kind regards

Avi

Citizens Advice consumer service
Tel: 0808 223 1133
Web: www.citizensadvice.org.uk
Open: 9:00 to 17:00 Monday to Friday

This email and any attachments are confidential and may also be

privileged. If you are not the named recipient, please notify the sender immediately and do not disclose the contents to any other person, use it for any purpose or store or copy the information. The Citizens Advice consumer service is independent, confidential, free and impartial. Unless you say otherwise, information about you and your problem will be recorded and shared with Trading Standards. Your contact details may be shared with a third party organisation that conducts surveys in order to improve our customer service, unless you ask us not to. It will not be shared with anyone else.

Detriment: Not part of discussion/no detriment

Complaint reference number: 102386
LA reference number : ZCCC17150642T

FULL DETAILS OF COMPLAINANT

[REDACTED]

[REDACTED]

Manchester
POSTCODE: [REDACTED]
TELNO: [REDACTED]
E-MAIL: [REDACTED]
HOW RECEIVED: CDR - CD Referral (TS only)

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: C01RH1MOOR/1 TRADER: Garricks Head
TELNO: 0161 747 9033
OSAPR: APKRC78E5TL5EW20WC
EASTING: 3752092
NORTHING: 3950903

ADDRESS COMPLAINED AGAINST

Garricks Head Hotel
Moorside Road
Urmston
Manchester

AREA: Housing Renewal General
WARD: Flixton

M41 5SH
TELNO: 0161 747 9033
OSAPR: APKRC78E5TL5EW20WC
EASTING: 3752092
NORTHING: 3950903

DETAILS OF COMPLAINT

Underage Sales / Alcohol / Pub / Refer to TSS

COMPLAINT CATEGORY: 100 - Trafford Complaint (TS)
GOODS/SERVICES: FH14 - Pubs, inns and bars
CA COMPLAINT TYPE: 13A - Underage Sales
PURCHASE MEDIUM: 021 - Trader Premises
COUNTRY OF TRADE: GB - UNITED KINGDOM
UNIT: TSE - Enforcement
INVESTIGATING OFFICER: JSO - Mr J Owen
RECEIVING OFFICER: JSO - Mr J Owen

DATES

DATE RECEIVED: 03/03/2022
DATE OF FIRST RESPONSE: 04/03/2022
DATE CLOSED: 04/03/2022
TARGET RESPONSE DATE: 10/03/2022

RESULT AND FURTHER ACTION

ACTION TYPE: T50 - CD Referral - Info noted, no contact with C
Visit record number / is related to this complaint

Case Classification: Referral - Potential Criminal Case - No TS
commitment to contact customer

Underage Sales / Alcohol / Pub / Refer to TSS

Contact: 2022-02-28T11:18:31 Adviser ID: ZCCCSP0

They are selling alcohol to people under the age of 18 and they don't ask for ID either. The bar staff are just letting them buy drinks and land lady is doing nothing about it because she believes the customers

are over 18 when they are under 18

Enquiry: She says there's nothing we can do because they are apparently over 18 and they aren't they are 17 and 16 year olds

Contact: 2022-02-28T11:18:31 Adviser ID: ZCCCSP0

Survey: NA

Mode of Purchase: 021

Purchase Date: 2022-01-21

Payment Amount: 60

(GBP)

Payment Method: 06

Contact Channel: I02

Contact: 2022-03-03T11:54:48 Adviser ID: ZCCCZCTGA

Response sent to C :-

Dear [REDACTED],

Thank you for your enquiry to Citizens Advice consumer service dated the 28th of February 2022. Your reference number is ZC 17150642.

We understand from your email that you would like to report The Garricks Head to Trading Standards for selling alcohol to minors without asking for ID.

What we will do

We'll inform Trading Standards of this issue. Whilst this doesn't help

you resolve your problem, it gives Trading Standards vital intelligence about how the trader operates their business and they may contact you if they require additional information.

If you would like to discuss this further please call us on 0808 223 1133 or reply to this email.

Kind regards

Tina

Citizens Advice consumer service

Tel: 0808 223 1133

Web: www.citizensadvice.org.uk

Open: 9:00am to 17:00 pm Monday to Friday

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The Citizens Advice consumer service is independent, confidential, free and impartial. Unless you say otherwise, information about you and your problem will be recorded. It will be shared with Trading

Standards and other partner organisations to help them take action against traders, unless you ask us not to. It will not be shared with anyone else.

If you own a Hotpoint, Indesit, Creda, Proline or Swan tumble dryer made between April 2004 and September 2015, due to a potential safety

issue some of these are being recalled and replaced at no charge.

Call

the manufacturer Whirlpool on 0800 151 0905 to see if your machine is affected - you can also contact the Citizens Advice consumer service for advice.

ACTION:

Refer to TSS without commitment - underage sales.

Detriment: Not part of discussion/no detriment

Complaint reference number: 102868
LA reference number : ZCCC17274440T

FULL DETAILS OF COMPLAINANT

[REDACTED]

[REDACTED]

POSTCODE: [REDACTED]

TELNO: [REDACTED]

E-MAIL: [REDACTED]

HOW RECEIVED: CDR - CD Referral (TS only)

NAME OF PERSON COMPLAINED AGAINST

PREMISES REF: C01RH1MOOR/1 TRADER: Garricks Head
TELNO: 0161 747 9033
OSAPR: APKRC78E5TL5EW20WC
EASTING: 3752092
NORTHING: 3950903

ADDRESS COMPLAINED AGAINST

Garricks Head Hotel
Moorside Road
Urmston
Manchester

AREA: Housing Renewal General
WARD: Flixton

M41 5SH
TELNO: 0161 747 9033
OSAPR: APKRC78E5TL5EW20WC
EASTING: 3752092
NORTHING: 3950903

DETAILS OF COMPLAINT

Underage Sales

COMPLAINT CATEGORY: 100 - Trafford Complaint (TS)
GOODS/SERVICES: BA06 - Alcoholic drinks
CA COMPLAINT TYPE: 13A - Underage Sales
PURCHASE MEDIUM: 999 - Other
COUNTRY OF TRADE: GB - UNITED KINGDOM
UNIT: TSE - Enforcement
INVESTIGATING OFFICER: JSO - Mr J Owen
RECEIVING OFFICER: JSO - Mr J Owen

DATES

DATE RECEIVED: 13/05/2022
DATE OF FIRST RESPONSE: 17/05/2022
DATE CLOSED: 17/05/2022
TARGET RESPONSE DATE: 20/05/2022

RESULT AND FURTHER ACTION

ACTION TYPE: T50 - CD Referral - Info noted, no contact with C
Visit record number / is related to this complaint

Case Classification: Referral - Potential Criminal Case - No TS
commitment to contact customer

Underage Sales

Contact: 2022-05-11T00:51:35 Adviser ID: ZCCCSP0

they're serving underage teenagers and not id-ing them, the landlady
is aware of people selling and consuming class A drugs on the
premises
but isnt bothered whatsoever she doesnt do her job all she does is
sit
there drinking

Contact: 2022-05-11T00:51:35 Adviser ID: ZCCCSP0

Survey: NA

Mode of Purchase: 0

(GBP)

Contact Channel: I02

Trader Webside: i dont know

Contact: 2022-05-13T15:31:49 Adviser ID: ZCCCZCTMO

Dear [REDACTED],

Thank you for your enquiry to Citizens Advice consumer service dated
11th May. Your reference number is ZC17274440.

We understand from your email that you are looking to report The
Garrick's Head Pub for selling alcohol the under age consumers.

What we will do

We will refer this issue to Trading Standards as you have identified
a
potential criminal offence. Whilst this doesn't help you resolve your
problem, it gives Trading Standards vital intelligence about how the
trader opera tes their business.

If you would like to discuss this further please call us on 0808 223
1133 or reply to this email.

Kind regards,

Toni-Marie

Citizens Advice consumer service

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Detriment: Not part of discussion/no detriment

Authorisation Directed Surveillance

Public Authority <i>(including full address)</i>	Trafford Council Trading Standards		
Name of Applicant	Elizabeth Pritchard	Unit/Branch /Division	Trading Standards
Full Address	Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TG		
Contact Details	Elizabeth.pritchard@trafford.gov.uk Tel : 07760 167474		
Investigation/Operation Name (if applicable)	Underage Sales Test Purchase of Alcohol – August 2022		
Investigating Officer (if a person other than the applicant)			

DETAILS OF APPLICATION

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 No. 521. ¹

2. Describe the purpose of the specific operation or investigation.

To determine compliance with the law in respect of underage sales of alcohol from local licenced premises.

It is of both national and local concern to address the problem of underage sale of Alcohol and this is known to have a detrimental effect on young people's health as well as being the cause of anti-social behaviour.

The Licensing Act 2003 was approved by Parliament in July 2003. The overall aim of the Act is to modernise the legislation governing the sale and supply of alcohol and public entertainment. In carrying out its licensing functions the Licensing Authority will promote the following licensing objectives which are all of equal importance:

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

These four objectives are paramount considerations at all times.

The protection of children from harm is a national licensing objective. The Act details a number of offences designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that license holders of fixed premises or organisers of temporary events, create safe environments for children (in terms of their physical, moral and psychological welfare) who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times. Trading Standards departments work closely with the Police and other agencies to ensure appropriate and efficient enforcement of the law, and promotion of best practice, in these respects.

