



**Agenda for Licensing and Enforcement Sub Committee
Tuesday, 7th March, 2023, 9.30 am**

Members of Licensing and Enforcement Sub Committee

Councillors: K Bloxham, J Whibley (Chair) and T Woodward

Venue: Tale Room, Blackdown House, Honiton

Contact: Sarah Jenkins;

01395 517406; email sjenkins@eastdevon.gov.uk

(or group number 01395 517546)

Monday, 27 February 2023

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

1 Minutes of the previous meeting (Pages 3 - 5)

2 Apologies

3 Declarations of interest

Guidance is available online to Councillors and co-opted members on making
[declarations of interest](#)

4 Matters of urgency

Information on [matters of urgency](#) is available online

5 Confidential/exempt items

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

6 Determination of an application for the grant of a premises licence to allow the sale of alcohol and the provision of late night refreshment at Moores Newsagents, 28 The Strand, Exmouth EX8 1AQ (Pages 6 - 89)

Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 24 January 2023

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.15 am

16 Minutes of the previous meeting

The minutes of the previous meeting held on 24 August 2022 were agreed and signed as a correct record.

17 Declarations of interest

Minute 20. Determination of an application to license a private hire vehicle which does not comply with the Council's vehicle age policy.

Councillor Alan Dent, Affects Non-registerable Interest, The Councillor had viewed the vehicle immediately prior to the start of the meeting.

Minute 20. Determination of an application to license a private hire vehicle which does not comply with the Council's vehicle age policy.

Councillor Tom Wright, Affects Non-registerable Interest, The Councillor had viewed the vehicle immediately prior to the start of the meeting.

18 Matters of urgency

There were no matters of urgency.

19 Confidential/exempt items

There were no confidential / exempt items.

20 Determination of an application to license a private hire vehicle which does not comply with the Council's vehicle age policy

The Sub Committee considered the application to license a private hire vehicle which does not comply with the Council's vehicle age policy.

The Chair introduced the members of the Sub Committee.

The applicant, Mr Barry Gardner of Bay Travel, was present.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Licensing Officer, Mrs Emily Westlake, outlined the application to license the vehicle, registration number KN17 MXE, as set out in the report. The applicant had confirmed that the current mileage is 50,069 miles as at today's date. The Licensing Officer confirmed that the applicant had provided all relevant documentation as required.

In response to a question regarding the age ranges of the 36 private hire vehicles currently licensed by EDDC, as shown on page 11 of the report, the Licensing Officer

advised that the Council's policy does not exclude a vehicle which is over 5 years old if the vehicle was initially licensed by the Council at less than 5 years of age and is continually licensed thereafter. Once a vehicle has been licensed, it is easier for the Council to monitor its condition due to the ongoing checks required under the policy. Vehicles over 8 years old are checked every 6 months.

Members discussed the definition of 'exceptional' with regard to a vehicle's condition and noted that older vehicles may be considered to be in excellent condition due to improvements in vehicle manufacture over the years. The Legal Advisor advised that it is for Members to decide whether the vehicle is exceptional.

Members also noted that this was the second request submitted by the applicant to license a vehicle which does not comply with the Council's vehicle age policy.

The applicant had no questions for the Licensing Officer but made the point that vehicles over 5 years old are more affordable for his business. In response the Licensing Officer advised that the Licensing & Enforcement Committee had recently agreed to extend the age range in the policy from 4 to 5 years, following the temporary measures in place during the covid-19 pandemic. The policy is currently under review and a full public consultation will be held in due course.

The applicant addressed the Sub Committee and made the following points:

- The applicant operates a high class business with good reviews and business includes hospital trips, conveying VIPs and driving clients to and from Heathrow airport.
- The business had been under severe pressure during the pandemic with little Government help.
- The vehicle for which a licence is sought had been bought to replace an existing vehicle and, due to its age, was a more affordable option for the business as it recovers from the effects of the pandemic.
- The vehicle is a grade 1 vehicle according to British Car Auctions standards and has a full history.

The Members, the Legal Advisor, the Licensing Officers and the applicant left the Council Chamber to view the vehicle. The Democratic Services Officer left the Chamber.

Members returned to the Chamber to make their decision.

The Legal Advisor, the Licensing Officers, the Democratic Services Officer and the applicant returned to the Chamber.

The Sub Committee was minded to grant the vehicle licence. The vehicle is in a showroom condition and the applicant has supplied a comprehensive set of paperwork to demonstrate the exceptional mechanical condition of the vehicle.

Members also noted the exceptional circumstances that the vehicle operator had outlined to them to be able to continue to operate and run his business.

Attendance List

Councillors present:

K Bloxham (Chair)

A Dent

T Wright

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Sarah Jenkins, Democratic Services Officer

Giles Salter, Solicitor

Phillippa Norsworthy, Licensing Officer

Emily Westlake, Licensing Officer

Councillor apologies:

None

Chair

Date:

Report to: Licensing and Enforcement Sub Committee

Date of Meeting 7 March 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Application for the grant of a premises licence under the Licensing Act 2003

Report summary:

The report summarises an application for the grant of a premises licence to be considered by the sub-committee.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That members consider an application for the grant of a premises licence to allow the sale of alcohol and the provision of late night refreshment at Moores Newsagents, 28 The Strand, Exmouth EX8 1AQ

Reason for recommendation:

To comply with statutory processes.

Officer: Licensing Officer Lesley Barber, lesley.barber@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information:

[**EDDC Statement of Licensing Policy 2021-2026**](#)

Licensing Act 2003 Guidance issued under Section 182

APPENDIX A – Licensing application

APPENDIX B – Plan of premises

APPENDIX C – Location plan & photo

APPENDIX D – Representations received

APPENDIX E – Responses to Notice of Hearing

APPENDIX F – Operating Schedule

APPENDIX G – New operating schedule incorporating Police conditions

Link to Council Plan

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

1 Description of Application

- 1.1 An application has been received from Mr Yogananthan Ramesh for a new premises licence.
- 1.2 The application is provided at **APPENDIX A**.
- 1.3 Mr Ramesh is also the proposed Designated Premises Supervisor, he holds a Personal Licence issued by the London Borough of Hammersmith & Fulham.
- 1.4 The application seeks to licence the premises known as Moores Newsagents, 28 The Strand, Exmouth EX8 1AQ.
- 1.5 The proposed licensed area is on the ground floor. The premises is situated on the Strand and located across the road from the Strand taxi rank.
- 1.6 The proposed timings and licensable activities applied for are as follows:

Sale of alcohol for consumption OFF the premises:
Monday – Sunday 06:00 to 02:00

Provision of late night refreshment:
Monday – Sunday 23:00 to 02:00

Opening hours:
Monday – Sunday 06:00 to 02:00

- 1.7 A plan of the premises is provided at **APPENDIX B**. A counter is located directly inside the entrance door. A serving hatch to the street also exists.
- 1.8 A plan of the area is provided at **APPENDIX C**. Photos taken to show the outside of the premises and its location within the Strand are also attached at **APPENDIX C**. The serving hatch can be seen in the photos, located to the right of the entrance door.

- 1.9 The applicant has set out a number of proposed conditions within the Operating Schedule. These are not shown within the application form itself but accompanied the application on a separate document. This is provided at **APPENDIX F**.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Police
Representations received. Agreed position between the applicant and Police.
- 2.2 Devon & Somerset Fire & Rescue Service
No representations.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations.
- 2.4 Devon Trading Standards
No representations.
- 2.5 East Devon District Council, Environmental Health Service
No representations.
- 2.6 East Devon District Council, Planning & Countryside Service
No representations.
- 2.7 Primary Care Trust
No representations.
- 2.8 Home Office
No representations.

3 Representations

- 3.1 In addition to the representation submitted by Devon & Cornwall Police, representations have been received from SEVEN other persons. Details of their representations are attached at **APPENDIX D**.
- 3.2 Two individuals who have raised a representation are local residents, living within the Strand area (**APPENDIX D**).
- 3.3 Five of those who have submitted a representation have done so as business owners, all of their business premises are located on or close to The Strand (**APPENDIX D**).
- 3.4 The objections raised relate to all four of the licensing objectives:
- Prevention of crime & disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 3.5 A number of the representations reference another licensed premises on The Strand. This is Premier JC Stores located at 9 Rolle St, Exmouth (PLWA0590):
- Licensed for the sale of alcohol for consumption OFF the premises 08:00-23:00
 - Premises Licence Holder (PLH) – Aathiran & Co Ltd
 - Designated Premises Supervisor (DPS) – Mr Yogananthan Kuhananthan

- 3.6 The Moores Newsagents premises licence application is submitted by Mr Yoganathan Ramesh, he is neither the PLH nor the DPS at Premier JC Stores. The applicant's representative has confirmed the two businesses are not operated by the same person, although there is a 'family connection'.

4 Proposed Operating Schedule and Agreed Position with Police

- 4.1 A number of conditions have been offered by the applicant within his Operating Schedule. These are attached at **APPENDIX F**.
- 4.2 Devon & Cornwall Police have submitted a representation. Following mediation between the Police and applicant an agreement has been reached. The Police have requested amendments to conditions originally offered by the applicant and have agreed additional conditions in order to ensure the licensing objectives are not undermined. The applicant has agreed to these amendments. This agreement is set out within the Police representation and shown with the representations list at **APPENDIX D**.
- 4.3 **APPENDIX G** details the new set of proposed conditions, incorporating those originally offered with the new Police conditions.
- 4.4 **APPENDIX G** will therefore replace the original list of conditions (operating schedule) set out at **APPENDIX F**.

5 Responses to Notices of Hearing & Mediation

- 5.1 By way of mediation, a copy of the agreed position between the applicant and the Police, including the new operating schedule (**APPENDIX G**) has been forwarded to each objector by the Licensing Officer. Each objector has been invited to withdraw their objection if they feel that the agreement between the applicant and Police mitigates their concerns.
- 5.2 No objections have been withdrawn as a result of the agreement between applicant and Police.
- 5.3 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX E**.
- 5.4 **APPENDIX E** includes a response from the Police Licensing Officer, confirming he will not be attending the hearing as an agreed position has been reached with the applicant. He further confirms that the local Police inspector and Police Sergeant had been consulted as part of the process. Specific comments can be viewed at **APPENDIX E**.
- 5.5 Although no response has been received from a number of the objectors their original written representations will have to be considered by the committee (**APPENDIX D**).
- 5.6 A number of objectors have responded to the notice of hearing indicating that they wish to attend the hearing. Those who have responded and cannot attend have nominated others to represent them. Details of the response to notice of hearing and additional comments in support of the representations are attached at **APPENDIX E**.
- 5.7 The applicant's representative, Mr Rushton, is unable to attend the hearing. He has confirmed the applicant Mr Ramesh will be attending. Mr Rushton has nominated Mr Fender to attend the hearing to represent his client.
- 5.8 Mr Rushton has made direct contact with those who have submitted a representation to initiate mediation. The outcome of these negotiations is unknown.

- 5.9 In his response to Notice of hearing Mr Rushton has set out his intention to submit additional supporting information/evidence. At the time of submitting this report no further information has been received.

6 Relevant Licensing Policy Considerations

Licensing Objectives

- 6.1 Section 3.1.1 of the Policy states: 'The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.' These are:-
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 6.2 Section 3.1.2 of the policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate in achieving the licensing objectives.
- 6.3 Section 3.1.3 of the Policy states: A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.
- 6.4 Section 3.1.4 of the Policy states: The licensing authority requires applicants to address the licensing objectives in their operating schedules having regard to the type of premises, the licensable activities to be provided, the operational procedures, and the nature of the location and the needs of the local community.
- 6.5 Section 3.1.7 of the Policy states: It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a "cure all" for solving all problems within the community. The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The licensing authority will therefore continue to work in partnership with its neighbouring authorities, the police, the fire authority, the Council's Environmental Health teams, local businesses and local people towards the promotion of the objectives as outlined.

Determining Applications

- 6.6 Section 5.3.1 of the Policy states: When determining a licence application, the overriding principle adopted by this authority will be that each application will be determined on its merits. The authority will have regard to any guidance issued by the Home Office, this Statement of Licensing Policy and any measures it deems necessary to promote the licensing objectives. The authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The authority will give reasons for any such departure from policy.
- 6.7 Section 5.3.2 of the Police states: The authority will expect applicants to demonstrate in their applications active steps for the promotion the licensing objectives. When determining an application, a key consideration for the authority will be the adequacy of measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community. It might be that the applicant has considered all of this and decides that no measures will be appropriate to cover promotion of one or more of the licensing objectives but that consideration will need to be made by the applicant.

- 6.8 Section 5.3.3 of the Policy states: The authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, antisocial behaviour, littering and noise, particularly late at night and in the early morning.

Conditions

- 6.9 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 6.10 Section 6.3 of the policy states: Generally it is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. But the Licensing Authority's discretion may be engaged if relevant representations are made and there is an evidential link between the disturbance and the licensed venue.

Licensing Hours

- 6.11 Section 10.1 of the Policy states: The licensing authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or any other person on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.

