

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 19 AUGUST 2024

Present: Cllrs Derek Beer, Louise Bown and Les Fry

Officers present (for all or part of the meeting):

Elaine Tibble (Senior Democratic Services Officer), Philip Crowther (Legal Business Partner - Regulatory), Aileen Powell (Licencing Team Leader), John Miles (Democratic Services Officer) and Matthew Turnbull (Democratic and Electoral Services Apprentice)

Also present: Sargeant Gosling, Ms Gatehouse (Speaking on behalf of Dorset Police), Mr Rajesh (Agent on behalf of Eats and Drinks), Mr Jayasuthan (Designated Premises Supervisor and Manager) and Ms Jayasuthan.

63. Election of Chair and Statement for the Procedure of the Meeting

Proposed by Cllr Les Fry, seconded by Cllr Louise Bown.

Decision: that Cllr Derek Beer be elected as Chair for the duration of the meeting.

64. Apologies

Apologies for absence were received from Cllrs David Shortell and Kate Wheller, substituted by Cllrs Louise Bown and Les Fry.

65. Declarations of Interest

Cllr Les Fry declared that he used to work with Mr Yeoman 9 years ago when he was serving with the Police.

66. Urgent items

There were no urgent items.

67. Licence Review – Eats and Drinks, Weymouth

The Licensing Team Leader introduced the report to review a premises licence brought by Dorset Police. The licence was for off sales of alcohol between 7.00 and 23.00 hours every day and there were no conditions on the licence apart from mandatory conditions.

Sargeant Gosling on behalf of Dorset Police addressed the Sub-Committee. He explained that he had helped Kirsty Gatehouse manage the premises in regard to providing advice and had visited the premises multiple times. It was a difficult area

to operate however, Dorset Police had high expectations of all licensees to ensure that the licensing objectives were promoted but felt that these had not been upheld fully over the past months/years. As there were established practices that did not uphold the licensing objectives and had a detrimental impact on the town.

In response to questions from Cllr Les Fry regarding what actions had been taken. Kirsty Gatehouse responded that before concerns had been raised by local hoteliers, the review was in process. Dorset Police heard concerns outside of the time when people could make their own representations. The complaints pertained to lots of people hanging around outside the shop that were sometimes intoxicated and abusive. Dorset Police last summer went around to all of the convenience stores and informed them of the issues that were occurring to do with alcohol related antisocial behaviour. She explained that Eats and Drinks was quite reluctant to make lasting changes as they believed lots of people wanted to buy single cans of alcohol. The street drinking community that caused most of the antisocial behaviour were often homeless and struggle financially and made most of their money through begging, finding or stealing. It was easier to buy single cans of strong alcohol at a time and go back and forth when they acquired money. She had visited a number of times last year and spoken to Jay and his wife about the issues that they were experiencing. They did not fully appreciate the concerns that were raised. At the end of November last year, the Police Cadets conducted a purchasing exercise and Eats and Drinks did not pass this test purchase, in which a warning was sent out. But she did not want this to be taken into consideration by the Sub-Committee.

Mr Rajesh on behalf of the licence holder addressed the Sub-Committee. He explained that the test purchase conducted by the Police Cadets was the exception as all the other tests by trading standards had passed. Mr Jayasuthan had operated the business for 22 years and Ms Jayasuthan owns the business. They knew all the customers and the premises played a big role in the local community and engaged in local charities and events. During lockdown the premises offered free home deliveries to vulnerable people.

The Sub-Committee adjourned at 11.15 for the Police to consider if they accepted the additional information submitted by Mr Rajesh.

The Sub-Committee resumed at 11.45 and the Police agreed to accept the additional information submitted.

The Sub-Committee adjourned at 11.47 in order for the Cllrs to consider the additional information.

The Sub-Committee resumed at 12.01. All parties agreed to accept the additional information.

Mr Rajesh made the committee aware that the business was well managed and that they listened to all the requests by the Police to stop selling strong strength alcohol. He explained the 2 allegations of serving intoxicated persons in which the man visited the premises in the morning to buy alcohol and was not drunk. He then came back at 11.30 and was intoxicated. The premises did not serve the person when he returned. The individual had been banned previously from the

premises for a long time and was a troubled person and even when banned, he visited the premises and often made threats. He added that if the Police kept troublesome people away from the area, then there would be no problems. He addressed the allegations of handling stolen goods. There was only one shop employee working at the time, and the man went straight to the toilet, the staff noticed that the customer walked towards the toilet without asking, so he followed him, and then he wanted to change a £20 note. The Police were provided with CCTV footage, and he believed there had been no illegal activity. He had asked officers to produce a supplement with evidence of allegations, but nothing was put forward.