The following are extracts from the Trading Standards North West - Report of Young Persons' Alcohol, Tobacco and E-Cigarette Survey 2017:

- 1) *Analysis by age indicates that a slightly higher percentage of 14-16 year olds are buying alcohol themselves compared with two years ago.*
- 2) *Significant fall in percentage of young people claiming that they are asked for ID when buying alcohol themselves. Appears to be consistent across all regions.*
- 3) *There is a significant increase in those claiming to drink just to get drunk compared to two years ago.*
- 4) *Young people's understanding of the legislation regarding them buying and drinking alcohol appears to have fallen in the last two years.*

3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

¹ For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

Two volunteers aged under 18 will be accompanied throughout the exercise and to each of the listed premises by Trading Standard officers and police officers. They will be briefed beforehand as to what they must do, and the premises will be risk assessed prior to the visit. The volunteers will be instructed to enter the premises after 2 officers have already entered the premises, and have sent a message to officers waiting outside with the volunteers, saying it is safe to enter and suggesting what drinks to order. The officers inside will remain in a position where they can observe the volunteers at all times, and can intervene if necessary. If a sale of alcohol to the volunteers is refused, the volunteers will leave the premises and go to the officers waiting outside. The officers observing inside will leave shortly after. If a sale is made, the volunteers will take the drinks to near the officers observing who will photograph the volunteers with the drink, and make notebook notes as to what they have just seen. The volunteers will then leave the premises and go to the officers waiting outside and the officers present will conduct enquiries with the bar staff who sold the item and the owner/manager of the premises. It is not proposed to use any recording equipment during this exercise. Where premises are in close proximity to each other the officers will conduct enquiries with the bar staff and the owner/manager of the premises once all of the test purchases in the vicinity have been attempted so the identity of the volunteers is not revealed and therefore ensure the safety of the volunteers.

4. The identities, where known, of those to be subject of the directed surveillance.

The identities of persons to be subjected to the covert surveillance are not known but it will be staff and customers at the attached list of premises to be visited during the covert operation and people in the vicinity.

5. Explain the information that it is desired to obtain as a result of the directed surveillance.

This survey is intended to ensure the premises visited as detailed in the attached premises list are complying with current regulations and licence conditions in respect of alcohol sales.

Those premises who fail to comply with the Licensing Act 2003 by selling alcohol to those under the age of 18 will be reported for prosecution and a review of the premises licence will be considered.

6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. Delete those that are Inapplicable. Ensure that you know which of these grounds you are entitled to rely on (SI 2010 No.521).

It is believed that this survey is necessary on the following statutory grounds:

- for the purpose of preventing or detecting crime or of preventing disorder.
- to investigate offences of selling alcohol to children.

7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 3.3].

It is thought to be necessary and proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

Trading Standards has a responsibility to investigate underage sales of age-restricted products, in this instance, alcohol.

Visiting premises with volunteer minors and using directed surveillance at the time is necessary to ascertain whether or not a licenced premise is selling or is likely to sell age restricted products contrary to current legislation which creates offences for such actions. Other options have been considered but there are no reasonable overt methods of enforcing this legislation.

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.]

Describe precautions you will take to minimise collateral intrusion.

There is a likelihood that surveillance may intrude into a third party's privacy, such as members of the public or staff at the bar or in the seating areas, or around the vicinity outside of the premises.

The intrusion is unavoidable because of the practicalities of the exercise. Any intrusion will be minimised by not using recording equipment and ensuring that the visit will be conducted as quickly and effectively as possible. The volunteers are instructed not to engage in conversation with members of staff (other than to place their drink order) or customers.

If a sale is made, the volunteers will be asked to leave the premises as soon as possible. If no sale is made they will leave the premises immediately and the accompanying officers will leave as soon as practicably possible.

9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means [Code paragraphs 3.4 to 3.7]?

There is currently a great deal of anti-social disorder in communities and much of it is known to be influenced by alcohol, and particularly due to consumption of alcohol by younger people. This is damaging and disruptive to communities as well as costly to enforcement and emergency services.

It is known from local intelligence and complaints received by enforcement agencies that some premises are not complying with regulations to not sell alcohol to anyone under 18 years of age. The only way to check for compliance is to do test purchases of age restricted product using minors. This sends a message out to the

communities that action is being undertaken by enforcement agencies, and also to the traders that the sale of alcohol to minors is not to be tolerated, and for traders who do it can lead to substantial penalties and/or licence revocation. Press releases regarding the outcome of the survey and any associated prosecutions or licence reviews also acts as a warning and deterrent for licence holders.

The directed surveillance is proportionate to what is trying to be achieved because we have a responsibility to reduce crime and disorder in the area, create a level playing field for traders and reduce the access young people have to alcohol.

Tackling underage sales of age restricted products is a statutory duty. These types of test purchases are recognised as being a well-established means of obtaining evidence for court purposes if necessary. Without adopting this method, there are no other ways of enforcing the legislation.

10. Confidential information [Code paragraphs 4.1 to 4.31].

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

Customer and staff private conversations may be overheard by the volunteers and/or accompanying officers when inside and outside in the vicinity of the premises being tested. However, volunteers and officers are instructed not to engage in conversations other than to order drinks and to discuss any sales of alcohol with the seller, owner and manager of the premises.

A record will be made in the officer's notebooks of anything said in relation to any sale of alcohol but no written record will be made of any information not related to the sale of alcohol. Recording equipment is not being used. Any confidential information overheard will not be recorded and therefore not be retained.


11. Applicant's Details			
Name (print)	Elizabeth Pritchard	Tel No:	07760 167474
Grade/Rank	Trading Standards Officer (Temporary)	Date	21 st July 2022
Signature	Liz Pritchard		
12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– In this and the following box.]			
<p>I hereby authorise directed surveillance defined as follows: [<i>Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?</i>]</p> <p>I have considered this application and the accompanying risk assessment.</p> <p>I am satisfied that this is a matter which requires authorisation under the Regulation of Investigatory Powers Act and that the method of investigation that has been described within the application presents little risk of the acquisition of collateral personal data or exposes the investigating officers and others to any form of unacceptable risk,</p> <p>I am satisfied that the investigation and the covert surveillance is necessary and proportionate to achieve the aims of the investigation and that it is appropriate to undertake this investigation for the purposes of detecting and prosecuting criminal activity</p> <p>I authorise Elizabeth to conduct test purchases in the manner described within the application and subject to the safeguards identified within the risk assessment for a period of two months following the date upon which judicial authorisation is provided.</p>			
13. Explain <u>why</u> you believe the directed surveillance is necessary [Code paragraph 3.3].			
Explain <u>why</u> you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out [Code paragraphs 3.4 to 3.7].			
<p>I am satisfied the directed surveillance is necessary and proportionate to enable the detection of underage sale of alcohol within licenced premises and that there is no other reasonable alternative to achieve the aims of the investigation other than to use this form of directed surveillance</p>			
14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 4.1 to 4.31.			

I am satisfied that it is unlikely that any confidential information will be obtained during the course of this investigation, other than the personal details of those making underage sales. There are adequate provisions in place to ensure that such personal information that it obtained will only be retained for the duration of the investigation and any criminal proceedings that follow. Such information will be securely destroyed if no longer required for the purposes of investigation or prosecution

Date of first review

16th September 2022

Programme for subsequent reviews of this authorisation: [Code paragraph 3.23]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.

Name (Print)	PHIL VALENTINE	Grade / Rank	Environment Strategic Business Manager	
Signature		Date and time	16 Aug 2022	
Expiry date and time [e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59]				

15. Urgent Authorisation [Code paragraph 5.9]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer.

RISK ASSESSMENT FORM (HS3)

Service Area: Public Protection	Division/Section: Trading Standards	Location: Various licensed retail premises within the Sale/Altrincham areas and journeys between.	
Task Covered by this Assessment: The conduct of covert test purchase attempts with the cooperation of a young persons		Persons at Risk: The young volunteer and staff involved in the operation	Reference No: 11/2021

HAZARD	ACTION ALREADY TAKEN TO REDUCE THE RISK (Control measures)	RESIDUAL RISK H – High M – Medium L – Low	ARE THE CONTROL MEASURES ADEQUATE YES / NO	FURTHER ACTION REQUIRED (if existing controls are inadequate)	BY WHO AND WHEN
Young person could be put at risk of inappropriate behavior / conduct by staff	Staff will not be left on their own with the volunteers – there should always be two officers with them, at least one which shall be DBS checked. Initial approach / contact is always with parent(s) / carer(s). Before seeking parental consent full explanation is made of what is involved and an assessment made by officer of suitability of volunteer. Times and locations that young person will be working with staff are agreed in advance with parent/carer and full contact details shared for the relevant times. Time is agreed in advance for when the volunteer will be returned back to their care.	Low	Yes	DBS checks will need to kept current.	TSM, before each lapses
That the identity of the young volunteer is revealed or compromised.	Nominated officer has responsibility for initially handling the recruitment of volunteers and the obtaining of personal information, which is retained by them in a secure location. Their personal information is not referred to further and they become Volunteer 'A' and Volunteer 'B' for the purposes of any investigation. They are not used in any publicity. They do not operate in an area in which they live or are likely to be recognised, are educated or visit regularly.	Low	Yes		
Staff member could be subject to a false allegation of inappropriate behaviour	At least two members of staff are with the volunteer at all times. At least one of the members of staff shall be the same gender as the volunteers and at least one of the officers shall have completed a DBS check. Staff are instructed to report any issues to the Regulatory Services Manager immediately.	Low	Yes		