Nuisance

- 6.12 Section 16.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

Capacity

- 6.13 Section 17.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary, proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

7 Guidance issued under Section 182 Licensing Act 2003:

Representations

- 7.1 Section 9.4 of the Guidance states: A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to

prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 7.2 Section 9.5 of the Guidance states: It is for the licensing authority to determine whether a representation (other than a representation from a responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 7.3 Section 9.9 of the Guidance states: It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

The Role of Responsible Authorities

- 7.4 Section 9.12 of the Guidance states: Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Imposing conditions

- 7.5 Section 10.8 of the Guidance states: The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 7.6 Section 10.9 of the Guidance states: It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

Section 10.10 of the Guidance states: The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

Hours of Trading

Section 10.13 of the Guidance states: The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

- 7.9 Section 10.14 of the Guidance states: Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 7.10 Section 10.15 of the Guidance states: Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The need for licensed premises

- 7.11 Section 14.19 of the Guidance states: There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

8. Additional Observations

- 8.1 The premises known as Moores Newsagents was previously licensed for the sale of alcohol for consumption OFF the premises, this licence was surrendered in 2011, the terminal hour on that licence being 22:30.
- 8.2 Following a sub-committee hearing in November 2021 a licence was granted for a nearby OFF licence, situated at 5 Parade, Exmouth. The terminal hour on this licence being 04:00. Whilst the licence was granted the premises never opened, the licence has subsequently been surrendered.
- 8.3 The nearby Tesco Express, located in Rolle St, is licenced for the sale of alcohol for consumption OFF the premises 06:00-23:00 daily.
- 8.4 The nearby Co-Op, located in Magnolia Walk, is licensed for the sale of alcohol for consumption OFF the premises: Monday – Saturday 06:00-23:00, Sunday 10:00-22:30.
- 8.2 Following the implementation of the first set of regulations under the Police Reform and Social Responsibility Act on 25 April 2012 a new provision relating to the ‘test’ that Licensing Committees should consider when deciding on licensing applications was introduced. The evidential level for Licensing Committees has been lowered so that the test now is that their decisions need only be ‘appropriate’ and no longer ‘necessary’.
- 8.3 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.

Legal Advice

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by any person, bodies representing them or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its

own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.

3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:
 - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

4. The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

Section 19 - Mandatory conditions relating to the supply of alcohol for consumption OFF the premises

- 1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 2. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 3. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
(2) For the purposes of the condition set out in paragraph 7(1) -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

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

where-

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

6. Human Rights Act 1998

- 6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

- 6.2 Under Article 6, “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.
- 6.3 Under Article 8, “everyone has the right to respect for his private and family life, his home and his correspondence”. This right may not be interfered with except in accordance with the law and as may be “necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 6.4 Under Article 11, “everyone has the right to freedom of peaceful assembly and to freedom of association with others” except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates’ Court. The applicant may also appeal if an application for a premises licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a persona as designated premises supervisor. The magistrates’ court may dismiss the appeal, or substitute its own decision, or send back the case to the licensing authority with directions as to how the case is to be dealt with. The magistrates’ court may make any costs order it thinks fit.

8. Review Provisions

If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable any person, bodies representing them or any of the responsible authorities to apply to this licensing authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

9. Police Closure

A senior police officer may close any premises for 24 hours (this can be extended) where s/he reasonably believes there is or is likely imminently to be disorder on, or in or in the vicinity of the premises and their closure is necessary in the interests of public safety.

Closure can also be affected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

10. Surveillance Camera Code of Guidance-June 2013

Where a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

Guiding principle one states:

Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

Legitimate aim and necessity are considered in relation to the four licensing objectives which are set out elsewhere within this report if the Committee is considering conditioning any premises licence with the installation of a CCTV surveillance system.

Financial implications:

The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

Legal implications:

Legal implications are included within the report.

APPENDIX A



East Devon Application for a premises licence Licensing Act 2003

For help contact
licensing@eastdevon.gov.uk
Telephone: 01404 515616

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

YOGANANTHAN

* Family name

RAMESH

* E-mail

[REDACTED]

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

APPENDIX A

Continued from previous page...

Address

* Building number or name	[REDACTED]
* Street	[REDACTED]
District	[REDACTED]
* City or town	[REDACTED]
County or administrative area	[REDACTED]
* Postcode	[REDACTED]
* Country	United Kingdom

Agent Details

* First name	IAN
* Family name	RUSHTON
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	[REDACTED]

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House?

Yes

No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

Yes

No

Business name

JL LICENCE AND RETAIL

If your business is registered, use its registered name.

VAT number

-

NONE

Put "none" if you are not registered for VAT.

Legal status

Sole Trader

Your position in the business

OWNER

Home country

United Kingdom

The country where the headquarters of your business is located.

APPENDIX A

Continued from previous page...

Agent Business Address

Building number or name

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Street

District

City or town

County or administrative area

Postcode

Country

 United Kingdom

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

 MOORES NEWSAGENTS AND CONVENIENCE STORE

Street

 28 THE STRAND

District

City or town

 EXMOUTH

County or administrative area

Postcode

 EX8 1AQ

Country

 United Kingdom

Further Details

Telephone number

Non-domestic rateable value of premises (£)

 9,300

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

YOGANANTHAN

Family name

RAMESH

Is the applicant 18 years of age or older?

Yes No

APPENDIX A

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

 / /

dd

mm

yyyy

* Nationality

BRITISH CITIZEN

Documents that demonstrate entitlement to work in the UK

Right to work share code

Right to work share code if not submitting scanned documents

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

 / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

 / /
dd mm yyyy

Provide a general description of the premises

APPENDIX A

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

This is a well established general convenience store which is currently closed whilst it is refurbished. The shop has held a premises licence previously. It will continue to be a convenience store selling a wide range of goods including newspapers, magazines, groceries, soft drinks, cigarettes, dairy goods, snacks, confectionery, etc.

The applicant would like to include some alcohol sales to allow the business to develop and offer an improved all-round convenience service. The proposed alcohol sales would just be a part of the overall business.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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APPENDIX A

Continued from previous page...

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

APPENDIX A

Continued from previous page...

SATURDAY

Start	23:00	End	02:00
Start		End	

SUNDAY

Start	23:00	End	02:00
Start		End	

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

PROVISION PROVIDED INDOORS FOR CUSTOMERS TO TAKE AWAY

HOT DRINKS ETC

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

APPENDIX A

Continued from previous page...

MONDAY

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

APPENDIX A

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth
dd / /
yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

APPENDIX A

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start
Start

End
End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start
Start

End
End

WEDNESDAY

Start
Start

End
End

THURSDAY

Start
Start

End
End

FRIDAY

Start
Start

End
End

SATURDAY

Start
Start

End
End

SUNDAY

Start
Start

End
End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

APPENDIX A

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

SEE ATTACHED

b) The prevention of crime and disorder

SEE ATTACHED

c) Public safety

SEE ATTACHED

d) The prevention of public nuisance

SEE ATTACHED

e) The protection of children from harm

SEE ATTACHED

Continued from previous page...

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

APPENDIX A

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

APPENDIX A

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If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

APPENDIX A

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

APPENDIX A

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Non domestic Rateable Value Band A No rateable value to £4,300 - Fee £100 B £4,301 to £33,000 - Fee £190 C £33,001 to £87,000 - Fee £315 D £87,001 to £125,000 - Fee £450 E £125,001 and above - Fee £635

Multiplier for Band D & E - Town centre premises used exclusively or primarily for sale of alcohol - Band D - £ 900 Band E - £1905 Events of 5,000 or more people incur additional fees. Please see our website for details.

* Fee amount (£)

190.00

DECLARATION

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE

* ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS

* PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

IAN RUSHTON

* Capacity

AGENT

* Date

13 / 01 / 2023
dd mm yyyy

Add another signatory

APPENDIX A

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-devon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