Ms Jayasuthan spoke about the improvements that had been made in the shop and about the allegations which caused stress and increased shop lifting. Mr Jayasuthan informed the toilet would no longer be used by people in the shop and that he had full confidence in his staff. In response to Police questions, he explained that high strength alcohol ceased being sold after COVID and could only be bought based on request.

A vote to extend the meeting was taken at 13.30 as the duration of the meeting had passed 3 hours.

Propose by Cllr Les Fry, seconded Cllr Louise Bown.

Decision: To extend the duration of the meeting.

Sargeant Gosling made the committee aware that it was the first-time hearing reference to a toilet in the back and people using it.

Mr Rajesh responded that he did not have time to inform the police as he was too busy preparing for the Licensing Sub-Committee and did not know the full information.

All parties were given the opportunity to have their say and sum up.

Decision:

- To add the following conditions in addition to the Mandatory Conditions (set out below) to the Premises Licence:
 1. All sales of alcohol for consumption off the Premises shall be in sealed containers only and shall not be consumed on the Premises.
 2. No beers, ciders or lagers of 5.5% ABV (alcohol by volume) or above shall be sold at the Premises.
 3. No single cans or glass bottles of beer, cider, lager or alcopops shall be sold, with the exception of those in cans or bottles in excess of 500ml in volume.
 4. The minimum number of cans of beers, ciders, lagers or alcopops less than 500ml in volume purchased in one transaction will be four.
 5. All spirits will be displayed behind the counter.

6. No miniature bottles of spirits of 20cl or below shall be sold from the premises.
7. No sign or advertisement shall be displayed outside the premises that advertises the price of any alcoholic product.
8. Challenge 25 shall be operated at the Premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport, or holographically marked PASS scheme identification cards.
9. Appropriate signage advising customers of the Challenge 25 policy shall be prominently displayed in the Premises.
10. A log shall be kept detailing all refused sales of alcohol. The refusals log should include the date and time of the refused sale, a description of the person refused, why they were refused (eg no ID, fake ID) and the name of the member of staff who refused the sale.
11. The record shall be checked by the Designated Premises Supervisor at least once a week and shall be signed to that effect. This refusals record shall be kept on the premises and shall be available for inspection by the Police or an authorised officer of the Council at all times whilst the Premises is open.
12. A Closed-Circuit Television (CCTV) system will be operational at the Premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system must cover all areas of the premises including the area outside the toilet. The CCTV system will contain the correct time and date stamp information and will have sufficient storage retention capacity for a minimum of 31 days of continuous footage. Weekly checks will be made and documented to ensure the system is functioning as required and all details are correct, including the time and date shown.
13. CCTV shall be downloaded on request of the Police or authorised officer of the Council.
14. A staff member who is conversant with the operation of the CCTV system will be on the Premises at all times when the Premises is open to the public.
15. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the Premises.
16. All staff involved in the sale of alcohol shall receive training on the Licensing Objectives, the law relating to prohibited sales, the age verification policy adopted by the Premises and the conditions attached to the Premises Licence. Refresher training shall be provided at least once every six months. A record shall be maintained of all staff training and that record shall be signed and dated by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by Police, Licensing or other authorised officers.
17. Incident Log
An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved

and made available on request to an authorised officer of the Council or the Police, which shall record the following:

- (a) any complaints received
- (b) any incidents of disorder
- (c) any faults in the CCTV system
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service
- (f) all crimes reported to the venue
- (g) all ejections of customers

This log to be checked and signed on a weekly basis by the Designated Premises Supervisor.

18. The toilet at the premises shall be used only by staff and not by members of the public and shall be kept locked when not in use.

Mandatory conditions

1. Supply of Alcohol (s19(2)&(3))
No supply of alcohol may be made under the premises licence –
- (a) at a time when there is no designated premises supervisor, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence has been suspended.
- 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. 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.
4. For the purposes of the condition set out in paragraph 3—
- (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.

- 5. Where the permitted price given by Paragraph (b) of paragraph 4 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 6. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 4 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.

Also, to remove the Designated Premises Supervisor.

68. Exempt Business

There was no exempt business.

Duration of meeting: 10.30 am - 1.00 pm

Chairman

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