<p>Young person could be at risk outside premises (traffic/other youths)</p>	<p>Young person is always escorted to a position near the premises, having been accompanied across any roads. An initial check will be made by a drive past, just prior to the attempt and if there are youths congregated outside that could present a risk, the visit is aborted. Two Officers will be waiting to collect the volunteer as they emerge from the premises to ensure their safe return to the vehicle, parked nearby.</p>	<p>Low</p>	<p>Yes</p>		
<p>Young person could be at risk of inappropriate approach/challenge by someone within the premises</p>	<p>Two Officers will go into the premises first and if there are any safety concerns inside the premises message the officers waiting outside to abort the visit. The Officers inside the premises will be positioned so that the volunteers actions can be seen and heard at all times. If the volunteers appear to be approached or challenged inappropriately the officer will intervene and the volunteers instructed to leave the premises. The Officers waiting outside the store will escort the volunteers to a safe place away from the store.</p>	<p>Low</p>	<p>Yes</p>		
<p>Young person could be adversely affected by an overcrowded or noisy/loud premises.</p>	<p>The TS officer and Police officer entering the premises ahead of the volunteers will make a decision as to whether the bar area is safe or is too crowded or noisy/loud to carry out the test purchase. If necessary they will notify by phone the officers waiting with the volunteers that the visit is not to go ahead. The volunteers will be briefed beforehand that if at any point they do not feel comfortable they can leave the premises and meet with the Officers waiting outside the premises.</p>	<p>Low</p>	<p>Yes</p>		
<p>Young person could be at risk of inappropriate approach/challenge by someone within the on sale licensed premises.</p>	<p>Volunteers will be being observed by a TS Officer and police officer positioned within sight of the volunteers at all times. The officer/police will be ready to intervene if volunteers appear to be at risk, and the volunteers will be told to leave the premises if necessary. The Officers positioned outside the premises will be notified of the events by phone contact and will escort the volunteers away from the premises to a safe place.</p>	<p>Low</p>	<p>Yes</p>		
<p>Young person could feel undue pressure if required to attend court</p>	<p>Made clear from the outset to the volunteers and their parent / carer that the young person would not be required to give evidence, case would be withdrawn rather than call them as a witness.</p>	<p>Low</p>	<p>Yes</p>		
<p>Young person could be at risk through failure to take account of pre-existing medical issues/allergies</p>	<p>During discussion with parent/carer before their consent in sought this issue is discussed with them and actions agreed with parent/carer in case any problems arise. Mobile phone details are shared so that at any time staff/volunteer/parent or carer can contact each other</p>	<p>Low</p>	<p>Yes</p>		

<p>The premises to be visited or the areas in which they are located could present specific risks (ASB hotspots/previous evidence of inappropriate behaviour by staff at the premises)</p>	<p>The operation is planned to take place around the Trafford Borough in the Sale, Altrincham, Goose Green and Urmston areas and will include test purchase attempts for alcohol at the following premises:</p> <ul style="list-style-type: none"> • [Redacted] • [Redacted] • [Redacted] • [Redacted] • [Redacted] • [Redacted] • [Redacted] • [Redacted] • The Garrick, (Urmston) • [Redacted] • [Redacted] • [Redacted] • [Redacted] • [Redacted] <p>Each has been assessed through checks on previous records and discussions with the lead officer, licensing and GMP. No causes of concern have been revealed.</p>	Low	Yes			
<p>Post Operation Review – To be completed by the officer in charge of the operation. Use the box opposite to record, for the purposes of future operations, any issues that arose during the operation covered by this assessment. Record full details including time, locations, persons involved and to whom concerns were reported and when.</p>						
<p align="center">EVALUATION OF RESIDUAL RISK</p>						
<p>HIGH MEDIUM LOW</p>	<p>Where it is likely that harm and/or serious injury may occur, eg fatality, fracture</p>					
	<p>Where it is unlikely that harm and/or injury may occur</p>					

Name and Job Title of Assessor(s):	Signature(s):	Date of Assessment:
Name of Manager:	Signature:	Date of Review:

Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Local authority: Trafford Council
Local authority department: Trading Standards
Offences under investigation: Unlawful Sale of Alcohol
Address of premises or identity of suspect: 1. [REDACTED]
[REDACTED]
2. [REDACTED]
[REDACTED]
3. The Garrick, Moorside Road, Urmston M41 5SH
[REDACTED]
[REDACTED]
5. [REDACTED]
[REDACTED]
6. [REDACTED]
[REDACTED]
7. [REDACTED]
[REDACTED]
8. [REDACTED]
[REDACTED]

Covert technique requested: (tick one and specify details)

Communications Data

Covert Human Intelligence Source

Directed Surveillance

Summary of details

In cooperation with Greater Manchester Police, Trafford Council's licencing enforcement officers intent to conduct test purchases using under age persons to establish whether the premises are causing or permitting the sale of alcohol to underage customers. The application is to be conducted in the presence of police officers and has been fully risk assessed as can be seen from both the application and the attached risk assessment. It is proposed to commence the operation on August 19, 2022. The internal authorisation permits, subject to judicial authority, the authorisation to remain in force for two months.

In the case of each of the premises identified above, intelligence received and collated by Greater Manchester Police and Trafford Council creates strong grounds to believe that the premises are the resort of underage persons to whom alcohol is sold or provided.

The specific intelligence is as follows:

██████████ - Allegation that young clientele and 15 year olds drinking in the bar. GMP intelligence says the licensee entices young underage girls, as young as 14yrs, into the premises where he provides them with alcohol and food. If police conduct a visit to the licenced premises the girls will hide upstairs.

██████████ - Greater Manchester Police intelligence has identified underage sales which may be being conducted by proxy;

The Garrick - Greater Manchester Police have received two reports of underage sales. Trafford Council has received a further three complaints.

██████████) - Trafford Council has received a complaint of underage sales being made to 16 and 17 years olds on Friday nights.

██████████ - Greater Manchester Police Officers have observed underage being made. Reports have been received of approximate 30 underage persons being on the premises at weekends.

██████████ Greater Manchester Police officer stopped some males known to him who are 16-17 years of age, they were on their way to ██████████ saying they go down most weekends and try and get into one of the bars they often manage to get into one. Large numbers of young males/females in the ██████████ area. CCTV footage demonstrates concerns over the apparent ages of some of these people in this club.

██████████ - Greater Manchester Police Officers have observed underage being made. Reports have been received of approximate 30 underage persons being on the premises at weekends.

██████████ Greater Manchester Police Officers have observed underage being made. Reports have been received of approximate 30 underage persons being on the premises at weekends.

References to ██████████ within the risk assessment are now not applicable as the premises have closed and are no longer to be visited as part of this operation.

Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:	Elizabeth Pritchard Senior Licensing Officer / Trading Standards Officer
Authorising Officer/Designated Person:	Phil Valentine, Environment Strategic Business Manager
Officer(s) appearing before JP:	Elizabeth Pritchard
Address of applicant department:	Trafford Town Hall, Talbot Road, Stretford M32 1TH
Contact telephone number:	0161 912 4242 / 07760 167474
Contact email address:	elizabeth.pritchard@trafford.gov.uk
Local authority reference:	RIPA 1/2022

Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Manchester Magistrates' Court

Having considered the application, I (tick one):

- am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal and quash the authorisation/notice.

Notes

Reasons

(1) reasonable grounds to suspect all need (pre-iss)
are engaged in sale of alcohol to underage people
via public internet in private such sales
use of alcohol intrusion small - no video footage
be video evidence not anticipated on day
authority to be no longer than necessary. Has been approved
by senior magistrates in voluntary.

Signed: 

Date: 18-8-2022

Time: 10:05

Full name: District Judge John McGarr

Address of magistrates' court: Manchester Magistrates' Court, Crown Square, Wood St,
Manchester M60 1PR

Information Obtained Following a Test Purchase

Date: 19/10/22

Officer: E. RITCHIE

i/c:

Premises Name & Address: THE GARRICK, Moorstile Rd, Urmston M41 5SH

Products 2 Beck's Lagering Hub

Prices / Labels n/a

Carrier Bags n/a

Till prompt for age-restricted products?

YES NO

Premises Licence Summary Displayed?

YES NO

Premises Licence Available for Inspection? YES / NO

VTA Punch

CCTV in operation? YES NO

advised by
he and they

Tobacco Notice Displayed? YES / NO N/A

Punch

Refusals Book Present: YES NO

Observed by machine
Date of Last Entry 1/20

Endorsed YES / NO

Position	Name	Date of birth	Home address	Contact number	First offence?
Seller	Toshua Barber	12/8/69	39 Sretford Rd M41 9JY	09512 459 0912 325 383	text only
DPS	Dawn Slater	20/10/72	The Garrick	07539 101169	
Proprietor / Company	Punch Taverns				
Premises Licence Holder	Punch Taverns				

PUNCH

PUBS & CO

Dear officers,

Re: Garrick's Head, Moorside road, Manchester M41 5SH: Response to written questions.

Please find below our response to your questions in relation to the alleged failed test purchase at the above premises.

We have provided this response on behalf of the premises licence holder Punch Taverns Limited ('Punch'). This is not a response on behalf of the operator of the premises, their employees, agents or advisers.

Further, Punch accept no liability on behalf of the operator of the premises, their employees, agents or advisers.

Response to questions

Business information

1. *Please confirm the legal trading name of Punch Taverns and if it is a Limited company please confirm the company number and registered office address?*

The premises licence is held in the name of Punch Taverns Limited. Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF Company number **03752645**

2. *Please confirm what your position is within the company of Punch Taverns.*

Tom Harvey Head of Legal – Property. For the avoidance of doubt I have relied upon my own investigations internally and legal advice in producing this response.