JANUARY 2023

APPENDIX B

MOORES NEWSAGENTS AND CONVENIENCE STORE
28 THE STRAND, EXMOUTH EX8 1AQ

KEY

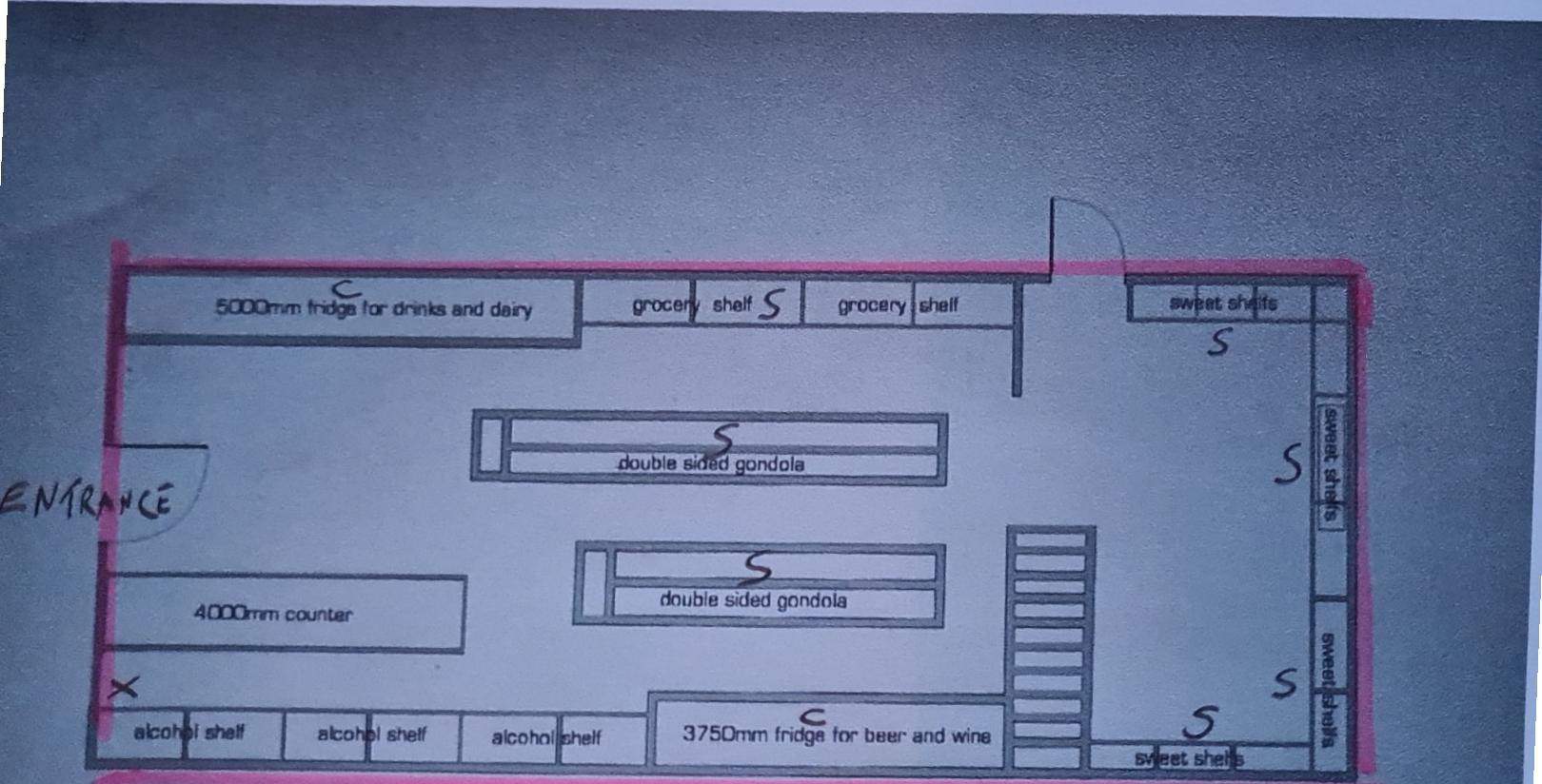
S - SHELVING/DISPLAY

SCALE 1-100

C - CHILLER

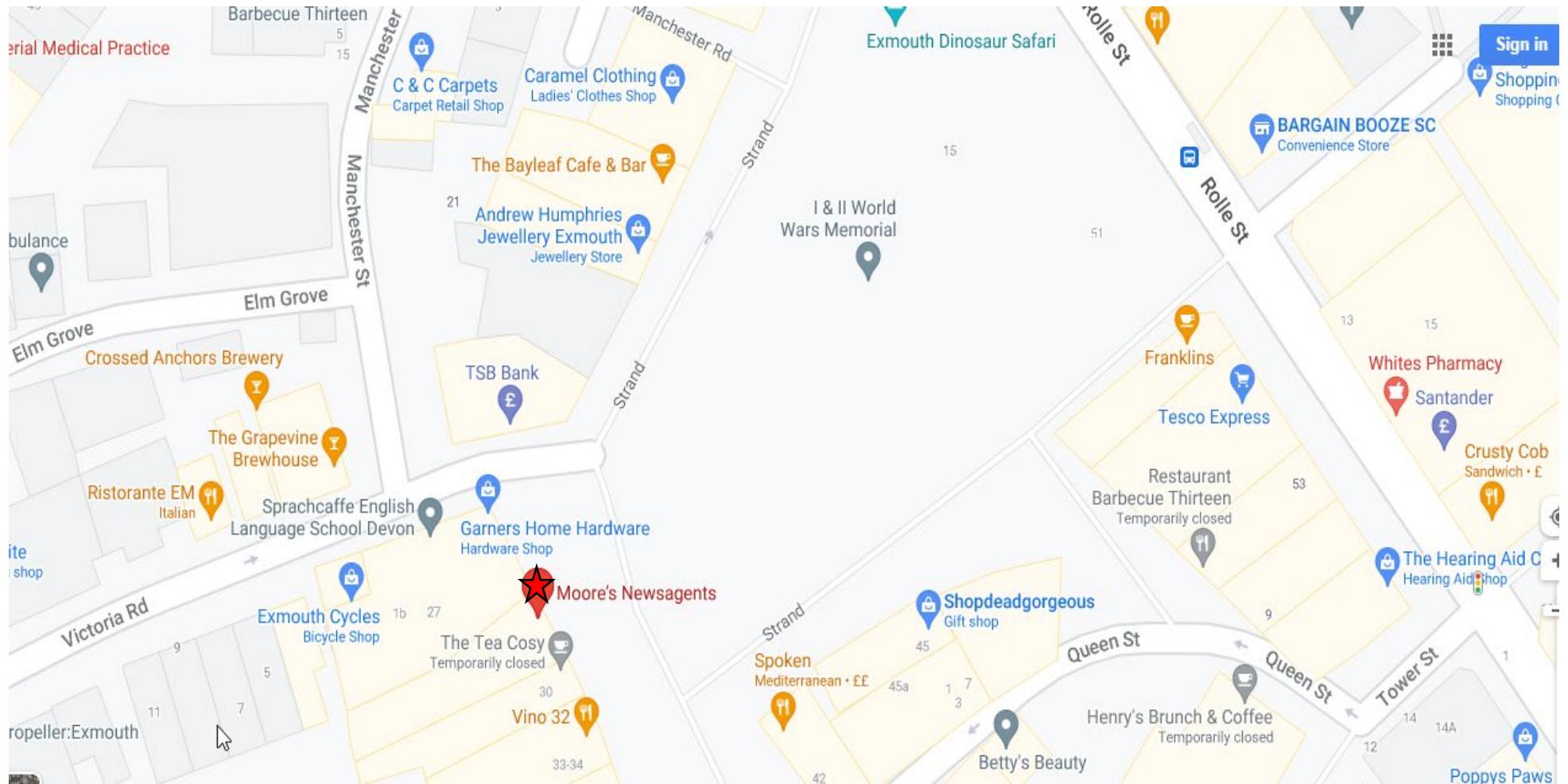
X - FIRE EXTINGUISHER

● - LICENCE AREA



APPENDIX C

Image taken from Google Maps 16/02/2023 show location



APPENDIX C



APPENDIX C



page 39



REPRESENTATIONS LIST

Application No: 055151

Application Date: 13 January 2023

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

Applicant: Yogananthan Ramesh
[REDACTED]

Person making Representation: Jeanette Weston
[REDACTED]

Representation Accepted: Representation has been accepted

Reason: Public Safety, Public Nuisance

Details:
Licensing Manager
EDDC
Blackdown House
Heathpark Industrial Estate
Honiton
EX14 1EJ

27th January 2023 (RECEIVED IN OFFICE 02/02/2023)

Ref: Premises Licence Application - 055151

Dear Licensing Manager,

I am writing to you to raise my significant concerns regarding the above Licensing Application.

I sincerely believe that anyone purchasing alcohol at "potentially" 2a.m. would cause serious issues and, one would assume they would most likely be already be inebriated by that time.

As Strand residents my husband and I would like to formally object to this Application as we consider this has the potential to cause considerable Public Nuisance and possibly, even more worryingly, threaten public Safety.

Yours sincerely,

Mr & Mrs Weston



Evidence:

Suggestion:

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

Person making Representation: David WESTON

Representation Accepted: Representation has been accepted

Reason: Public Safety, Public Nuisance

Details:

Licensing Manager
EDDC
Blackdown House
Heathpark Industrial Estate
Honiton
EX14 1EJ

27th January 2023 (RECEIVED IN OFFICE 02/02/2023)

Ref: Premises Licence Application - 055151

Dear Licensing Manager,

I am writing to you to raise my significant concerns regarding the above Licensing Application.

I sincerely believe that anyone purchasing alcohol at "potentially" 2a.m. would cause serious issues and, one would assume they would most likely be already be inebriated by that time.

As Strand residents my husband and I would like to formally object to this Application as we consider this has the potential to cause considerable Public Nuisance and possibly, even more worryingly, threaten public Safety.

Yours sincerely,

Mr & Mrs Weston



Evidence:

Suggestion:

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

Person making Representation: Steve Orchard - Garners Home Hardware
Garners Home Hardware, 27 The Strand, EXMOUTH, Devon, EX8 1AQ.

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance

Details:

From: steve orchard
Sent: 30 January 2023 13:54
To: Licensing EDDC
Subject: Objection to Application 055151 - Moores Newsagents

To who it may concern

I would like to make an objection to the above application for Moores Newsagents to be able to sell alcohol until 2am.

I am the owner of Garners Home Hardware, 27 The Strand, immediately next door to Moores Newsagents. The only possible customers they can expect to attract with selling alcohol until the small hours are a combination of street drinkers, people seeking further alcohol after a night out and youths roaming the streets, which is definitely not what we want gathering around at what is normally the quieter side of the Strand.

There are already constant problems at the license applicants other shop at the North side of the Strand with exactly the types of persons I mentioned above, who regularly hand out physical and verbal abuse to anyone who crosses their path.

Over the years of my ownership I have had many windows broken at my shop, always in the late hours of the evening/early morning which has come at huge expense to myself. The possibility of people gathering in the small hours to purchase alcohol next door, will hugely increase the likelihood of damage to my property from people under the influence.

Please accept this email as my objection to the application.

Regards

Steve Orchard
Garners Home Hardware

On 1 Feb 2023, at 17:40, Licensing EDDC wrote:

Dear Mr Orchard

Thank you for your representation. Any representations or objections raised against a licensing application must relate to one or more of the licensing objectives:

1. Prevention of crime & disorder
2. Public safety
3. Prevention of public nuisance
4. Protection of children from harm

In order to accept your objection could I ask you to clarify to which of the objectives your objection relates? If you could confirm as soon as possible I would be grateful.

If any objections raised cannot be overcome through mediation between parties this matter will be put before the EDDC Licensing Sub-Committee for a decision. You will be contacted ahead of the hearing to confirm if you wish to attend and will have the opportunity to submit additional information or comment in support of your objection, ahead of the hearing.

If you have any questions regarding the process please contact me.

Regards
Lesley Barber
Licensing Officer

From: steve orchard
Sent: 01 February 2023 20:32
To: Licensing EDDC
Subject: Re: Objection to Application 055151 - Moores Newsagents

Lesley,

The objectives my objection relates to is, Prevention of crime and disorder, Public safety and Prevention of public nuisance

Regards
Steve Orchard
Garners Home Hardware

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

Evidence:

Suggestion:

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

Person making Representation: Andrew Humphries - Andrew Humphries Jewellery
Andrew Humphries Jewellery, 21 The Strand, EXMOUTH, Devon, EX8 1AF.

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance, Children from Harm

Details:

From: exmouth shop
Sent: 01 February 2023 10:03
To: Licensing EDDC
Subject: Application 055151

Good Morning

I'm emailing regarding application 055151 Strand newsagents, the strand Exmouth

As a business in the strand Exmouth for 8 years we and other traders have had our share of underage drinkers, drunks, vagrants and drug users to deal with, and as a traders group with the help of the police and licencing agents for east devon we eventually regained some control of the situation and the strand once again is a nice place for businesses, visitors and locals alike and we are gearing up for the summer with lots planned outside in the sun.

You can imagine my horror when I saw an alcohol licence being applied for at the newsagents. We had so much trouble from Premier stores in roller street selling and supplying underage and drunks alcohol and it appears the gentleman from here now has bought and applied for a licence that would run 20 hours a day. There are more than enough alcohol licences in this area, we certainly don't need more and definitely not at 2 am or 6 am

Who will pay for policing the area because certain disruption this will cause, it is a residential area after all. If someone buys alcohol at 2 am will they take it home?? unlikely. More likely it will be consumed in the public space that is the strand, probably sat at licensed premises outdoor seating. Will these seats be thrown at business windows?? will public toilets be open to deal with drinking and the consequences or are we to come in to our shops in the morning to find doorways being used as urinals??

Obviously extra policing will be needed to maintain safety to the public

We already have had many instances of children asking adults to buy for them at premier stores.

As a local, a business owner and dad I see nothing that this application would do to enhance the area or town

I strongly object to this application

Andrew Humphries
Andrew Humphries Jewellery
21 The Strand
Ex8 1Af

From: Licensing EDDC
Sent: 01 February 2023 17:59
To: 'exmouth shop'
Subject: RE: Application 055151

Dear Mr Humphries

Thank you for your representation. Any representations or objections raised against a licensing application must relate to one or more of the licensing objectives:

- o Prevention of crime & disorder
- o Public safety
- o Prevention of public nuisance
- o Protection of children from harm

In order to accept your objection could I ask you to clarify to which of the objectives your objection relates? If you could confirm as soon as possible I would be grateful.

Within your representation I note your comments in relation to there being no 'need' for another licensed premises and that there are 'more than enough' already. Please be aware the Licensing Act specifically sets out that this is not a matter for a licensing authority to consider so any relevant representation but relate only to the licensing objectives. Need or demand are not a consideration. I mention this now to give you the opportunity to add further comments relating to the licensing objectives if you wish to do so.

Please see additional guidance on our website: <https://eastdevon.gov.uk/licensing/alcohol-and-entertainment/premises-licences-and-club-premises-certificates/current-applications-for-premises-licences-and-club-premises-certificates/guidance-on-representations/>

If any objections raised cannot be overcome through mediation between parties this matter will be put before the EDDC Licensing Sub-Committee for a decision. You will be contacted ahead of the hearing to

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

confirm if you wish to attend and will have the opportunity to submit additional information or comment in support of your objection, ahead of the hearing.

If you have any questions regarding the process please contact me.

Regards
Lesley Barber
Licensing Officer

ADDITIONAL INFORMATION SUBMITTED 09/02

From: exmouth shop
Sent: 09 February 2023 14:25
To: Lesley Barber
Subject: the strand exmouth licencing

Please note our objections on application 055151

Prevention of crime & disorder

We have concerns that extra policing will be needed if off sales are allowed for the hours the applicant requires. How will this be paid for?
Who will pay?

We have had a lot of problems with people drinking in the Strand over the years, this wont help. There is sure to be incidents of off sales to drunks and users that will affect the area and our business

Public safety

Will the applicant guarantee the area around this outlet will be safe?

Prevention of public nuisance

Who will enforce licencing conditions. we understand logs of refusals to sell to under age, inebriated must be kept. will they??

Protection of children from harm

Underage drinking is all around. we know that older kids and adults will be asked by underaged to get alcohol for them. What measures will be taken to prevent this?

We also notice that the applicant has already installed an off sales window. This is obviously for the safety of his staff. What about our safety??

I see no need for someone to be granted a licence to be able to retail alcohol 20 hours a day or any further licenced premises in the town centre

Andrew Humphries
Andrew Humphries Jewellery
21 The Strand, Exmouth

Evidence:

Suggestion:

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

Person making Representation: Lynsey LOWTHIAN - Palm Exmouth
Palm, 2 Rolle Street, EXMOUTH, Devon, EX8 1HE.

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance, Children from Harm

Details:

From: "Palm"
Sent: 27 January 2023 12:56
To: Licensing EDDC
Subject: Representation against license application 055151
Importance: High
Sensitivity: Confidential

To whom it may concern: Representation licence application 055151

As the owner of Palm (2 Rolle St Exmouth) and a resident of Exmouth town centre. I am writing to raise my concerns. and an objection. to the licensing application ref: 055151 Moores Newsagent and Convenience Store, Strand, Exmouth

The new owner of this premises also owns Premier JC Stores, 9 Rolle Street, Exmouth (which also trades as Aathiran & Co Ltd)

I have raised concerns previously about the way in which their existing store is run in terms of its premises licence and upholding and adhering to the licensing objectives. These concerns have included:

"Selling to alcohol and vape products to underage children - Protection of children from harm + Prevention of public nuisance + Prevention of crime & disorder + Public safety

"Children knowing that the shop is the only place you can get served with alcohol and vapes - Protection of children from harm

"Children under the influence being allowed to congregate outside the shop which has results in fights and attacks (verbally and physically) on passing members of the public - Protection of children from harm + Prevention of public nuisance + Prevention of crime & disorder + Public safety

"Alcohol being sold to members of the public buying on behalf of the children stood outside - Protection of children from harm

"Alcohol being sold to the street drinkers who are already under the influence - Prevention of public nuisance + Prevention of crime & disorder + Public safety

"Alcohol being sold early in the morning to the street drinkers as they cannot purchase it elsewhere at that time in morning - Prevention of public nuisance + Prevention of crime & disorder + Public safety

"Alcohol being sold after the time permitted on the premises licence - Prevention of public nuisance + Prevention of crime & disorder + Public safety

All of these factors have had an impact on Palm and on both our day and evening customers. We have had customers leave our outside seating because of this and also had customers tell us they come out into the town centre much less due to what is happening in the area.