3. *Please can you confirm that you are authorised to speak on behalf of the company.*

Confirmed

4. *What is the nature of the business?*

Punch is a multi-award-winning pub company in the UK with around 1,250 pubs in England, Scotland and Wales. The vast majority of these premises are either leased to tenants or contracted to operators under commercial agreements. In both cases the day-to-day management of the premises is undertaken by the publicans or partners, as we refer to them. The vision is to facilitate passionate local partners and publicans to run exceptional community pubs.

Each business is independently run by our publicans and partners under their agreements.

T: 01283 501600 | punchpubs.com

Punch, Jubilee House, Second Avenue, Burton upon Trent, Staffordshire, DE14 2WF

"Punch" and Punch Pubs & Co are business names of Punch Pubs & Co Limited Reg No. 3982441, Punch Taverns Limited Reg No. 3752645, Punch Partnerships (PML) Limited Reg No. 3321199, Punch Partnerships (PSRP) Limited Reg No. 3989664, Punch Partnerships (Seagull) Limited Reg No. 11301804, Punch Taverns (Branston) Limited Reg No. 5396581 and Punch Taverns (Services) Limited Reg No. 4221944, each of which is registered in England and Wales and has its Registered Office at Jubilee House as above.

5. *What is your understanding as to why you have received this letter?*

We understand that this letter has been received following an alleged failed test purchase at the premises on Friday 19th August 2022 at the Garricks Head Public House, Moorside Road, Urmston, M41 5SH. In law it is an offence under S146 Licensing Act 2003 to sell alcohol to a person under 18 years of age.

We understand that this letter has been served on Punch ostensibly as the premises licence holders at the premises.

6. *Please provide details of the relationship / connection your Company has with The Garrick Public House, Moorside Road, Urmston, M41 5SH.*

Punch own the premises. The premises is operated by Beer & Barrels Ltd under what is termed a partnership agreement, in this case signed on 26 May 2022. Under the agreement, it is for the partners to operate the premises, including hiring and managing staff.

The relationship therefore is at arms-length. There is no day-to-day control or management of the premises. That lies with our partners.

Information in relation to Licensing Act 2003

7. *Please give details of measures put in place by your company to prevent the sale of alcohol to children.*

Firstly, it is for the partner to operate the premises under their agreement and therefore to comply with all legal requirements including ensuring that staff are fully trained in the operator's policies and standards, including in relation to the prevention of under-age sales.

Punch, through the Punch Buyer's Club, make training materials available to all publicans and partners on a wide variety of topic and subjects, including age verification. However, it is our Partner who is responsible for nominating a DPS (who must be a personal licence holder) and it is the DPS who is responsible under law for supervising sales of alcohol at the premises.

8. *What checks are made by your company to ensure these measures are being followed?*

Under our agreements, publicans and partners have the right to operate their own businesses on a day-to-day basis. It is not the responsibility of Punch to oversee this and indeed there is limited input that can be had in to matters such as hiring and training of staff. Should there be significant breaches of the law, then this would likely constitute a breach of the agreement with Punch. It would then be for Punch to determine what action they would consider is permitted under that agreement in relation to that breach. Punch's recourse is through this relationship, rather than through direct management or oversight of the day-to-day operation of the premises.

9. *Are you aware of Mr Joshua Barker? What is his role at The Garrick Public House?*

We understand that he is employed by the Partner. For a definitive answer, please direct this question either to Mr Barker or the directors of Beer & Barrels Limited.

10. *Please give details of any training and anything else provided to Mr Barker in relation to underage sales.*

T: 01283 501600 | punchpubs.com

Punch, Jubilee House, Second Avenue, Burton upon Trent, Staffordshire, DE14 2WF

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We would ask you to direct that question to either the DPS or the directors of Beer & Barrels Limited. Punch have not provided any direct training to Mr Barker as he is not an employee of Punch.

Further information

11. Do you have anything further comments to add?

Legal Position where the premises licence holder does not have day to day management of the premises

It is a matter of settled law that simply holding a premises licence does not make the holder responsible for any alleged unlawful trading.

The definitive case is *Hall & Woodhouse v Borough and county of the Town of Poole* [200] EWHC 1587 (Admin). In this case, the Appellant pub company Hall & Woodhouse, appealed a decision of the Magistrate Court to the High Court seeking clarification on whether licensing authorities (or responsible authorities) could prosecute the premises licence holders in situations where they were not in day-to-day control of the premises. In this case the alleged offence was under S136(1)(a) Licensing Act 2003- undertaking unauthorised licensable activities. However, we submit that the principle applies to S146 equally.

In *Hall & Woodhouse*, Lord Justice Richards stated:

(Para 17) 'In my judgment, section 136(1)(a) is directed at persons who, as a matter of fact, actually carry on or attempt to carry on a licensable activity on or from premises. That is the natural meaning of the language used. The matters referred to in subsection (2), namely performing a play, participating as a sportsman and so on, also suggest that the focus is on actual conduct. So does section 139(1) which gives a person a defence where his act was due to a mistake etc. and he took all reasonable precautions and exercised all due diligence to avoid committing the offence.'

(Para 18) 'Section 136(1)(a) is not directed at holders of premises licences as such. An offence may be committed by carrying on a licensable activity when no premises licence exists at all. Where there is a premises licence but a licensable activity is carried on outside the scope of that licence or in breach of the conditions of the licence, it must, in my view, be a question of fact whether it is carried on by the holder of the licence. The mere fact that he is the holder of a licence does not make him automatically liable in respect of the carrying of a licensable activity on or from the premises to which the licence relates.'

(Para 22)... 'As I have said, I think it clear that section 136(1)(a) is concerned with actual conduct and whether a person has, as a matter of fact, carried out a licensable activity in breach of the provision.'

On this basis, we would respectfully suggest that allegations relating to an offence under S146 Licensing Act 2003 are more properly raised with the person alleged to have committed the offence, the DPS, or the day-to-day operators of the premises- in this case Beer & Barrels Limited.

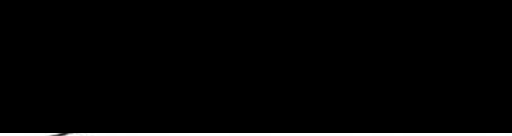
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We will, of course, continue to work with the responsible authorities wherever possible to ensure that premises within the Punch estate trade within the law, subject, it goes without saying, to the constraints placed on Punch by the nature of the relationship with our publicans and partners.

Yours sincerely



TOM HARVEY

Head of Legal – Property.

T: 01283 501600 | punchpubs.com

Punch; Jubilee House, Second Avenue, Burton upon Trent, Staffordshire, DE14 2WF

"Punch" and Punch Pubs & Co are business names of Punch Pubs & Co Limited Reg No. 3982441, Punch Taverns Limited Reg No. 3752645, Punch Partnerships (PML) Limited Reg No. 3321199, Punch Partnerships (PGRF) Limited Reg No. 3989664, Punch Partnerships (Seagull) Limited Reg No. 11301804, Punch Taverns (Branston) Limited Reg No. 5596581 and Punch Taverns (Services) Limited Reg No. 4221944, each of which is registered in England and Wales and has its Registered Office at Jubilee House as above.

Mr Joshua Barker
c/o Garricks Head
Moorside Road
URMSTON
M41 5SH

Elizabeth Pritchard
Trading Standards, Regulatory Services
Trafford Council
Ground Floor, Trafford Town Hall, Talbot Road
Stretford, Manchester M32 0TH
Email trading_standards@trafford.gov.uk
Telephone 0161 912 4242
www.trafford.gov.uk

Date 18th October 2022
Reference UAS / GPH / 19.8.22

Dear Mr Barker,

Re: GARRICKS HEAD PUBLIC HOUSE – s146 LICENSING ACT 2003

I am writing to you in relation to the sale of alcohol to persons under the age of 18 on Friday 19th August 2022 from the Garricks Head Public House, Moorside Road, Urmston, M41 5SH.

Further to my letters dated 21st September and 29th September 2022 inviting you for a PACE interview and follow up telephone calls to which I have received no response, please find enclosed your opportunity to answer the interview questions in writing

The questions are being asked in accordance with the Police and Criminal Evidence Act and are asked under caution.

You may seek legal advice from a legal representative before answering the questions.

Agreement to answering these questions ensures all relevant information is recorded correctly, and would provide an opportunity for you to produce relevant documentation / evidence. I should warn you that refusal to answer the questions is not a bar to proceedings being instigated, and you should take note of the following caution should you wish to make any comments on this matter.

The caution is as follows:

YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN AS EVIDENCE

If you wish to attend a formal tape recorded interview rather than answer the questions in writing then you or a solicitor should contact me on 07760 167474 or email me at Elizabeth.pritchard@trafford.gov.uk to arrange an appointment. The interview will be carried out at Trafford Town Hall, Talbot Road, Stretford, M32 0TH and will be conducted in accordance with the Police and Criminal Evidence Act and will be under caution.

You may seek legal advice from a legal representative before answering the questions or bring legal representation with you to the formal interview. Please respond within 14 days of receiving this letter.

Yours sincerely



**MRS ELIZABETH PRITCHARD
TRADING STANDARDS OFFICER**

QUESTIONS IN WRITING

Please be reminded that you are under caution when answering these questions and that you may seek legal advice also before answering these questions.

Caution explained:

You do not have to speak to Trading Standards if you do not want to. But if there is anything you want to talk about with relation to the allegation, it might be better to say it now, because should it go to court they will ask you why you did not mention it earlier.

Please provide any supporting documentation to support your answers.

On 19th August 2022 Trafford Trading Standards carried out a survey into the sale of alcohol from on licensed premises in the Trafford Borough.

Visits were made by two volunteers aged under 18 to premises as authorised under the Regulation of Investigatory Powers Act 2000 and for which judicial approval from a district judge was given.

The volunteers entered The Garrick public house, Moorside Road, Urmston at approximately 8.15pm and were sold 2 Rekorderlig Strawberry Lime Ciders. The seller has been identified as Joshua Barker.

This is an offence under section 146 of the Licensing Act 2003.

General Questions

1. *Please re-confirm your full name, home address, and Date of Birth*

2. What is your current profession?

my current profession is front of house. At the Steamhouse

3. What is your understanding as to why you have received this letter?

I have received the letter as I have served Alcohol to underage girls

4. Please provide details of the relationship you have and your role at The Garrick Public House, Moorside Road, Urmston, M41 5SH.

I worked front of house

Information in relation to Licensing Act 2003

5. Please give details of your understanding of the law in relation to the protection of children from harm.

That children that do not look of age should not be served Alcohol

6. Please give details of your understanding of your role at The Garrick Public House in the protection of children from harm.

I am responsible of checking Id if the persons looks under 25 Alcohol should not be served to under 18s. we follow under 25s policy.

7. What measures are in place at the The Garrick Public House for the protection of children from harm?

we had extra Training to make sure that if someone looked under the age of 25 we id everybody if a group comes in make sure whole group is off age.

8. What training have you been given and by who to ensure these measures are being followed?

I was given Training by Dawn Slater the landlady

9. Please give details of this training including when it was given, who by, records, refresher training etc.

Training was given by dawn on 20th August with Refresher Training with ongoing checks

10. Can you provide any information in relation to the evening of 19th August 2022 and the sale of 2 Rekorderlig Strawberry Lime Ciders to 2 females under the age of 18?

The 2 girls that came to the bar I thought were over 18 I should off been following Policy (over 25s)

Further information

That concludes my questions for now.

11. Do you have anything further comments to add?

It was a mistake I would not make again I am now fully aware after extra training how to identify people of age in the future.

I now longer work at the garricks head.

1L

Royal Mail.b

POSTAGE PAID UK4
08/11/22 £2.35 M41
392422 1-2557040

• SINGLE USE ONLY •

DF 7421 8737 6GB SIGNED FOR
DF 7421 8737 6GB SIGNED FOR

Photo Post Feb 18

Elizabeth Prichard
Trading Standards Services
Trafford Council
Ground Floor Trafford Hall
Talbot Rd. Shekford
Mancunester M32 0TH.

195137
0311/2022
Mail Centre
Mancunester
M32 0TH



TRAFFORD COUNCIL

Ms Dawn Slater
c/o Garricks Head
Moorside Road
URMSTON
M41 5SH

Elizabeth Pritchard
Trading Standards, Regulatory Services
Trafford Council
Ground Floor, Trafford Town Hall, Talbot Road
Stretford, Manchester M32 0TH
Email trading.standards@trafford.gov.uk
Telephone 0161 912 4242
www.trafford.gov.uk

Date 8th November 2022
Reference UAS / GPH /DPS / 19.8.22

Dear Ms Slater,

Re: GARRICKS HEAD PUBLIC HOUSE – s146 LICENSING ACT 2003

I am writing to you in relation to the sale of alcohol to persons under the age of 18 on Friday 19th August 2022 from the Garricks Head Public House, Moorside Road, Urmston, M41 5SH.

Please find enclosed your opportunity to answer the interview questions in writing.

The questions are being asked in accordance with the Police and Criminal Evidence Act and are asked under caution.

You may seek legal advice from a legal representative before answering the questions.

Agreement to answering these questions ensures all relevant information is recorded correctly, and would provide an opportunity for you to produce relevant documentation / evidence. I should warn you that refusal to answer the questions is not a bar to proceedings being instigated, and you should take note of the following caution should you wish to make any comments on this matter.

The caution is as follows:

YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN AS EVIDENCE

If you wish to attend a formal tape recorded interview rather than answer the questions in writing then you or a solicitor should contact me on 07760 167474 or email me at Elizabeth.pritchard@trafford.gov.uk to arrange an appointment. The interview will be carried out at Trafford Town Hall, Talbot Road, Stretford, M32 0TH and will be conducted in accordance with the Police and Criminal Evidence Act and will be under caution.

You may seek legal advice from a legal representative before answering the questions or bring legal representation with you to the formal interview. Please respond within 14 days of receiving this letter.

Yours sincerely

**MRS ELIZABETH PRITCHARD
TRADING STANDARDS OFFICER**

QUESTIONS IN WRITING

Please be reminded that you are under caution when answering these questions and that you may seek legal advice also before answering these questions.

Caution explained:

You do not have to speak to Trading Standards if you do not want to. But if there is anything you want to talk about with relation to the allegation, it might be better to say it now, because should it go to court they will ask you why you did not mention it earlier.

Please provide any supporting documentation to support your answers.

On 19th August 2022 Trafford Trading Standards carried out a survey into the sale of alcohol from on licensed premises in the Trafford Borough.

Visits were made by two volunteers aged under 18 to premises as authorised under the Regulation of Investigatory Powers Act 2000 and for which judicial approval from a district judge was given.

The volunteers entered The Garrick public house, Moorside Road, Urmston at approximately 8.15pm and were sold 2 Rekorderlig Strawberry Lime Ciders. The seller has been identified as Joshua Barker.

This is an offence under section 146 of the Licensing Act 2003.

General Questions

1. *Please re-confirm your full name, home address, and Date of Birth*

2. *What is your current profession?*

3. *What is your understanding as to why you have received this letter?*

4. *Please provide details of the relationship you have and your role at The Garrick Public House, Moorside Road, Urmston, M41 5SH.*

Information in relation to Licensing Act 2003

5. *Please give details of your understanding of the law in relation to the protection of children from harm.*

6. *Please give details of your understanding of your role at The Garrick Public House in the protection of children from harm.*

7. *What measures are in place at the The Garrick Public House for the protection of children from harm?*

8. *What training have you been given and by who to ensure these measures are being followed?*

9. *Please give details of this training including when it was given, who by, records, refresher training etc.*

10. *Can you provide any information in relation to the evening of 19th August 2022 and the sale of 2 Rekorderlig Strawberry Lime Ciders to 2 females under the age of 18?*

11. Are you aware of Mr Joshua Barker? What is his role at The Garrick Public House?

12. Please give details of any training and anything else provided to Mr Barker in relation to underage sales.

Further information

That concludes my questions for now.

13. Do you have any further comments to add?



**TRAFFORD
COUNCIL**

Ms Dawn Slater
c/o Garricks Head
Moorside Road
URMSTON
M41 5SH

Elizabeth Pritchard
Trading Standards, Regulatory Services
Trafford Council
Ground Floor, Trafford Town Hall, Talbot Road
Stretford, Manchester M32 0TH
Email trading.standards@trafford.gov.uk
Telephone 0161 912 4242
www.trafford.gov.uk

Date 28th November 2022
Reference UAS / GPH / DPS / 19.8.22

Dear Ms Slater,

Re: GARRICKS HEAD PUBLIC HOUSE – s146 LICENSING ACT 2003

I am writing to you in relation to the sale of alcohol to persons under the age of 18 on Friday 19th August 2022 from the Garricks Head Public House, Moorside Road, Urmston, M41 5SH.

Further to my letter dated 8th November 2022 to which I have received no response, please find enclosed a further opportunity to answer the interview questions in writing (or alternatively arrange an appointment for a formal tape recorded interview).

The questions are being asked in accordance with the Police and Criminal Evidence Act and are asked under caution.

You may seek legal advice from a legal representative before answering the questions.

Agreement to answering these questions ensures all relevant information is recorded correctly, and would provide an opportunity for you to produce relevant documentation / evidence. I should warn you that refusal to answer the questions is not a bar to proceedings being instigated, and you should take note of the following caution should you wish to make any comments on this matter.

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You may seek legal advice from a legal representative before answering the questions or bring legal representation with you to the formal interview. Please respond within 7 days of receiving this letter. If I do not receive a response it is my intention to submit a report and start legal proceedings without your comments.

Yours sincerely

**MRS ELIZABETH PRITCHARD
TRADING STANDARDS OFFICER**

QUESTIONS IN WRITING

Please be reminded that you are under caution when answering these questions and that you may seek legal advice also before answering these questions.

Caution explained:

You do not have to speak to Trading Standards if you do not want to. But if there is anything you want to talk about with relation to the allegation, it might be better to say it now, because should it go to court they will ask you why you did not mention it earlier.

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General Questions

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Information in relation to Licensing Act 2003

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6. *Please give details of your understanding of your role at The Garrick Public House in the protection of children from harm.*

7. *What measures are in place at the The Garrick Public House for the protection of children from harm?*

8. *What training have you been given and by who to ensure these measures are being followed?*

9. *Please give details of this training including when it was given, who by, records, refresher training etc.*

10. *Can you provide any information in relation to the evening of 19th August 2022 and the sale of 2 Rekorderlig Strawberry Lime Ciders to 2 females under the age of 18?*

11. *Are you aware of Mr Joshua Barker? What is his role at The Garrick Public House?*

12. *Please give details of any training and anything else provided to Mr Barker in relation to underage sales.*

Further information

That concludes my questions for now.