It is my understanding that the company were told they would need to employ a security guard on Friday and Saturday evenings. We are aware that this happened on just one occasion, the guard was subsequently cancelled and no guard has been present since. It's my opinion that the owner/DPS do not take their licence seriously and think that the laws don't apply to them. I also believe that they do not understand the impact they are having on the local area. The other surrounding licence holders, adhere to our licences and are committed to upholding the licencing objectives and take pride in doing so. We want the town centre to be a thriving, pleasurable place to spend time both during the day and at night. - Protection of children from harm + Prevention of public nuisance + Prevention of crime & disorder + Public safety

My concerns are that the issues we are experiencing at the north end of the Strand as a result of JC Stores disregard for the licensing law, will simply be mirrored at the opposite end of the Strand and that we will be sandwiched between the two, with double the trouble. It won't take long for the street drinkers and children to become aware that the same owners have opened a new shop and that they now have two options for obtaining alcohol and vape paraphernalia. The Strand will soon become a very undesirable place to be. Prevention of public nuisance + Prevention of crime & disorder + Public safety

With regard to the particulars of their application, I don't understand why a newsagent would want to be able to sell alcohol from 6am. The only people up and about at that time to purchase it would be the homeless and street drinkers. Conversely the only people who would be looking to buy alcohol from a shop at 2am would be people who are out and about in the middle of the night - the bars and restaurants in the area stop serving around midnight (if not well before). This would attract the street drinkers and youngsters even further and encourage people to hang around the Strand until the early hours - most likely people who are already under the influence of drink. It's my opinion that the hours of 'supply of alcohol for consumption OFF the premises' should be reduced to the more respectable and sensible 'shop' hours of 09:00 until 23:00. Prevention of public nuisance + Prevention of crime & disorder + Public safety

From the spring, the outside furniture of some of the businesses on the Strand will be set up and left out overnight. If people are able to obtain alcohol until the wee hours it would be likely that the outside furniture of the businesses opposite the shop would be a very attractive place to sit to consume it. There is a real threat of damage to furniture, human waste, littering and also the potential of mindless damage to

Application No: 055151**Premises:** Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

businesses in the area (which we have also already experienced). Prevention of public nuisance +
Prevention of crime & disorder + Public safety

Many thanks for your time.

My name is Lynsey Lowthian, 2 Rolle Street, Exmouth, EX8 1HE and my telephone number is
[REDACTED]

Evidence:**Suggestion:**

Person making Representation: Oliver Bainbridge

The Grapevine, 2 Victoria Road, EXMOUTH, Devon, EX8 1DL.

Representation Accepted: Representation has been accepted**Reason:** Crime & Disorder, Public Safety, Public Nuisance, Children from Harm**Details:**

RECEIVED 08/02/2023

Ref: licence application 055151

Dear Licensing manager,

I write to officially object to the above application as both a local resident of Exmouth and also a business owner in the vicinity of the premises and individual making the application.

Premises licences are granted ensuring that the four licensing objectives will be met, this application seems to be inconsistent with several, particularly when consideration is taken of the other off-license on the Strand also owned by the same people and the manner in which this has been operated.

The Strand is an area where families and children come to relax and have a run around and let off steam "the protection of children from harm licensing objective". As a local business I have witnessed street drinkers buying beer from local off-licenses and drinking on the Strand, shouting, swearing while drunk, selling drugs, generally intimidating people. We have had a death in recent years of one of these drinkers that went un-noticed by the other street drinkers due to them being so drunk. This is not to be encouraged by the permitting of a new off-license in the Strand. Street drinkers would be correct in assuming that the Strand was a place that encourages street drinking if the licensing team allowed another off-license selling cheap alcohol was to be opened.

The Strand is an area in the town centre that has had many calls to the police by local people and local businesses for repeated examples of "prevention of crime and disorder and the prevention of public nuisance". The police logs alone should show the many calls that have been made evidencing, drunken behaviour by street drinkers, young people being approached by street drinkers, vulnerable people being attacked by street drinkers, local businesses' being affected by noise, public nuisance, crime and disorder etc. Our Strand Businesses group chat can evidence huge amounts of problems with people obtaining cheap drink from off-licenses and making a nuisance of themselves in the Strand.

If this was an on-license then my view would be different. I think having people in the Strand sitting in bars and on the outside areas of those bars drinking alcohol/non-alcoholic drinks and eating food has had a positive impact on the "prevention of crime and disorder and the prevention of public nuisance". This is because those licensed premises and owners of them are required by the conditions to their license to control the areas they have and keep them well managed and in good order. The issues with an off-license is that the licensee has no responsibility for the actions derived from the consumption of alcohol once it has left the shop. This is a recipe for disaster for an area like the Strand.

The licensing objectives I feel will be in breach if this is allowed to go ahead are:

- " The prevention of crime and disorder
- " Public safety
- " The prevention of public nuisance
- " The protection of children from harm.

Yours sincerely

Oliver Bainbridge
The Grapevine Brewhouse, 2 Victoria Rd, Exmouth, EX8 1DL
[REDACTED]

Evidence:**Suggestion:**

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

Person making Representation: Devon & Cornwall Police
Licensing Department, Launceston Police Station, Launceston, Cornwall, PL1

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details:

From: NORSWORTHY Mike 57895
Sent: 09 February 2023 11:08
To: Ian Rushton
Subject: New Premises Licence application MOORES NEWSAGENTS AND CONVENIENCE STORE 28 The Strand Exmouth

Good morning Ian,

Having assessed your application and following our mediation, in order to further promote the Licensing Objectives, I would like to have the following amendments/additions made to the operating schedule you have submitted with the application should it be granted. If you agree with the amendments/additions please reply to me as such, there is no requirement to contact the Local Authority to make any amendments to the application, when we have come to an agreed position, I will forward the agreement to the Local Authority who will make the necessary changes should the licence be granted.

You will see that most of the amendments are just replacing conditions you have offered with alternative wording from the councils suggested pool of conditions.

UNDER THE PREVENTION OF CRIME AND DISORDER LICENSING OBJECTIVE
Delete the following condition:-

A CCTV camera system capable of providing good quality images in all lighting conditions shall be used. Cameras shall cover inside the shop and the area immediately outside.

Images will be retained for a period of at least 28 days and be made available to Police Officers on reasonable written request for evidential purposes, in accordance with the relevant data protection legislation (currently GDPR 2018).

The CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.

Replace with the following condition:-

CCTV

The premises shall install operate and maintain a comprehensive digital colour CCTV system.

All public areas of the licensed premises including entry and exit points will be covered, including the area immediately outside the premises.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 28 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

Delete the following condition:-

A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing under age sales and complying with licence conditions.

Refresher training will be provided every 12 months, records will be kept and be made available to responsible authorities

Replace with the following condition:-

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

STAFF TRAINING

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12-month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

Delete the following condition:-

Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book kept at the premises. This book will be kept in the shop and available for inspection.

Replace with the following condition:-

INCIDENT LOG

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature at or immediately outside of the premises
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Any faults in the CCTV system
- vi. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

Add the following conditions:-

DOOR SUPERVISORS

At any time when alcohol is offered for sale at the premises, the DPS will risk assess the need for Door Supervisors to be employed. Consideration should be given to any events in the Local area.

NATURE OF ALCOHOL SALES

No super-strength beer, lagers, ciders or spirit mixtures of 6.0% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

No single cans of beer, lager, cider or spirit mixtures shall be sold at the premises.

Customers shall not be allowed inside the shop after 12 midnight each day

After 12 midnight, customers will only be served through a serving hatch until closing time.

UNDER THE PROTECTION OF CHILDREN FROM HARM LICENSING OBJECTIVE

Delete the following conditions:-

The shop shall adopt the Challenge 25 Policy.

Anyone who appears to be under 25 years old who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.

A refusals register (for the sale of alcohol) will be kept and be available for inspection by responsible authorities.

Replace with the following conditions:-

CHALLENGE 25

Application No: 055151**Premises:** Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

Kind regards

M ke
M ke NORSWORTHY
Alcohol Licensing Officer (Teignbridge and East Devon)

From: Ian Rushton
Sent: 09 February 2023 11:11
To: NORSWORTHY Mike 57895
Subject: RE: New Premises Licence application MOORES NEWSAGENTS AND CONVENIENCE STORE
28 The Strand Exmouth

Hi Mike

Thanks for your email and for our discussions.

I can confirm my clients agreement to the suggested/updated conditions below.

Thanks, Ian

From: NORSWORTHY Mike 57895
Sent: 09 February 2023 12:06
To: Licensing EDDC
Subject: FW: New Premises Licence application MOORES NEWSAGENTS AND CONVENIENCE STORE
28 The Strand Exmouth

Team,

Please see the email trail below detailing an agreed position I have come to with the applicants for the above licence, you can see that most of the agreement is just rewording of conditions offered by the applicant, there are, however a number of additional conditions the applicant has agreed to have imposed on the licence should it be granted, (I have highlighted these for ease of reference).

In light of this agreement I would like to make a representation under the Prevention of Crime and Disorder and the Protection of Children from Harm licensing objectives to have these amendments/additions made to the licence should it be granted.

Kind regards

M ke
M ke NORSWORTHY
Alcohol Licensing Officer (Teignbridge and East Devon)

Evidence:

Suggestion:

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

Person making Representation: George Nightingale - Spoken
Spoken, 43 The Strand, EXMOUTH, Devon, EX8 1AL.

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance, Children from Harm

Details: SPOKEN

43 The Strand Exmouth Devon
EX8 1AL
Licensing Manager
EDDC
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ
28th January 2023
Ref: Premises licence application 055151

Dear Licensing manger,
I write to officially object to the above application as both a local resident of Exmouth and also a business owner in the vicinity of the premises and individual making the application.

Premises licences are granted ensuring that the four licensing objectives will be met, however, I have grave misgivings that they will be able to be met, and in addition I do not see a need or requirement for additional retail of alcohol, and particularly at the times proposed.

In no way is this an objection to business growth or introduction. Indeed I wholeheartedly support both, however, The Strand is finally starting to become a destination venue for the cafe quarter that it was developed for almost a decade ago.

The relatively recent introduction of Premier Stores (who I understand is related to the application in question) as had an immediate detrimental impact to the area, causing street-drinkers to gain access to cheap alcohol throughout the day, underage persons gaining access to alcohol (either directly or indirectly) and a huge presence of underage individuals fighting and generally causing a serious nuisance to the good atmosphere that is sought by all. Even if the applicant is not related in any way, the example at the other end of The Strand is testament to the problems that such an offering brings - and highlights an already existing problem.

There is no smoke without fire. A newsagents and off licence is not the most interesting or exciting venue for young persons to "hang out" unless there is an alternative motive for congregating there. I understand that the premises has been instructed to place security to control the problem, however, I have only ever seen this once. Should the same occur here, will similar conditions be enforced?

I have witnessed fighting, regular police presence and general intimidation to the general public from 'patrons' at JC Stores. Quite how any authority could possibly grant a licence to an operator associated with the above actions is beyond belief - if this is of course the case. the committee will have to determine whether a legal distancing of an application is enough to make two venues unrelated.

The application may well be made for 0600hrs until 0200 hours seven days a week with the view to objections being made, and then the operator appearing to capitulate and be reasonable. The truth is that anything past 1800hrs is going to cause a problem with the attitudes currently adopted - indeed by any off-licence. Therefore I would propose that any granting of a licence in a worst case scenario, does not exceed this time.

The Strand is now a space which in the summer is furnished with seating for lots of people by myself and neighbouring businesses. There is a very clear and realistic fear that a twenty hours a day service of alcohol into The Strand from a window is effectively going turn the premises into a service point for misdemeanour either on these seats or in uncontrolled public space in Exmouth. As always, this is about control. Licensed premises currently selling have an obligation of control - a newsagents and off licence has no obligation of control no matter what conditions may have been proposed to reduce the risk of the four licensing objectives.

Already there are problems with street-drinkers, underage drinking, police involvement, fighting and general unpleasantness. The district authority should be seeking to reduce the problem, not exacerbate it further which is why I am urging serious consideration to the granting of this licence.

Specifically addressing the four licensing objectives:
Prevention of crime and disorder - I note the steps the applicant intends to make to address this, however, the majority of steps are to record instances of crime and disorder and for any persons 'suspected' of lots of things. Simple removal of any suspicion by a serving member of staff (whether intentionally or not) renders these conditions ineffective. Not allowing the sale in the first place will make the difference to crime and disorder.

Public safety - whether related to the operator at JC Stores or not, it is clear that there should be a public safety concern from the committee relating to further supply of alcohol directly into The Strand. The space is already very well catered for by operators who have combined on and off licences. An additional off-

Application No: 055151

Premises: Moores Newsagents and Convenience Store
28 The Strand, EXMOUTH, Devon, EX8 1AQ.

licence serves no benefit, simply an increase in potential problems.

Prevention of public nuisance - quite possibly the most difficult one to justify is the supply of alcohol to persons from 0600hrs until 0200hrs. For local residents, supplying anything (and not just alcohol) at 0200hrs will cause an inevitable nuisance by definition. The serving hatch already installed suggests that if the premises themselves aren't willing to deal with the potential problems their customers could bring, why should the neighbourhood have to deal with it?

Protection of children from harm - Any new application has no history to be able to justify an argument on this point, however, as the definition of child is under 18 years of age there is the serious potential for service to children, whether directly or indirectly.

Having a licence is a privilege - not a right. Trust is earned by having one as we all know, and at present there should be no trust and there appears to be no requirement for this application being granted in any form.