13. Do you have any further comments to add?

Authorisation Directed Surveillance

Public Authority <i>(including full address)</i>	Trafford Council Trading Standards		
Name of Applicant	Elizabeth Pritchard	Unit/Branch /Division	Trading Standards
Full Address	Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TG		
Contact Details	Elizabeth.pritchard@trafford.gov.uk Tel : 07760 167474		
Investigation/Operation Name (if applicable)	Underage Sales Test Purchase of Alcohol – December 2022		
Investigating Officer (if a person other than the applicant)			

DETAILS OF APPLICATION

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 No. 521.¹

2. Describe the purpose of the specific operation or investigation.

To determine compliance with the law in respect of underage sales of alcohol from local licenced premises.

It is of both national and local concern to address the problem of underage sale of Alcohol and this is known to have a detrimental effect on young people's health as well as being the cause of anti-social behaviour.

The Licensing Act 2003 was approved by Parliament in July 2003. The overall aim of the Act is to modernise the legislation governing the sale and supply of alcohol and public entertainment. In carrying out its licensing functions the Licensing Authority will promote the following licensing objectives which are all of equal importance:

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

These four objectives are paramount considerations at all times.

The protection of children from harm is a national licensing objective. The Act details a number of offences designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that licence holders of fixed premises or organisers of temporary events, create safe environments for children (in terms of their physical, moral and psychological welfare) who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times. Trading Standards departments work closely with the Police and other agencies to ensure appropriate and efficient enforcement of the law, and promotion of best practice, in these respects.

The following are extracts from the Trading Standards North West - Report of Young Persons' Alcohol, Tobacco and E-Cigarette Survey 2017:

- 1) *Analysis by age indicates that a slightly higher percentage of 14-16 year olds are buying alcohol themselves compared with two years ago.*
- 2) *Significant fall in percentage of young people claiming that they are asked for ID when buying alcohol themselves. Appears to be consistent across all regions.*
- 3) *There is a significant increase in those claiming to drink just to get drunk compared to two years ago.*
- 4) *Young people's understanding of the legislation regarding them buying and drinking alcohol appears to have fallen in the last two years.*

3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

¹ For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

Two volunteers aged under 18 will be accompanied throughout the exercise and to each of the listed premises by Trading Standard officers and police officers. They will be briefed beforehand as to what they must do, and the premises will be risk assessed prior to the visit. The volunteers will be instructed to enter the premises after 2 officers have already entered the premises, and have sent a message to officers waiting outside with the volunteers, saying it is safe to enter and suggesting what drinks to order. The officers inside will remain in a position where they can observe the volunteers at all times, and can intervene if necessary. If a sale of alcohol to the volunteers is refused, the volunteers will leave the premises and go to the officers waiting outside. The officers observing inside will leave shortly after. If a sale is made, the volunteers will take the drinks to near the officers observing who will photograph the volunteers with the drink, and make notebook notes as to what they have just seen. The volunteers will then leave the premises and go to the officers waiting outside and the officers present will conduct enquiries with the bar staff who sold the item and the owner/manager of the premises. It is not proposed to use any recording equipment during this exercise. Where premises are in close proximity to each other the officers will conduct enquiries with the bar staff and the owner/manager of the premises once all of the test purchases in the vicinity have been attempted so the identity of the volunteers is not revealed and therefore ensure the safety of the volunteers.

The following premises will be visited due to the information / intelligence outlined below:

1. [REDACTED] – GMP intel, sale to under 18 - possibly proxy sale.
2. The Garrick, Moorside Road, Urmston M41 5SH - GMP have received two reports of underage sales. We have received 3 complaints 102386, 102868 and 103161 selling alcohol to under 18s. Premises sold to our volunteers in August 2022.
3. [REDACTED] the seller from the Garrick is now working there and it also appears the DPS from the Garrick has some connection with the premises.
4. [REDACTED] GMP intel: PS has stopped at the weekend some known males to him 16-17 years of age, they were on their way to [REDACTED] saying they go down most weekends and try and get into one of the bars they often manage to get into one. Large numbers of young males/females in the [REDACTED] area - cctv footage which shows concerns over the apparent ages of some of these people in the clubs.
5. [REDACTED] – just outside [REDACTED] area which attracts young people and on previous UAS survey there appeared to be a very young clientele on and outside the premises. Also previous intel has indicated young clientele on premises.
6. [REDACTED] – just outside [REDACTED] area which attracts young people and on previous survey there appeared to be a very young clientele on and outside the premises.
7. [REDACTED] - just outside [REDACTED] area which attracts young people and on previous survey there appeared to be a very young clientele on and outside the premises.
8. [REDACTED] – again just outside [REDACTED] area which attracts young people, a new premises currently operating under TENs and attracting a young crowd.
9. [REDACTED] - Allegation young clientele and 15 year olds drinking in the bar. GMP intel says the licensee entices young underage girls, as young as 14yrs, into the premises where he provides them with alcohol and food. If police conduct a VLP the girls will hide upstairs.

4. The identities, where known, of those to be subject of the directed surveillance.

The identities of persons to be subjected to the covert surveillance are not known but it will be staff and customers at the above premises to be visited during the covert operation and people in the vicinity.

5. Explain the information that it is desired to obtain as a result of the directed surveillance.

This survey is intended to ensure the premises visited as detailed in the attached premises list are complying with current regulations and licence conditions in respect of alcohol sales.

Those premises who fail to comply with the Licensing Act 2003 by selling alcohol to those under the age of 18 will be reported for prosecution and a review of the premises licence will be considered.

6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on (SI 2010 No.521).

It is believed that this survey is necessary on the following statutory grounds:

- for the purpose of preventing or detecting crime or of preventing disorder.
- to investigate offences of selling alcohol to children.

7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 3.3].

It is thought to be necessary and proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

Trading Standards has a responsibility to investigate underage sales of age-restricted products, in this instance, alcohol.

Visiting premises with volunteer minors and using directed surveillance at the time is necessary to ascertain whether or not a licenced premise is selling or is likely to sell age restricted products contrary to current legislation which creates offences for such actions. Other options have been considered but there are no reasonable overt methods of enforcing this legislation.

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.]

Describe precautions you will take to minimise collateral intrusion.

There is a likelihood that surveillance may intrude into a third party's privacy, such as members of the public or staff at the bar or in the seating areas, or around the vicinity outside of the premises.

The intrusion is unavoidable because of the practicalities of the exercise. Any intrusion will be minimised by not using recording equipment and ensuring that the visit will be conducted as quickly and effectively as possible. The volunteers are instructed not to engage in conversation with members of staff (other than to place their drink order) or customers.

If a sale is made, the volunteers will be asked to leave the premises as soon as possible. If no sale is made they will leave the premises immediately and the accompanying officers will leave as soon as practicably possible.

9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means [Code paragraphs 3.4 to 3.7]?

There is currently a great deal of anti-social disorder in communities and much of it is known to be influenced by alcohol, and particularly due to consumption of alcohol by younger people. This is damaging and disruptive to communities as well as costly to enforcement and emergency services.

It is known from local intelligence and complaints received by enforcement agencies that some premises are not complying with regulations to not sell alcohol to anyone under 18 years of age. The only way to check for compliance is to do test purchases of age restricted product using minors. This sends a message out to the communities that action is being undertaken by enforcement agencies, and also to the traders that the sale of alcohol to minors is not to be tolerated, and for traders who do it can lead to substantial penalties and/or licence revocation. Press releases regarding the outcome of the survey and any associated prosecutions or licence reviews also acts as a warning and deterrent for licence holders.

The directed surveillance is proportionate to what is trying to be achieved because we have a responsibility to reduce crime and disorder in the area, create a level playing field for traders and reduce the access young people have to alcohol.

Tackling underage sales of age restricted products is a statutory duty. These types of test purchases are recognised as being a well-established means of obtaining evidence for court purposes if necessary. Without adopting this method, there are no other ways of enforcing the legislation.

10. Confidential information [Code paragraphs 4.1 to 4.31].

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

Customer and staff private conversations may be overheard by the volunteers and/or accompanying officers when inside and outside in the vicinity of the premises being tested. However, volunteers and officers are instructed not to engage in conversations other than to order drinks and to discuss any sales of alcohol with the seller, owner and manager of the premises.

A record will be made in the officer's notebooks of anything said in relation to any sale of alcohol but no written record will be made of any information not related to the sale of alcohol. Recording equipment is not being used. Any confidential information overheard will not be recorded and therefore not be retained.

11. Applicant's Details

Name (print)	Elizabeth Pritchard	Tel No:	07760 167474
Grade/Rank	Trading Standards Officer (Temporary)	Date	7 th December 2022
Signature	E D Pritchard		

12. Authorising Officer's Statement. [Spell out the "5 Ws" - Who; What; Where; When; Why and HOW- in this and the following box.]

I hereby authorise directed surveillance defined as follows: *[Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?]*

Covert test purchases using underage volunteers for a period not to exceed three months from the date upon which judicial authorisation is given at the following premises:

1. [REDACTED]
2. The Garrick, Moorside Road, Urmston M41 5SH -
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]

13. Explain why you believe the directed surveillance is necessary [Code paragraph 3.3].

Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out [Code paragraphs 3.4 to 3.7].