Yours sincerely

George Nightingale
Director of Hospitality Exmouth Limited & Chair of Exmouth Licensed Victualers Association

Evidence:

Suggestion:

APPENDIX E

Responses to Notice of Hearing
Moores Newsagents, 28 The Strand, Exmouth

Applicant

Yogananthan Ramesh	
Hearing Unnecessary	-
Attending	Yes – Mr Yogananthan Ramesh & Mr Frank Fender
Supporting documents	Email received from the applicant's representative: I have instructed Frank Fender from FJF Licensing Consultants to attend the hearing (instead of me) to represent my client. Mr Ramesh will also of course be attending. We'll submit our supporting information/evidence as soon as we can. Thanks, Ian Ian Rushton JL Licence and Retail
Summary of key points	None

Responsible Authority

1. Devon & Cornwall Police	
Hearing Unnecessary	-
Attending	No
Supporting documents	I will not be attending the hearing for the above licence as I have submitted an agreed position. I recall at a recent hearing for a similar late night off licence on the Strand it was questioned if I had consulted with the Local Police officers in relation to the application, which I had. In relation to this application, during the consultation period, I contacted both the Local Police Inspector Antonia Weeks and the Neighbourhood Police Sergeant Richard Stonecliffe, I asked for their views and the response I received from Insp Weeks was as follows:- “Hi Mike No problems – I can't see the shop being open late very often – although he was open on NYE to at least midnight. Big Tesco hasn't been open 24hours since the pandemic so there is market for convenience stores if they want it.” I therefore negotiated an agreed position with the applicant.

APPENDIX E

	I submit this in order to assist the Sub-committee should this question once more be asked. Mike NORSWORTHY Alcohol Licensing Officer (Teignbridge and East Devon)
Summary of key points	None

Other Persons

1.	Mr Oliver Bainbridge (Grapevine Brewhouse)
Hearing Unnecessary	
Attending	Yes
Supporting documents	None
Summary of key points	<p>Reference the application for a license by the off-license around the corner Ref - 055151. The Police's conditions do not meet my concerns around the impact on the licensing objectives</p> <p>In particular</p> <p>Protection of harm to children - his will still enable the buyers of alcohol and children playing in a public place to be brought to gather under one area. We are still in a situation where street drinkers will be encouraged to come to the area as they know there will be alcohol available to them nearly 24hours a day. This in an area frequently used by children is not acceptable. The measure/condition asked for by the police do not change this.</p> <p>Public Safety - As a result of the encouragement of street drinking in the area there is likely to be an increase in the negative behaviour of those drinkers. We have already had a death in the Strand, we have had numerous incidents over the summer called in by local businesses. The measure/condition asked for by the police do not change this.</p> <p>Prevention of Public nuisance - the improved availability of alcohol on the Strand will of course increase the use of the Strand by street drinking this in-turn will lead to more public nuisance derived from their actions. The measure/condition asked for by the police do not change this.</p> <p>Prevention of Crime and Dis-order - The Public Nuisance mentioned above often turns into Crime, normally drug use, abusive behaviour, urinating in public, vandalism etc. The measure/condition asked for by the police do not change this.</p>

2.	Mr George Nightingale (Spoken)
Hearing Unnecessary	No

APPENDIX E

Attending	Yes
Supporting documents	None
Summary of key points	<p>Prevention of Crime and Disorder</p> <ul style="list-style-type: none"> -There is already an issue in The Strand concerning off sale of alcohol – street drinkers and youths (minors) -Situated by a taxi rank serving until 2am! -Police conditions are inadequate and prevent nothing -Glass still able to be dispensed! -CCTV systems will not cover crime sales create -System records problems – does <u>not</u> prevent. <p>Public Safety</p> <ul style="list-style-type: none"> -Safety of public at risk with hatch service at all hours – no responsibility on premises -Glass still can be sold – potential weapons & broken bottles when intoxicated persons served (which they will) -To suggest no risks identified is naïve <p>Prevention of Public Nuisance</p> <ul style="list-style-type: none"> -2am service of alcohol into town centre does not need explaining (as to why this is bad) -All customers will be unsupervised after sale – zero responsibility. -Litter, drinking & disorder will not be in the premises so any signage is useless – particularly service from hatch. <p>Protection of Children from Harm</p> <ul style="list-style-type: none"> -Similar/associated business already serving minors – directly & indirectly -Refusals register will inevitably be empty & supply to minors will still take place as it is already - why allow more?!

3.	Mr Steve Orchard (Garners Home Hardware)
Hearing Unnecessary	Yes
Attending	No
Supporting documents	None
Summary of key points	<p>Prevention of Crime and Disorder</p> <p>Selling alcohol until 2am is going to bring people under the influence to this area of the Strand. The chances of public disorder and criminal damage, especially to shop windows will be hugely increased.</p> <p>Public Safety</p> <p>Innocent members of the public safety will be compromised by entering an area where there will be a combination of street drinkers, late night drunk revellers and homeless – a powder keg combination.</p>

APPENDIX E

	<p>Prevention of Public Nuisance Having a number of people consuming alcohol in the area or trying to obtain alcohol is a total recipe for fighting, arguing, shouting and being a general nuisance.</p>
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4.	Mrs Lynsey Lowthian (Palm)
Hearing Unnecessary	No
Attending	No – will be represented by George Nightingale Mr Nightingale is a friend as well as a fellow licensee in The Strand. His concerns echo my own.
Supporting documents	None
Summary of key points	<p>Prevention of Crime and Disorder The premises is a “newsagent” not a petrol station – a serving hatch from which people can be given alcohol until 2am would encourage drinking into the early hours in The Strand. I am concerned for my glass fronted premises and any outdoor furniture which may be left out overnight.</p> <p>Public Safety See below *</p> <p>Prevention of Public Nuisance *I am very doubtful that the DPS will risk assess and employ a door supervisor when needed. They were told by licensing that they must employ a door supervisor at their existing shop, however, they did this once and promptly cancelled the door supervisor. There are still issues outside this shop at evenings and weekends.</p> <p>Protection of Children from Harm I am doubtful that underage customers will be challenged and/or refused, under age sales are still occurring at the existing shop, witnessed as recent as 19/02/23, which causes issues in The Strand. Children I know who attend Exmouth Comprehensive tell me that the existing shop is well known as a place for their peers to obtain alcohol and vapes. The children are already aware that a second shop is about to open which will double their chances of getting served with alcohol and vapes.</p>

5.	Mr Andrew Humphries
Hearing Unnecessary	NO RESPONSE RECEIVED
Attending	
Supporting documents	
Summary of key points	

APPENDIX E

6.	Mr David Weston
Hearing Unnecessary	NO RESPONSE RECEIVED
Attending	
Supporting documents	
Summary of key points	

7.	Mrs Jeanette Weston
Hearing Unnecessary	NO RESPONSE RECEIVED
Attending	
Supporting documents	
Summary of key points	

Application for a new premises licence

**Moores Newsagents and Convenience Store
28 The Strand, Exmouth, EX8 1AQ**

Operating schedule/proposed licence conditions

This is a well established general convenience store which is currently closed whilst it is refurbished. The shop has held a premises licence previously. It will continue to be a convenience store selling a wide range of goods including newspapers, magazines, groceries, soft drinks, cigarettes, dairy goods, snacks, confectionery, etc.

The applicant would like to include some alcohol sales to allow the business to develop and offer an improved all-round convenience service. The proposed alcohol sales would just be a part of the overall business.

A detailed and robust operating schedule is proposed to promote the licensing objectives;

Prevention of crime and disorder

A CCTV camera system capable of providing good quality images in all lighting conditions shall be used. Cameras shall cover inside the shop and the area immediately outside. Images will be retained for a period of at least 28 days and be made available to Police Officers on reasonable written request for evidential purposes, in accordance with the relevant data protection legislation (currently GDPR 2018).

The CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.

A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing under age sales and complying with licence conditions. Refresher training will be provided every 12 months, records will be kept and be made available to responsible authorities

The PLH and staff will be vigilant and monitor the area immediately outside the shop to check that youths are not causing annoyance by congregating.

Spirits will be kept behind the counter.

Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book kept at the premises. This book will be kept in the shop and available for inspection.

The premises shall operate an alcohol refusals policy - alcohol will not be sold to;

- (1) Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);
- (2) Any person found to be drinking alcohol in the street;
- (3) Any person who is drunk or appears to be drunk;
- (4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;
- (5) Any person unable to provide valid ID when requested by staff;
- (6) Any person who is verbally or physically abusive towards staff or customers.
- (7) To any person suspected of trying to buy alcohol for another person(s) who may be under age.

A notice advising customers of the refusals policy shall be on display.

Public safety

No specific risks have been identified – the PLH shall comply with other legislative requirements to ensure that the shop is safe for customers and staff.

Prevention of public nuisance

Deliveries to the premises will be arranged so as not to cause will not lead to any public nuisance.

Notice(s) shall be on display in the premises asking customers to leave the premises quietly and not to congregate outside the shop.

Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.

Protection of children from harm

The shop shall adopt the Challenge 25 Policy.

Anyone who appears to be under 25 years old who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.

A refusals register (for the sale of alcohol) will be kept and be available for inspection by responsible authorities.

A notice shall be displayed in the premises where it can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

NOTE TO RESPONSIBLE AUTHORITIES AND OTHER PERSONS - IF YOU HAVE ANY QUERIES OR COMMENTS ON THESE PROPOSALS, PLEASE CONTACT IAN RUSHTON ON 07909 511953 OR BY EMAIL jirushy@hotmail.com TO DISCUSS FURTHER - PRIOR TO MAKING ANY REPRESENTATIONS.

APPENDIX G

LICENSING ACT 2003 – PREMSES LICENCE APPLICATION MOORES NEWSAGENTS, EXMOUTH CONDITIONS OFFERED – INCLUDING CONDITIONS AGREED WITH POLICE

Prevention of crime and disorder

CCTV

The premises shall install operate and maintain a comprehensive digital colour CCTV system.

All public areas of the licensed premises including entry and exit points will be covered, including the area immediately outside the premises.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 28 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

STAFF TRAINING

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12-month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

INCIDENT LOG

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature at or immediately outside of the premises
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Any faults in the CCTV system
- vi. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

DOOR SUPERVISORS

At any time when alcohol is offered for sale at the premises, the DPS will risk assess the need for Door Supervisors to be employed. Consideration should be given to any events in the Local area.

NATURE OF ALCOHOL SALES

No super-strength beer, lagers, ciders or spirit mixtures of 6.0% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

No single cans of beer, lager, cider or spirit mixtures shall be sold at the premises.

Customers shall not be allowed inside the shop after 12 midnight each day

After 12 midnight, customers will only be served through a serving hatch until closing time

The premises shall operate an alcohol refusals policy - alcohol will not be sold to;

- (1) Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);
- (2) Any person found to be drinking alcohol in the street;
- (3) Any person who is drunk or appears to be drunk;
- (4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;
- (5) Any person unable to provide valid ID when requested by staff;
- (6) Any person who is verbally or physically abusive towards staff or customers.
- (7) To any person suspected of trying to buy alcohol for another person(s) who may be under age.

A notice advising customers of the refusals policy shall be on display.

Spirits will be kept behind the counter.

The PLH and staff will be vigilant and monitor the area immediately outside the shop to check that youths are not causing annoyance by congregating.

Public safety

No specific risks have been identified – the PLH shall comply with other legislative requirements to ensure that the shop is safe for customers and staff.

Prevention of public nuisance

Deliveries to the premises will be arranged so as not to cause will not lead to any public nuisance.

Notice(s) shall be on display in the premises asking customers to leave the premises quietly and not to congregate outside the shop.

Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.

Protection of children from harm

CHALLENGE 25

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

A notice shall be displayed in the premises where it can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

APPENDIX H

Responses to Notice of Hearing
Moores Newsagents, 28 The Strand, Exmouth

Responses received after report published

Applicant

Yogananthan Ramesh	
Hearing Unnecessary	-
Attending	Yes – Mr Yogananthan Ramesh & Mr Frank Fender on behalf of Ian Rushton (agent)
Date received	02/03/2023 by email
Supporting documents	Email received from managing agent Ian Rushton on behalf of his client Mr Ramesh with supporting documents <ul style="list-style-type: none">• 6 x photographs of the shop including one whilst the shop was being refurbished;• Copy letter sent to the objectors and;• Examples of the type of due diligence records that would be used at the shop.
Summary of key points	None

Other Persons

1. Mr David Weston	
Hearing Unnecessary	-
Attending	Yes
Date received	27/02/2023 by post
Supporting documents	None
Summary of key points	<p>Prevention of Crime & Disorder Having lived in the area for several years I question if Police resources are adequate to deal with any “prevention” measures.</p> <p>Public Safety With reference to the above Public Safety should not be a “reaction” to any incidents that endangers or increases local resident’s safety.</p> <p>Prevention of Public Nuisance I feel staff would be unable to control behaviour beyond the premises to the extent that attempting such action would further increase the nuisance aspect.</p>

Continued.....

APPENDIX H

	<p>Protection of Children from Harm I fail to see that training of staff will give them sufficient knowledge or be vigilant enough to determine under age or proxy purchasing.</p>
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2. Mrs Jeanette Weston Hearing Unnecessary Attending Date received Supporting documents Summary of key points	<p>-</p> <p>Yes</p> <p>27/02/2023 by post</p> <p>None</p> <p>Prevention of Crime & Disorder As per my comments in point 3.</p> <p>Public Safety There is not enough Police Resource in the town to prevent potential issues created by extremely late night purchasing of alcohol in the street.</p> <p>Prevention of Public Nuisance I don't believe the staff working in the shop will have any powers or authority to stop groups of youths congregating outside the shop! I am also struggling to understand who will require to purchase alcohol at 2 am, who are not already inebriated!</p> <p>Protection of Children from Harm I am not convinced staff will be vigilant enough to prevent either under age purchases <u>or</u> proxy purchasing, regardless of the "paper trail" steps and "training".</p>
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Supporting photos received 02/03/2023 from

Ian Rushton of JL Licence and Retail – Managing agent

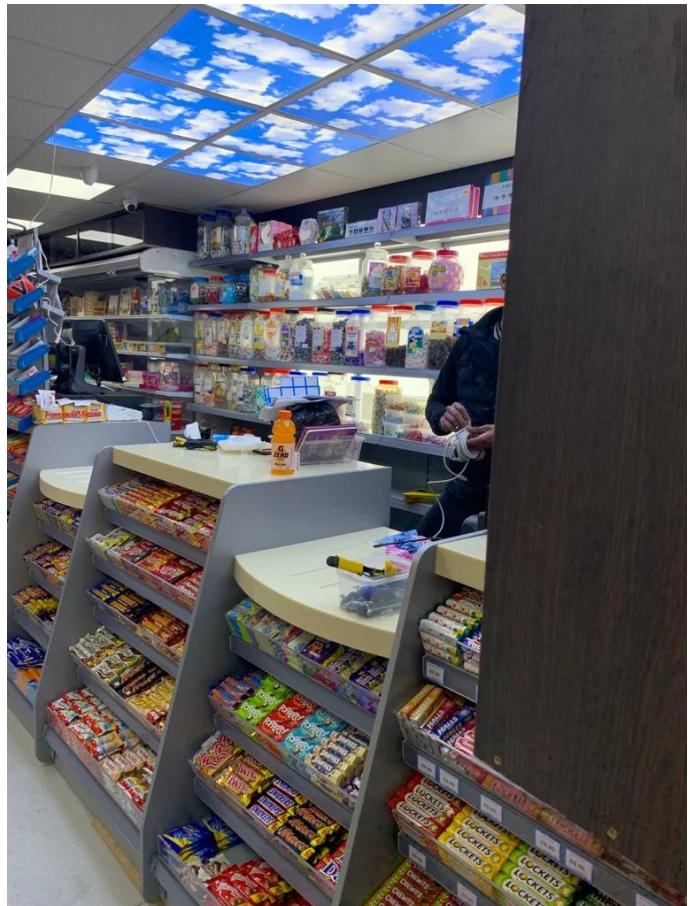
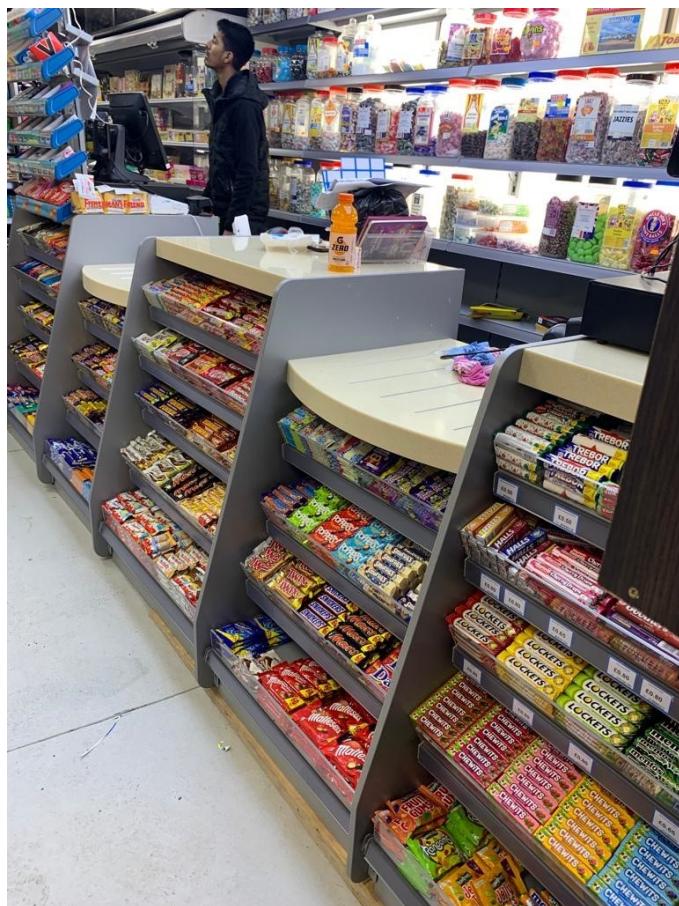
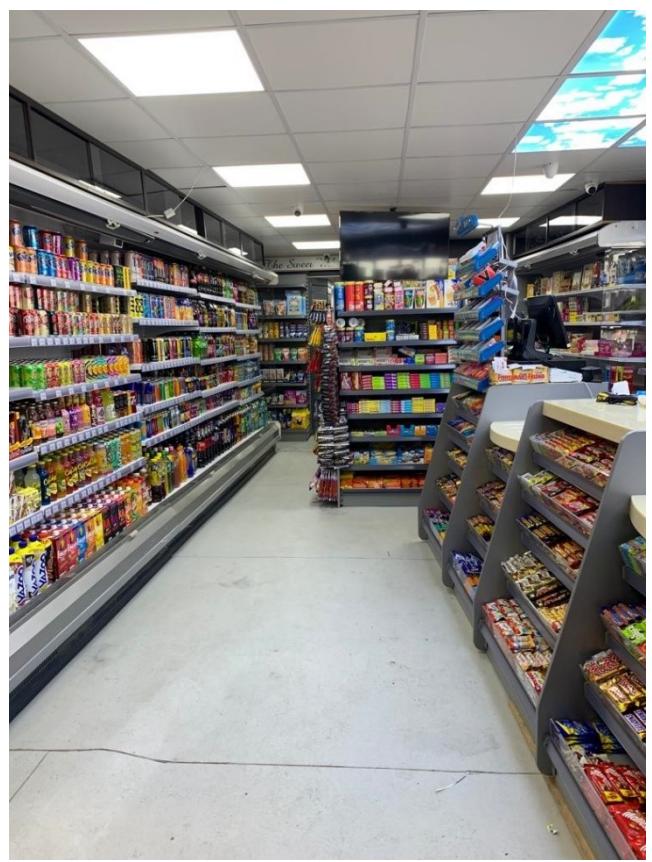


Picture showing refurbishment (above)



Front of premises (above)

Inside premises (below)



22 February 2023

Dear Sir/Madam

**Application for a new premises licence;
Moores Newsagents and Convenience Store, 28 The Strand, Exmouth, EX8 1AQ**

I hope you are well.

I am contacting you on behalf of my client, Mr Yogananthan Ramesh, in respect of the above matter.

I have received a copy of your representation from the Council and thought I would contact you to outline this application further, and to explain the steps that would be taken at the shop to promote the licensing objectives.

This is a new business and the shop has been completely refurbished and the shop is due to open shortly as a convenience store selling a wide range of goods such as bread, milk, snacks, dairy goods, cigarettes, soft drinks, household goods, groceries, The proposed alcohol sales would just be a part of the overall business.

The licence application includes a document called an Operating Schedule. This is a really important document submitted by an applicant which outlines the steps to be taken at the shop to promote the licensing objectives.

I attach a copy of the proposed operating schedule for this shop which has been discussed and agreed by the Police. Each of these steps become legally enforceable licence conditions should the application be approved.

I can assure you that the shop would sell alcohol in a responsible manner and the proposals for this shop are comprehensive including;

a CCTV camera system covering both the inside and the area immediately outside the shop;

the 'Challenge 25' under age policy to ensure that no-one under 18 is able to buy alcohol and other age-restricted goods;

no sale of stronger beers, lagers and ciders over 6% alcohol by volume

regular staff training;

staff to monitor outside the shop to check that youths aren't congregating causing a nuisance;

staff to check the area outside and dispose of any litter from the shop.

Every new premises licence application involves an extensive consultation exercise carried out with the various responsible authorities including the Police, the Council's Licensing Authority, Trading Standards, Environmental Health, Planning, Public Health, Child Protection, etc

All of these authorities have carefully assessed this application and they are all satisfied that the licence can be granted.

In particular, the Police are crucial in terms of new licence applications as they are the Council's main source of information regarding local crime and disorder. The Police are satisfied that this application can be granted.

Mr Ramesh is the holder of a Personal Licence, and he is a responsible person with plenty of retail experience. He wants to work with the local community, and I can assure you that the shop will be well-run and not cause or add to any issues in the local area.

Whilst there may be other shops in the general area selling alcohol, please note that the 'need' for a new shop selling alcohol is not something that can be taken into account by the Council when deciding on this licence application. The Council's Licensing Authority will be able to confirm this. Please note that Mr Ramesh is not the owner/licence holder at any other nearby stores.

Mr Ramesh will do absolutely everything that he can, within his power and control, to prevent any problems.

For example, the shop will have a top quality CCTV system covering inside and the area outside the shop, and the images would be made available to the Police upon request. Staff will be trained to prevent underage sales and to sell alcohol responsibly. The shop will not be selling stronger beers, lagers or ciders over 6% - these are often the type of drinks that 'street drinker's prefer.

Any issues with general anti social behavior in the area should of course be reported to the Police.

Licensed premises are very well-regulated and they must, by law, promote the licensing objectives and comply with their licence conditions. If they don't, then the Authorities can take action - this includes test purchases, prosecution, a licence review, revoking the licence, etc. The Police and the other Authorities will target any 'problem premises' and action can be taken if something goes wrong

I hope the above information is helpful and informative and that it may provide at least some reassurance to you. I ask you to give the shop the chance to demonstrate that it will be well run, that it won't cause or add to any issues in the local community and, importantly, that the shop would promote the licensing objectives.

I look forward to hearing from you and please do not hesitate to contact me if you have any queries or if you would like to discuss the matter further.

Yours sincerely

Ian Rushton
JL Licence and Retail
07909 511953
Email - ijrushy@hotmail.com

Age Verification Scheme

Challenge 25

Sales of Alcohol at the premises

1: When a customer asks to buy alcohol, if the customer appears to look **25** or younger, the customer **MUST** be asked at the time of ordering if they are over 18 years of age. If the customer either refuses to answer, becomes verbally aggressive or replies no, then the sale **MUST** be refused and you **MUST** enter the refusal details in the Red Refusal Log book kept in the shop.

2: If the customer confirms that they are over 18, you must ask the customer for valid Identification.

(VALID MEANS – NOT DAMAGED, TAMPERED WITH AND NOT OUT OF DATE)

3: The only types of I.D. that can be accepted are:

- ✓ Valid passport (any nationality)
- ✓ Valid **BRITISH** Driving Licence (Full or Provisional)
- ✓ HM Services Warrant Card
- ✓ PASS Accredited Proof of Age Card
- ✓ Any other reliable photo ID that is approved for acceptance by the Police or other Authorised Officers.

It is our policy that we are unable to accept any other type of I.D.

You must check that the I.D. is VALID (within date), has not been tampered with and belongs to that person. You can then check by following this procedure.

- ✓ Check the date of birth to make sure the person is over 18.
- ✓ Check the photograph for a match.
- ✓ Check the personal details with the person – ask for their postcode or date of birth, address etc.
- ✓ **The easiest and best way to check is to take the I.D. from the person and ask the person to sign the ID Signature Book. Then check that both signatures match. You can ask the person to sign the ID Signature book again for your records if you are not sure.**

4: If you 100% believe that the I.D. belongs to that person and they are over 18, then you can sell the alcohol.

5: If you have any doubts, you must refuse to sell the alcohol and immediately complete the refusals register.

6: If you believe or think that another person is attempting to buy alcohol for another person who may be underage, you must tell the customer that it is illegal and if they are you will report them to the police and inform them that they can be prosecuted and fined up to a £5000.

If you have any doubts, you must refuse to sell the alcohol unless the person can produce additional valid acceptable I.D.

7: If the customer becomes verbally abusive or aggressive, then refuse to sell and report this to your Manager

8: If the customer produces I.D. which you in your opinion does not belong to them, then this must be logged into the refusals book and reported to the police.

9: DO NOT BECOME PERSONALLY INVOLVED IN ANY ARGUMENT OR DISCUSSION WITH THE PERSON.
If the person becomes physically aggressive, then call the Police for assistance.

REMEMBER: IF IN DOUBT - DO NOT SELL

Premises Age Verification Policy
(This premises operates the Challenge 25 scheme)

Name of Premises Licence Holder

.....

This policy applies in relation to the sale or supply of alcohol on this premise.

For this policy the responsible person is one of the following:

- a] The holder of the premises licence -
- b] The designated premises supervisor -
- c] A person aged 18 or over who is authorised to allow the sale or supply of alcohol by a person. No persons under the age of 18 are allowed to work behind the till.

The Age Verification Scheme this premises will be Challenge 25. The premises will train all staff prior to commencement of employment and re-training of all staff at regular intervals using the documented system.

Staff selling alcohol to customers must require any individuals who appear to the responsible person to be under the age of 25 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark.

Examples of appropriate identification include:

A photo card driving licence

A passport

A proof of age card bearing the PASS hologram (Citizencard)

The premises licence holder will ensure that all staff are made aware of the existence and content of this policy.

This business fully supports our Police and Trading Standards in the prevention and detection of crime and disorder using our CCTV system

CHALLENGE 25

You might think you look over 18
but we don't – and it's 'MY' licence

No ID - No Serve

Don't try to buy
alcohol for kids

We will report you



All ID presented must contain the following as outlined by the Home Office.

Photograph, date of birth, signature, holographic mark and issued by a government department.