1. I am satisfied that directed surveillance in the form of covert test purchasing is the only realistic, proportionate method of investigating the allegations that underage sales are taking place at each of the venues identified within the application. The likely outcome is either that the allegations will not be made out, in which case the premises licence holder can be informed of the results of the test purchasing exercise, or that the allegations will be made out and sufficient evidence will be obtained to provide for prosecution or a premises licence review. There is a clear public interest in preventing underage sales taking place for the protection of children and young persons and for the prevention of anti-social behaviour with which such underage sales are frequently associated.
2. I am satisfied that risk assessments that have been undertaken and the measures that have been put in place provide an adequate level of protection to the underage volunteers and the officers involved.
3. I do not consider that there is any material risk of collateral intrusion that would lead to the acquisition of personal information pertaining to third parties in circumstances where the authorised activity is limited to an attempt to make an underage purchase of alcohol and no personal information relating to any third party is sought or recorded.

14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 4.1 to 4.31.			
Not applicable			
Date of first review		19/01/2023	
Programme for subsequent reviews of this authorisation: [Code paragraph 3.23]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.			
Name (Print)	JAMES PARRY	Grade / Rank	AUTHORISING OFFICER / SOLICITOR
Signature	<i>James Parry</i>	Date and time	20/12/2022 07:46
Expiry date and time [e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59]		19/03/2023 23:59	

15. Urgent Authorisation [Code paragraph 5.9]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

Not applicable

16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer.

Not applicable

Name (Print)		Grade/ Rank		
Signature		Date and Time		
Urgent authorisation Expiry date:		Expiry time:		
<i>Remember the 72 hour rule for urgent authorities - check Code of Practice.</i>	e.g. authorisation granted at 5pm on June 1 st expires 4.59pm on 4 th June			

Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Manchester Magistrates' Court

Having considered the application, I (tick one):

- am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal and quash the authorisation/notice.

Notes

Reasons

is the only realistic, & proportionate method of investigation
is likely to be effective
risk assessment has been undertaken
no material risk of collateral intrusion that would lead to the acquisition of 3rd party personal information.

Signed

Date: 21-12-2022

Time: 10:30 am

Full name:

NICHOLAS SHEPHERDOWN JP

Address of magistrates' court:

Stockport
Manchester Magistrates' Court, Green Square, Wood St,
Manchester M60 1PR Stockport.
Edwart Street

PUNCH

PUBS & CO

Dear officers,

Re: Garrick's Head, Moorside road, Manchester M41 5SH: Response to written questions

Please find below our response to your questions in relation to the alleged failed test purchase at the above premises.

We have provided this response on behalf of the premises licence holder Punch Taverns Limited ('Punch'). This is not a response on behalf of the operator of the premises, their employees, agents or advisers.

Further, Punch accept no liability on behalf of the operator of the premises, their employees, agents or advisers.

Response to questions

Business information

1. *Please confirm the legal trading name of Punch Taverns and if it is a Limited company please confirm the company number and registered office address?*

The premises licence is held in the name of Punch Taverns Limited. Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF Company number **03752645**

2. *Please confirm what your position is within the company of Punch Taverns.*

Tom Harvey Head of Legal – Property. For the avoidance of doubt I have relied upon my own investigations internally and legal advice in producing this response.

3. *Please can you confirm that you are authorised to speak on behalf of the company.*

Confirmed

4. *What is the nature of the business?*

Punch is a multi-award-winning pub company in the UK with around 1,250 pubs in England, Scotland and Wales. The vast majority of these premises are either leased

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Punch, Jubilee House, Second Avenue, Burton upon Trent, Staffordshire, DE14 2WF

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to tenants or contracted to operators under commercial agreements. In both cases the day-to-day management of the premises is undertaken by the publicans or partners, as we refer to them. The vision is to facilitate passionate local partners and publicans to run exceptional community pubs.

Each business is independently run by our publicans and partners under their agreements.

5. *What is your understanding as to why you have received this letter?*

We understand that this letter has been received following an alleged failed test purchase at the premises on 22nd December 2022. We understand that a visit were made by two volunteers aged under 18 to premises. The volunteers entered The Garrick public house ('The Premises'), at approximately 19:45pm and were sold 1 bottle of Corona and 1 bottle of WKD. We further understand that the seller has been identified as Joshua Barker. We are aware that a previous sale of alcohol had been made on 19th August 2022 to two different volunteers aged under 18 by Joshua Barker at The Premises.

We understand that this letter has been served on Punch ostensibly as the premises licence holders at the premises.

6. *Please provide details of the relationship / connection your Company has with The Garrick Public House, Moorside Road, Urmston, M41 5SH.*

Punch own the premises. The premises is operated by Beer & Barrels Ltd under what is termed a partnership agreement, in this case signed on 26 May 2022. Under the agreement, it is for the partners to operate the premises, including hiring and managing staff.

The relationship therefore is at arms-length. There is no day-to-day control or management of the premises. That lies with our partners.

Information in relation to Licensing Act 2003

7. *Please give details of measures put in place by your company to prevent the sale of alcohol to children.*

Firstly, it is for the partner to operate the premises under their agreement and therefore to comply with all legal requirements including ensuring that staff are fully trained in the operator's policies and standards, including in relation to the prevention of under-age sales.

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Punch, through the Punch Buyer's Club, make training materials available to all publicans and partners on a wide variety of topic and subjects, including age verification. However, it is our Partner who is responsible for nominating a DPS (who must be a personal licence holder) and it is the DPS who is responsible under law for supervising sales of alcohol at the premises.

Following the first failed test purchase, we investigated matters and reiterated to our partners the importance of training staff and reminding them of their responsibilities. We were given assurances that this had been done.

8. *What checks are made by your company to ensure these measures are being followed?*

Under our agreements, publicans and partners have the right to operate their own businesses on a day-to-day basis. It is not the responsibility of Punch to oversee this and indeed there is limited input that can be had in to matters such as hiring and training of staff. Should there be significant breaches of the law, then this would likely constitute a breach of the agreement with Punch. It would then be for Punch to determine what action they would consider is permitted under that agreement in relation to that breach. Punch's recourse is through this relationship, rather than through direct management or oversight of the day-to-day operation of the premises.

9. *Are you aware of Mr Joshua Barker? What is his role at The Garrick Public House?*

We understand that he is employed by the Partner. For a definitive answer, please direct this question either to Mr Barker or the directors of Beer & Barrels Limited.

We understand that following the second failed test purchase he has had his employment terminated. This response is without prejudice to the rights of any party to raise defences under S146 (4) or (6) of the Licensing Act in relation to either failed test purchase.

10. *Please give details of any training and anything else provided to Mr Barker in relation to underage sales.*

We would ask you to direct that question to either the DPS or the directors of Beer & Barrels Limited. Punch have not provided any direct training to Mr Barker as he is not an employee of Punch.

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Further information

11. Do you have anything further comments to add?

Legal Position where the premises licence holder does not have day to day management of the premises

It is a matter of settled law that simply holding a premises licence does not make the holder responsible for any alleged unlawful trading.

The definitive case is *Hall & Woodhouse v Borough and county of the Town of Poole* [200] EWHC 1587 (Admin). In this case, the Appellant pub company Hall & Woodhouse, appealed a decision of the Magistrate Court to the High Court seeking clarification on whether licensing authorities (or responsible authorities) could prosecute the premises licence holders in situations where they were not in day-to-day control of the premises. In this case the alleged offence was under S136(1)(a) Licensing Act 2003- undertaking unauthorised licensable activities. However, we submit that the principle applies to S146 equally.

In *Hall & Woodhouse*, Lord Justice Richards stated:

(Para 17) 'In my judgment, section 136(1)(a) is directed at persons who, as a matter of fact, actually carry on or attempt to carry on a licensable activity on or from premises. That is the natural meaning of the language used. The matters referred to in subsection (2), namely performing a play, participating as a sportsman and so on, also suggest that the focus is on actual conduct. So does section 139(1) which gives a person a defence where his act was due to a mistake etc. and he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

(Para 18) 'Section 136(1)(a) is not directed at holders of premises licences as such. An offence may be committed by carrying on a licensable activity when no premises licence exists at all. Where there is a premises licence but a licensable activity is carried on outside the scope of that licence or in breach of the conditions of the licence, it must, in my view, be a question of fact whether it is carried on by the holder of the licence. The mere fact that he is the holder of a licence does not make him automatically liable in respect of the carrying of a licensable activity on or from the premises to which the licence relates.

(Para 22)... 'As I have said, I think it clear that section 136(1)(a) is concerned with actual conduct and whether a person has, as a matter of fact, carried out a licensable activity in breach of the provision.'

On this basis, we would respectfully suggest that allegations relating to an offence under S146 Licensing Act 2003 are more properly raised with the person alleged to

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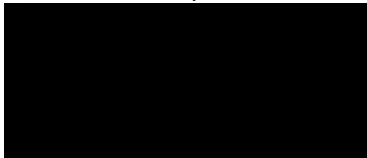
have committed the offence, the DPS, or the day-to-day operators of the premises- in this case Beer & Barrels Limited.

We will, of course, continue to work with the responsible authorities wherever possible to ensure that premises within the Punch estate trade within the law, subject, it goes without saying, to the constraints placed on Punch by the nature of the relationship with our publicans and partners.

It is sad to hear that someone has lost their job; but in this case we support the action that has been taken by our partners. Staff need to understand that they must ensure there are no sales of alcohol to under 18's. it is our experience, however, that some individuals for whatever reason, do not seem capable of undertaking the necessary age verification checks and in such a case cannot therefore work where such checks are a necessary part of the role.

Punch Pubs reserve the right to take further action against our Partner should circumstances lead us to believe that there was a fundamental failing on their part in relation to these sales. We would welcome any input that the council may have following their investigations in this regard.

Yours sincerely



TOM HARVEY

Head of Legal – Property.

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TRAFFORD
COUNCIL

Mr Joshua Barker
c/o Garricks Head
Moorside Road
URMSTON
M41 5SH

Elizabeth Pritchard
Trading Standards, Regulatory Services
Trafford Council
Ground Floor, Trafford Town Hall, Talbot Road
Stretford, Manchester M32 0TH
Email trading.standards@trafford.gov.uk
Telephone 0161 912 4242
www.trafford.gov.uk

Date 24th January 2023
Reference UAS / GPH / JB / 22.12.22

Dear Mr Barker,

Re: GARRICKS HEAD PUBLIC HOUSE – s146 LICENSING ACT 2003

I am writing to you in relation to the sale of alcohol to persons under the age of 18 on Thursday 22nd December 2022 from the Garricks Head Public House, Moorside Road, Urmston, M41 5SH as the seller.

Please find enclosed your opportunity to answer the interview questions in writing.

The questions are being asked in accordance with the Police and Criminal Evidence Act and are asked under caution.

You may seek legal advice from a legal representative before answering the questions.

Agreement to answering these questions ensures all relevant information is recorded correctly, and would provide an opportunity for you to produce relevant documentation / evidence. I should warn you that refusal to answer the questions is not a bar to proceedings being instigated, and you should take note of the following caution should you wish to make any comments on this matter.

The caution is as follows:

YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN AS EVIDENCE

If you wish to attend a formal tape recorded interview rather than answer the questions in writing then you or a solicitor should contact me on 07760 167474 or email me at Elizabeth.pritchard@trafford.gov.uk to arrange an appointment. The interview will be carried out at Trafford Town Hall, Talbot Road, Stretford, M32 0TH and will be conducted in accordance with the Police and Criminal Evidence Act and will be under caution.

You may seek legal advice from a legal representative before answering the questions or bring legal representation with you to the formal interview. Please respond within 14 days of receiving this letter.

Yours sincerely

**MRS ELIZABETH PRITCHARD
TRADING STANDARDS OFFICER**

QUESTIONS IN WRITING

Please be reminded that you are under caution when answering these questions and that you may seek legal advice also before answering these questions.

Caution explained:

You do not have to speak to Trading Standards if you do not want to. But if there is anything you want to talk about with relation to the allegation, it might be better to say it now, because should it go to court they will ask you why you did not mention it earlier.

Please provide any supporting documentation to support your answers.

On 22nd December 2022 Trafford Trading Standards carried out a survey into the sale of alcohol from on licensed premises in the Trafford Borough.

Visits were made by two volunteers aged under 18 to premises as authorised under the Regulation of Investigatory Powers Act 2000 and for which judicial approval from a district judge was given.

The volunteers entered The Garrick public house, Moorside Road, Urmston at approximately 7.45pm and were sold 1 bottle of Corona and 1 bottle of WKD. The seller has been identified as Joshua Barker. A previous sale of alcohol had been made on 19th August 2022 to two different volunteers aged under 18 by Joshua Barker at The Garrick public house.

The sale of alcohol to a person under the age of 18 is an offence under section 146 of the Licensing Act 2003.

General Questions

1. *Please confirm your full name, home address, and Date of Birth*

2. *What is your current profession?*

3. *What is your understanding as to why you have received this letter?*

4. *Please provide details of the relationship you have and your role at The Garrick Public House, Moorside Road, Urmston, M41 5SH.*

Information in relation to Licensing Act 2003

5. *Please give details of your understanding of the law in relation to the protection of children from harm.*

6. *Please give details of your understanding of your role at The Garrick Public House in the protection of children from harm.*

7. *What measures are in place at The Garrick Public House for the protection of children from harm?*

8. *What training have you been given and by who to ensure these measures are being followed?*

9. *Please give details of this training including when it was given, who by, records, refresher training etc.*

10. *Can you provide any information in relation to the evening of 22nd December 2022 and the sale of 1 bottle of Corona and 1 bottle of WKD to 2 females under the age of 18?*

Further information

That concludes my questions for now.

11. Do you have anything further comments to add?



**TRAFFORD
COUNCIL**

Mr Joshua Barker
Flat 1
37-39 Stretford Road
Manchester
M41 9JY

Elizabeth Pritchard
Trading Standards, Regulatory Services
Trafford Council
Ground Floor, Trafford Town Hall, Talbot Road
Stretford, Manchester M32 0TH
Email trading.standards@trafford.gov.uk
Telephone 0161 912 4242
www.trafford.gov.uk

Date 20th April 2023
Reference UAS / GPH / JB / 22.12.22

Dear Mr Barker,

Re: GARRICKS HEAD PUBLIC HOUSE – s146 LICENSING ACT 2003

I am writing to you in relation to the sale of alcohol to persons under the age of 18 on Thursday 22nd December 2022 from the Garricks Head Public House, Moorside Road, Urmston, M41 5SH as the seller.

Please find enclosed your opportunity to answer the interview questions in writing.

The questions are being asked in accordance with the Police and Criminal Evidence Act and are asked under caution.

You may seek legal advice from a legal representative before answering the questions.

Agreement to answering these questions ensures all relevant information is recorded correctly, and would provide an opportunity for you to produce relevant documentation / evidence. I should warn you that refusal to answer the questions is not a bar to proceedings being instigated, and you should take note of the following caution should you wish to make any comments on this matter.

The caution is as follows:

YOU DO NOT HAVE TO SAY ANYTHING, BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN AS EVIDENCE

If you wish to attend a formal tape recorded interview rather than answer the questions in writing then you or a solicitor should contact me on 07760 167474 or email me at Elizabeth.pritchard@trafford.gov.uk to arrange an appointment. The interview will be carried out at Trafford Town Hall, Talbot Road, Stretford, M32 0TH and will be conducted in accordance with the Police and Criminal Evidence Act and will be under caution.

You may seek legal advice from a legal representative before answering the questions or bring legal representation with you to the formal interview. Please respond within 14 days of receiving this letter.

Yours sincerely

E.D. Pritchard

**MRS ELIZABETH PRITCHARD
TRADING STANDARDS OFFICER**

QUESTIONS IN WRITING

Please be reminded that you are under caution when answering these questions and that you may seek legal advice also before answering these questions.

Caution explained:

You do not have to speak to Trading Standards if you do not want to. But if there is anything you want to talk about with relation to the allegation, it might be better to say it now, because should it go to court they will ask you why you did not mention it earlier.

Please provide any supporting documentation to support your answers.

On 22nd December 2022 Trafford Trading Standards carried out a survey into the sale of alcohol from on licensed premises in the Trafford Borough.

Visits were made by two volunteers aged under 18 to premises as authorised under the Regulation of Investigatory Powers Act 2000 and for which judicial approval from a district judge was given.

The volunteers entered The Garrick public house, Moorside Road, Urmston at approximately 7.45pm and were sold 1 bottle of Corona and 1 bottle of WKD. The seller has been identified as Joshua Barker. A previous sale of alcohol had been made on 19th August 2022 to two different volunteers aged under 18 by Joshua Barker at The Garrick public house.

The sale of alcohol to a person under the age of 18 is an offence under section 146 of the Licensing Act 2003.

General Questions

1. *Please confirm your full name, home address, and Date of Birth*

2. *What is your current profession?*

3. *What is your understanding as to why you have received this letter?*

4. *Please provide details of the relationship you have and your role at The Garrick Public House, Moorside Road, Urmston, M41 5SH.*

Information in relation to Licensing Act 2003

5. *Please give details of your understanding of the law in relation to the protection of children from harm.*

6. *Please give details of your understanding of your role at The Garrick Public House in the protection of children from harm.*

7. *What measures are in place at The Garrick Public House for the protection of children from harm?*

8. *What training have you been given and by who to ensure these measures are being followed?*

9. *Please give details of this training including when it was given, who by, records, refresher training etc.*

10. *Can you provide any information in relation to the evening of 22nd December 2022 and the sale of 1 bottle of Corona and 1 bottle of WKD to 2 females under the age of 18?*

Further information

That concludes my questions for now.

11. Do you have anything further comments to add?



TRAFFORD
COUNCIL

Ms Dawn Slater
c/o Garricks Head
Moorside Road
URMSTON
M41 5SH

Elizabeth Pritchard
Trading Standards, Regulatory Services
Trafford Council
Ground Floor, Trafford Town Hall, Talbot Road
Stretford, Manchester M32 0TH
Email trading.standards@trafford.gov.uk
Telephone 0161 912 4242
www.trafford.gov.uk

Date 24th January 2023
Reference UAS / GPH / DPS / 22.12.22

Dear Ms Slater,

Re: GARRICKS HEAD PUBLIC HOUSE – s146 LICENSING ACT 2003

I am writing to you in relation to the sale of alcohol to persons under the age of 18 on Thursday 22nd December 2022 from the Garricks Head Public House, Moorside Road, Urmston, M41 5SH as the Designated Premises Supervisor of the premises.

Please find enclosed your opportunity to answer the interview questions in writing.

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Yours sincerely

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Information in relation to Licensing Act 2003

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10. *Can you provide any information in relation to the evening of 22nd December 2022 and the sale of 1 bottle of Corona and 1 bottle of WKD to 2 females under the age of 18?*

11. *Are you aware of Mr Joshua Barker? What is his role at The Garrick Public House?*

12. *Please give details of any training and anything else provided to Mr Barker in relation to underage sales.*

Further information

That concludes my questions for now.

13. Do you have any further comments to add?



TRAFFORD COUNCIL

Ms Dawn Slater
c/o Garricks Head
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URMSTON
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Date 20th April 2023
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