JMC Licensing Consultants©2010

Staff Induction Log book

I (name).....confirm

That I have read and fully understand the following

	Document Name	Date of completion
1	The 4 Licensing Objectives	
2	Premises Licence and Conditions	
3	Age Verification Policy	
4	Age Verification Scheme and signage	
5	Refusals Policy Sale and Service of Alcohol to under 18's	
6.	Section 57 & Business Names Notice	
7.	Alcohol Authorisation Log book	
8	Customer Refusals Log Book	
9	Incident Report Log Book	
10	-	
11	-	
12	Age Restricted Products, Cigarettes & Tabacco Training & Age Verification Questions and Answers	
13	Staff Induction log sheets	
	Any Further Training received ie: PSPO's etc/ Imposed conditions etc (list details)	

I have read & understand how this business can be affected and damaged by not adhering to them. I agree to abide by them at all times.

I also agree that whilst employed at these premises, I agree to abide by the policies that have been implemented by the management and will not deliberately carry out any actions that may cause concern for the business and Premises Licence.

Signed.....

Date.....

Age Verification Training

Questions with Multiple choice answers (the answers are on the back)

1

What is an Age Verification Policy?

- A: It's a new entrance scheme for getting young people into night clubs quicker
- B: It's the name of a new European National identity card
- C: It's a mandatory written policy adopted by all licensed premises (that sell alcohol), to identify how the premises preventing alcohol being illegally sold or supplied to under 18's
- D: It's a policy to stop all under 18's from claiming family tax credits' and child benefits

2

Who is responsible for making sure an Age Verification policy is being carried out on the premises?

- A: The Home Office
- B: The Premises Licence Holder
- C: Any nominated member of staff that works on the premises
- D: The Designated Premises Supervisor

3

What does the owner of a licensed premise need to do to operate this Age Verification Policy?

- A: Complete the relevant registration form and submit it to their local Licensing Authority and wait for further instructions
- B: Send a weekly report to the police on www.nowtellmeeverythingyouknow.gov.uk
- C: Put a system in place to make sure all sellers of alcohol ask, view and record all ID challenges of any person whom they suspect to be under 18 years old
- D: Wait for the local Trading Standards Officer to visit you, who will fully explain what you must do to comply

4

What types of Identification am I allowed to accept?

- A: Any document that bears the holders full name
- B: Passport or driving licence in any condition
- C: Any type of ID card bearing their full name and passport sized photograph
- D: Any type of ID but it must contain their photograph, date of birth and a holographic mark

	<p>5 Can I accept ID that has been bought off the internet?</p> <p>A: No</p> <p>B: Yes</p> <p>C: Yes, as long as it bears their name and photograph</p> <p>D: Sometimes, it depends on which one is shown to you and how attractive the card is</p>
6	<p>How do I decide if I need to ask someone for ID?</p> <p>A: Appearances can be deceiving, just ask everyone</p> <p>B: Look for poor fashion sense and cheap smelling perfumes or deodorants</p> <p>C: It is very difficult, but basically if you need to think about their age when you look at them, then you must ask for ID</p> <p>D: Check to see if you can recognize their school uniform and look for sweet wrappers in their Pockets</p>
7	<p>How do I ask someone for ID without upsetting them?</p> <p>A: By being very polite, confident and professional. Inform the customer that it is not personal, and it is part of your job</p> <p>B: Just ask, because it doesn't matter if you upset them as they are only customers and they should be used to it by now</p> <p>C: By saying loudly "show me your ID or your not getting served".</p> <p>D: Ask them for their parent's telephone number and call them to check their age</p>
8	<p>What are the best methods for checking a persons ID?</p> <p>A: Follow the procedure shown to you by your Manager, be very thorough and if in doubt do not serve.</p> <p>B: Flick it against the counter to see if it bends without breaking</p> <p>C: Dip it into a glass of gin or cider to see if the ink runs</p> <p>D: There is no best method, young people are very clever and can easily deceive you</p>

9

What is a good method to be really sure if the ID shown to me is genuine and really does belong to that person?

- A: Stare at the young person to see if they start fidgeting
- B: It is impossible to be 100% sure, so you must assume that the customer is telling the truth
- C: Ring the police and ask them to come and check the ID as you are not sure
- D: Ask the customer for their signature using the customer refusal book. Most people are unable to copy another person's signature without looking at the original one at the same time

10

How can I check if a persons ID is fake, has been forged or tampered with?

- A: Search on Google to see if anything has been reported on Crime Watch
- B: Ask the customer if he/she has tampered with it
- C: Place under a UV light and check for genuine watermarks. Look for water stains, frayed edges, the plastic developing air bubbles or becoming detached from the paper on the document. Raised edges on the card can also be signs of tampering
- D: Official documents like passports or driving licenses are virtually impossible to forge, so there is no need to check

11

Who must I by law, refuse the sale of alcohol to?

- A: Anyone who you don't like
- B: Police and authorised officers, either on or off duty
- C: Any person who is drunk, appears to be drunk or a person who you believe to be is buying alcohol for a drunk. Any young person whom you suspect of being underage and are unable to produce valid ID, or any person whom you believe is attempting to purchase alcohol for underage persons. You must refuse the sale of alcohol to 'everyone' if it is outside the hours stated on the Premises Licence
- D: Any person who is wearing a fancy dress costume

12

What is the best way to refuse the sale of alcohol to someone with no ID?

- A: Tell them you are not serving them with no explanation and ask them to leave
- B: Ask them to find a friend to buy the alcohol for them
- C: Take their photograph and upload it to Facebook
- D: Take the item from the customer (if in a shop), then politely inform the customer that you are unable to sell them the alcohol as they cannot produce valid ID.

13	<p>What is a proxy sale?</p> <p>A: The latest sale at the Pound shop B: A promotion offering 10% off all alcohol drinks purchased before 6pm C: The purchase of alcohol by an adult on behalf of an under 18 year old D: Buying alcohol with no ID</p>
14	<p>How can I tell if an adult is buying or attempting to buy alcohol for an under 18 ? (called a proxy sale)</p> <p>A: By following all customers out of the shop to see where they are going B: By paying for the alcohol with lots of small change C: Be vigilant and look for signs for example, young people hanging around outside the premises or a customer buying unusual alcoholic drinks or quantities of drinks. Paying for the drinks separately to their own purchases and sometimes other customers will tell you D: It is difficult, because there is no way of ever knowing</p>
15	<p>Are there any other products I cannot sell to underage persons without producing valid ID?</p> <p>A: Yes, just cigarettes and tobacco products only B: Yes, you must not sell them eggs due to salmonella contamination C: Yes, there are several other products you cannot sell to a suspected underage persons without valid ID D: No, because of the Human Rights Act, there are no restrictions to what an underage person is allowed to purchase</p>
16	<p>What is the best way to deal with angry, aggressive or violent customers?</p> <p>A: By being polite, remaining calm and assertive B: Learn self defence techniques so you can defend yourself more effectively C: Argue with them, then ask other customers to help you escort them out D: Just give them what they want and ask no questions because the customer is always right</p>
17	<p>What is a customer refusal register?</p> <p>A: It's a book for keeping a list of customer's names in who won't be invited to the staff Christmas party B: It's a police database for storing all names of known local criminal and drunks C: It's a register for recording all refusals of sales of alcohol and other products in D: It's a register for recording all the customers' names in that have been barred for fighting</p>

18 Can a person under 18 'sell' alcohol on a licensed premise?

- A: Never
- B: Yes, with the verbal or written approval of trading standards and the police
- C: Yes, but they must be a member of Facebook and have a minimum of 8,000 friends
- D: Yes, but only under certain conditions

19 Can a 16/17 year old 'drink' alcohol on a licensed premise? (on sales only)

- A: Yes; but only under certain conditions
- B: Only if they buy alcohol during a 'Happy Hour'
- C: No
- D: Yes: if the Manager believes them to be a responsible person who won't start fighting

20 What is a test purchase?

- A: It's a drinking game between friends
- B: It's an under-cover operation carried out by Weights & Measures Officers (trading standards) and the police to test if a premise will sell to an underage person
- C: It's a way of promoting new products that come onto the market to see if they sell
- D: It's a new method for checking if drinks have been spiked

21 When is it legal for a person under the age of 18 to purchase or attempt to purchase alcohol?

- A: When the underage person is working as part of a team with Weights & Measures Officers and the police during a test purchase operation
- B: When the under age person is accompanied by an adult
- C: When the young person is having a table meal in a restaurant
- D: When purchasing alcohol for parties or a special occasion

22	<p>What are the penalties for a failed a test purchase?</p> <p>A: The premise is immediately closed, everyone is arrested, handcuffed, taken to the police station and possibly kept in the cells overnight for questioning</p> <p>B: On the spot fines, possible prosecution for the DPS and the Premises Licence Holder. In addition, following a conviction, the Premises Licence may also be forfeited.</p> <p>C: Loose the right to attend the weights & measures annual Christmas dinner dance</p> <p>D: The owner of the business and all the staff must attend a 1 week alcohol rehabilitation training course</p>
23	<p>What can happen to a person if they are caught selling alcohol to an underage person?</p> <p>A: Their name and photograph will appear in the local newspaper</p> <p>B: A person must take an eye test and send the results off within 21 days to police web site, www.tellmeallyouknow.gov.uk</p> <p>C: Verbal warning from the manager for getting caught.</p> <p>D: First offence is usually a caution or fixed penalty of £80. The second offence could be prosecution. A review of the Premises Licence may also be held.</p>
24	<p>What is Due Diligence?</p> <p>A: The name of the horse that won the Grand National in 1985</p> <p>B: Doing everything you can to prevent an offence against the Licensing Act 2003 from taking place</p> <p>C: A tracking device for catching local drug dealers</p> <p>D: A system of how to identify plain clothes Police Officers on your premises.</p>
25	<p>Is it a legal requirement for the Premises Licence Holder to train staff in the Age Verification Policy?</p> <p>A: Yes, it is part of the Age Verification Policy of the premises that all staff receives adequate training on the contents of the policy</p> <p>B: No, the only legal requirement is that the owner of the Premises Licence must make the staff aware of the policy and its contents</p> <p>C: Yes, but only for new staff</p> <p>D: Yes, but only if the owners of the business have a criminal record for smuggling</p>

Age Verification Training

Answers to multiple choice questions

1

What is an Age Verification Policy?

Answer: C

Summary

In October 2010, an additional mandatory condition was automatically added on all Premises Licenses making it a legal requirement that all premises that sell or supply alcohol in England and Wales, must by law, adopt and operate a written Age Verification Policy.

2

Who is responsible for making sure an Age Verification policy is being carried out on the premises?

Answer: B

Summary

The Age Verification policy is one of the mandatory conditions of the Premises Licence, it must be signed by the Premises Licence Holder, kept securely on the premises and produced on demand to a Police Constable or an officer authorised by the Licensing Authority.

Failure of the owner of a licensed premise to operate an Age Verification Policy would be viewed as breach of conditions of the Premises Licence and is a punishable offence, which can eventually lead to the closure of the premises.

3

What does the owner of a licensed premise need to do to operate this Age Verification Policy?

Answer: C

Summary

It is the responsibility of the owner of the business to put in place a checking system whereby all sellers of alcohol must be asked to request valid identification from individuals whom they suspect to be under the age of 18. Premises can adopt different schemes and the ones most widely used are Challenge 21 or Challenge 25.

The scheme that is chosen by your premise, depends on the risk assessment that has been completed by the owner of the business. Posters or signage must be displayed in a prominent position on the premises and all refusals of the sale of alcohol must be documented in the customer refusal register.

4

What types of Identification am I allowed to accept?

Answer: D

Summary

The most accepted forms of ID are passport, driving licence (provisional or full) and card issued by local schemes such as Citizencard or Validate UK bearing the official PASS hologram. It must not have been damaged or show signs of tampering or alterations.

However, some Licensing Authorities have agreed to accept additional forms of ID such as the UK Forces ID card. Some premises will refuse to accept any form of ID that has been issued outside the UK. A 'driving permit' or a 'motorcycle driving licence' are not legal forms of ID. To be sure premises must check with your local authority to verify exactly what you can accept. The penalties for accepting the invalid ID are severe.

5	<p>Can I accept ID that has been bought off the internet?</p> <p>Answer: A</p> <p><u>Summary</u></p> <p>There are thousands of different types of ID that can be bought over the internet. These cards are illegal to use and are sold as novelty cards.</p> <p>The police and trading standards office will prosecute you if you accept them.</p> <p>Learn to recognize what you can and cannot accept.</p>
6	<p>How do I decide if I need to ask someone for ID?</p> <p>Answer: C</p> <p><u>Summary</u></p> <p>Don't try to guess their age, that's not your job!</p> <p>Young people sometimes look much older than they really are especially if they are dressed for a night out on the town. Look for any signs of nervousness or maybe their friends are hanging around outside. Young people will try anything, use any methods to obtain alcohol or gain entry into a club. The rule of thumb is if you thought about their age when you first looked at them, then you need to check. This must be done before you sell them alcohol. Even after checking their ID, if they still cannot convince you they are 18 or over, then you must refuse to sell and log the refusal into your customer refusal book.</p>
7	<p>How do I ask someone for ID without upsetting them?</p> <p>Answer: A</p> <p><u>Summary</u></p> <p>Most people will normally always carry ID as they will be used to being asked and will not become upset. However, others some will be offended and make nasty comments or even become aggressive.</p> <p>Never ask a customer their age or apologise for asking for ID. By staying calm and not becoming involved in the argument will help to de-escalate the situation.</p> <p>You must always follow the code of practice that your company has in place for dealing with conflict situations.</p>
8	<p>What are the best methods for checking a persons ID?</p> <p>Answer: A</p> <p><u>Summary</u></p> <p>The Licensing Act 2003 does not say in detail of how you must check a persons ID. Premises must adopt their own methods as what they believe to be 'best practice'. Hold the card and look at it carefully. Does it feel genuine? Check the photograph against the person. Look for any damage or evidence of tampering. Check their date of birth, ask the person to confirm their personal details. If the ID shown to you contains an unusual name, ask them spell it. Most mis-users tend to forget the postcode. A good method is to obtain their signature in the customer refusal register.</p>

9	<p>What is a good method to be really sure if the ID shown to me is genuine and really does belong to that person?</p> <p>Answer: D</p> <p>Summary</p> <p>Premises that have adopted this method of obtaining signatures witnessed a huge reduction in mis-users as it appeared to frighten people off. Some people do not write their signature exactly the same, so you can give them an opportunity to repeat just to make sure.</p> <p>If it happens that you are accused or charged with selling alcohol to a young person by mistake, the signature obtained can be used as your evidence in court in your defence as the 'evidence produced would have convinced a reasonable person'.</p> <p>This is called due diligence.</p>
10	<p>How can I check if a persons ID is fake, has been forged or tampered with?</p> <p>Answer: C</p> <p>Summary</p> <p>Fake ID's are widely available for anyone to purchase over the internet and can appear to be quite realistic. Some people even have equipment that can 'clone' ID's.</p> <p>Driving licenses and passports are easy to verify. The hologram will show if you hold the driving licence or the covers of a passport under a UV money detector machine. Learn to recognize the different types of acceptable ID that you can and can't accept. Have a list of acceptable ID's (with photos) next to the point of sale on the premises. It is not illegal to use a damaged passport, but not recommended to accept it as valid ID.</p>
11	<p>Who must I by law, refuse the sale of alcohol to?</p> <p>Answer: C</p> <p>Summary</p> <p>The law is very strict as to who you must refuse the sale of alcohol to and the penalties are severe for not just you but possibly your colleagues (if they were in a position to prevent the sale taking place). The Designated Premises Supervisor and even the Premises Licence Holder may also be prosecuted if you are caught selling in these circumstances.</p>
12	<p>What is the best way to refuse the sale of alcohol to someone with no ID?</p> <p>Answer: D</p> <p>Summary</p> <p>By law you have the right to refuse to sell to any customer and you do not have to give a reason. However, this can create a conflict situation as customers need to have an understanding of why you will not sell to them. Do not apologise or enter into an argument with the customer, remain polite, calm and professional at all times. Call a colleague or a line Manager for assistance if necessary. Always follow your company's code of practice for these situations. Remember no ID, no sale every time.</p>

13	<p>What is a proxy sale?</p> <p>Answer: C</p> <p>Summary</p> <p>As it is becoming increasingly difficult for under 18's to purchase alcohol, adults are now being pressurised outside shops to buy alcohol for young persons. Most young people hide in back rooms or corners of pubs hoping not to be seen as their friends buy their drinks. This is a dangerous practice for the owner of the business even if the young person appears to be nice and nearly old enough.</p> <p>The penalty for purchasing alcohol for an underage person is up to £1,000. The seller and other staff may also be prosecuted if it can be proved they knew at the time who the alcohol was purchased for and turned a blind eye to the sale.</p>
14	<p>How can I tell if an adult is buying or attempting to buy alcohol for an under 18 ? (called a proxy sale)</p> <p>Answer: C</p> <p>Summary</p> <p>Staff must learn to be more vigilant about who is on the premises and who is hanging around outside. At busy times it is difficult, however, you can always ask your customers questions about outside the premises. Displaying posters in prominent positions near the point of sale, warning customers of the penalties can also help.</p> <p>By law, the premises must do everything they can to prevent all illegal sales from taking place.</p>
15	<p>Are there any other products I cannot sell to underage persons without producing valid ID?</p> <p>Answer: C</p> <p>Summary</p> <p>By law, the age restrictions are as follows:</p> <p>Restricted age - 18 Cigarettes, tobacco products, knives and other offensive weapons, fireworks or sparklers, solvents or volatile substances, lighter refills containing butane, crossbows, airguns and pellets.</p> <p>Restricted age - 16 Lottery tickets, scratch cards, aerosol paints, caps, party poppers, cracker snaps, novelty matches and throw downs.</p> <p>There are severe penalties for those who are caught selling these items to underage persons without valid ID, with fines of up to £5,000 and 6 months imprisonment. Lottery tickets can be up to 2 years imprisonment. Video games are sold as shown on the age of certificate identified on the box.</p>
16	<p>What is the best way to deal with angry, aggressive or violent customers?</p> <p>Answer: A</p> <p>Summary</p> <p>The majority of people who become angry when asked for ID do so because they are usually under 18. They become frustrated which can easily escalate to anger and aggression, sometimes' even violence. It can be very frightening and intimidating to be confronted by an angry or aggressive customer. For your own personal safety, all staff must develop the skills they need to deal with these volatile situations.</p> <p>By becoming verbally engaged with the customer in what is really 'their' argument only feeds the situation. Once you know the customer is becoming increasingly angry then call for assistance. If assistance is not available, then find an excuse to leave the area (called an exit strategy). 'I'll get the Manager to help you' is always a good excuse, or using 'inhibitors' e.g. informing the customer that he is being taped on CCTV can sometimes help to prevent the situation from escalating. Always follow your company's code of practice for these situations. Always refuse service and record the incident in the customer refusal register.</p>
17	<p>What is a customer refusal register?</p> <p>Answer: C</p> <p>Summary</p> <p>Part of all Age Verification Policy schemes operated on a premise, means that the owner of a business must keep written records of all refused sales on the premises for a minimum period agreed by the owner. This is usually around 12 months.</p> <p>The customer refusal register must record the date, item refused, description of person, reason for refusal, name of member of staff who refused the sale together with the staff's signature.</p> <p>By keeping these records, it allows the owner to demonstrate 'due diligence' to Trading Standards Officers, police and in addition it also provides evidence in that the policy is being operated, which can be produced in court following a prosecution.</p>

18	<p>Can a person under 18 'sell' alcohol on a licensed premise?</p> <p>Answer: D</p> <p>Summary</p> <p>Under the Licensing Act 2003, if permission is obtained from the Premises Licence Holder and DPS, an under 18 year old can legally sell alcohol on a licensed premises as long as they are supervised at all times by a nominated responsible person. They must never be left to work on their own and each individual sale must be authorised by the nominated responsible person.</p> <p>The law is different for under 18's that are serving alcohol to tables' ancillary to a meal; under these circumstances no supervision is necessary.</p>
19	<p>Can a 16/17 year old 'drink' alcohol on a licensed premise? (on sales only)</p> <p>Answer: A</p> <p>Summary</p> <p>Under the Licensing Act 2003, it is illegal for an under 18 to consume alcohol on a licensed premises, except under the following conditions.</p> <p>A 16/17 can legally 'order and consume' beer, wine or cider if they are having a table meal and accompanied by an adult. The adult must pay for the drink. However, they may still need to produce ID to prove that they are 16 or 17.</p> <p>The penalties for allowing an underage persons to consume alcohol on a licensed premises is a maximum fine up to £1,000 for the seller and £500 for the young person.</p>
20	<p>What is a test purchase?</p> <p>Answer: B</p> <p>Summary</p> <p>It is the legal duty of every local Weights and Measures Authority to make checks that all licensed premises are staying within the law and are not selling alcohol or allowing them to consume alcohol on licensed premises.</p> <p>This involves a joint exercise between Weights & Measures Officer and the police who visit premises with an underage person who then tries to purchase the alcohol.</p> <p>All types of licensed premises are tested from shops to restaurants, no premises are exempt.</p>
21	<p>When is it legal for a person under the age of 18 to purchase or attempt to purchase alcohol?</p> <p>Answer: A</p> <p>Summary</p> <p>These young people are volunteers and must be between 15 and 16 ½ years of age. They must work in close supervision with Officers and in accordance with best practice procedures set down in clear guidelines.</p> <p>They will visit always premises in a different town to where they live, so they will not be recognized. Parental permission is also required.</p>

22

What are the penalties for a failed test purchase?

Answer: B

Summary

The seller, Designated Premises Supervisor, Premises Licence Holder and any member of staff who was in a position to prevent the offence from happening (called turning a blind eye) may all be held liable for this offence and upon conviction may lead up to a fine of £5,000. Under the Policing and Crime Act 2009, there is an offence called 'persistent selling to under 18's' whereby the offence will be committed if a named premise is caught selling alcohol to an under 18 twice within a period of three consecutive months. If this happens, the Premises Licence can be brought under 'review' by the Licensing Authority who then have the powers to either impose additional conditions, remove the Designated Premises Supervisor, suspend the licence for a period of up to 3 months or revoke the Premises Licence in addition to substantial fines or even imprisonment. In addition to this the holder of the Premises Licence could be fined up to £20,000 for breach of condition of their Premises Licence. Staff could also lose their jobs for not following the correct procedure of the Age Verification Policy scheme operated at their premises.

23

What can happen to a person if they are caught selling alcohol to an underage person?

Answer: D

Summary

It is an offence to 'knowingly' sell alcohol to a person under 18. Where a person is charged with this offence, your defence in court is that: 'you believed the person was 18 or over and either a] you took all reasonable steps to establish their age or: b] nobody would reasonably have suspected from the person's appearance that he/she was under 18.'

Under a], reasonable steps would be the steps you took to convince yourself that the person was under 18. Checking the ID, photograph, asking questions about their date of birth are methods of good practice, but it will not provide the evidence that you need when defending yourself in court. Obtaining their signature in the customer refusal book is the best method you can use as this can then be used as evidence in your defence. If a person is found guilty then they are liable to a fine of up to £5,000. (Go back and review question 21)

24

What is Due Diligence?

Answer: B

Due diligence is the systems that are in place to prevent offences from happening. When a person is charged with an offence, they will be prosecuted if it can be proved that they showed an intention of doing something wrong. It doesn't necessarily mean a person deliberately did something wrong, the fact that you broke the law is enough to prosecute. However, a person can defend themselves by proving they followed due diligence procedures that have been put in at their workplace. To prove this you must produce evidence to the courts. The types of evidence that can be used is the system for checking ID that is used at the premises, CCTV, customer refusal registers, training records and any other written evidence that is relevant. If the evidence produced to the courts is poor or inadequate a conviction will follow.

25

Is it a legal requirement for the Premises Licence Holder to train staff in the Age Verification Policy?

Answer: B

Summary

Under the Licensing Act 2003, there is no legal requirement to train the staff in the Age Verification Policy. The only requirement is that the owners of Premises Licenses must make all their staff aware of the existence and the contents of the policy. However, many Premises Licenses now have special conditions on their licence that does make it a legal requirement to train all staff not only in age verification systems but also licensing law. It is best practice that all training that happens on licensed premises to be well documented as this can be used as evidence in your defence following a prosecution. Failure to carry out the training would be seen as breach of condition of the Premises Licence followed by severe penalties.

**LICENSING ACT 2003
Refusals Policy**

The Management & Staff

Welcomes all our customers, however please note

WE WILL NOT SELL ALCOHOL TO:

- 1: Persons who are drunk (or appear to be drunk)
- 2: Persons who are attempting to purchase alcohol for another person who is drunk or appears to be drunk
- 3: Persons who are either verbally or physically abusive to the staff or other customers
- 4: Persons who are unable to produce valid ID when asked
- 5: Persons who behave in an anti-social manner towards any customer, staff or the premises.

This Premises fully supports the local Police and Council in the prevention and detection of crime and disorder using our CCTV system.

Any person who is in breach of this policy on these premises may be reported to the police and your details given including an image from the CCTV

Staff Induction Log book

I (name).....confirm

That I have read and fully understand the following

	Document Name	Date of completion
1	The 4 Licensing Objectives	
2	Premises Licence and Conditions	
3	Age Verification Policy	
4	Age Verification Scheme and signage	
5	Refusals Policy Sale and Service of Alcohol to under 18's	
6.	Section 57 & Business Names Notice	
7.	Alcohol Authorisation Log book	
8	Customer Refusals Log Book	
9	Incident Report Log Book	
10	-	
11	-	
12	Age Restricted Products, Cigarettes & Tabacco Training & Age Verification Questions and Answers	
13	Staff Induction log sheets	
	Any Further Training received ie: PSPO's etc/ Imposed conditions etc (list details)	

I have read & understand how this business can be affected and damaged by not adhering to them. I agree to abide by them at all times.

I also agree that whilst employed at these premises, I agree to abide by the policies that have been implemented by the management and will not deliberately carry out any actions that may cause concern for the business and Premises Licence.

Signed.....

Date.....

In the UK it is illegal to buy alcohol on behalf of anyone under the age of 18. Purchases of this type are called 'Proxy' purchases.

Retailers found to be supplying alcohol to minors, including via proxy purchases, could face a fine and/or have their license removed.

- This is an example of a Proxy sign. You will see these around the Point of Sale and near any Alcohol on display.

WARNING PROXY SIGN FOR ADULTS

If you are buying alcohol for underage people
THEN DON'T!

because it's an criminal offence

We **WILL** report you and give the police a copy of your photograph taken by our CCTV cameras

The penalty is £5000 fine