



## Licensing Sub-Committee

**Date:** Monday, 19 August 2024  
**Time:** 10.30 am  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

**Members (Quorum: 3)**

Derek Beer, Louise Bown and Les Fry

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224877 [john.miles@dorsetcouncil.gov.uk](mailto:john.miles@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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### Agenda

Item		Pages
1.	<b>ELECTION OF CHAIR AND STATEMENT FOR THE PROCEDURE OF THE MEETING</b>	3 - 6
	To elect a Chairman for the meeting and the Chair to present and explain the procedure for the meeting.	
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
3.	<b>DECLARATIONS OF INTEREST</b>	
	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

**4. URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

**5. LICENCE REVIEW – EATS AND DRINKS, WEYMOUTH**

7 - 44

An application has been made by Dorset Police to review the premises licence at the Eats and Drinks store in Weymouth. A Licensing Sub Committee must consider the application and representations from all parties at a public hearing.

**6. EXEMPT BUSINESS**

**There are no exempt items scheduled for this meeting.**



## **THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

### Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

### Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

### Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to leave, and may refuse that person to return, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

### **FOOTNOTE:**

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Services at Dorset Council and they will be provided with a full copy of the regulations on request.

## LICENSING SUB-COMMITTEE PROCEDURE

1. At the start of the meeting the Chairman will introduce:
  - the members of the sub-committee
  - the council officers present
  - the parties and their representatives
2. The Chairman will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The applicant or their representative is then invited to present their case.
5. Committee members will be invited to ask questions.
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chairman may then allow an opportunity for questions.
8. The Chairman will ask any person who has made representations, who have already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
9. All parties will be given the opportunity to “sum up” their case.
10. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the sub-committee will withdraw from the meeting to consider its decision in private. The sub-committee will be accompanied by the Democratic Services Officer and the Legal Advisor can be called upon to offer legal guidance.
11. The Chairman will:
  - advise when the sub-committee’s decision will be confirmed in writing.
  - Inform those present of their right to appeal to the Magistrates’ Court.

## **NOTE**

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.

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## LICENSING SUB-COMMITTEE

19 August 2024

### Licence Review – Eats and Drinks, Weymouth

#### For Decision

**Cabinet Member:**

Cllr G Taylor, Health and Housing

**Local Councillor(s):**

Cllr J Orrell

**Executive Director:**

Jan Britton, Executive Lead for Place

Report Author: Aileen Powell

Job Title: Licensing Team Leader

Tel: 01258 484022

Email: aileen.powell@dorsetcouncil.gov.uk

**Report Status:** Public

**Brief Summary:** An application has been made by Dorset Police to review the premises licence at the Eats and Drinks store in Weymouth. A Licensing Sub Committee must consider the application and representations from all parties at a public hearing.

**Recommendation:** The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of; -

- a) The prevention of crime and disorder
- b) The prevention of public nuisance
- c) Public safety
- d) The protection of children from harm

**Reason for Recommendation:** The Sub-Committee must consider all the written representations, the oral representations, and any information given at the hearing before making a decision.

## **1. Background**

1.1 Section 4 of the Licensing Act 2003 sets out the duties of the Licensing Authority, it sets out that a Council's licensing functions must be carried out with a view to promoting the four licensing objectives of:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

1.2 All applications and decisions are made with due regard to the [Licensing Act 2003](#), the [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) and the [Dorset Council Statement of Licensing Policy](#).

## **2. Details of the Review Application**

2.1 Dorset Police has applied to review the premises licence for Eats and Drinks, 24 – 25 King Street, Weymouth, DT4 7BH, under section 51 of the Licensing Act 2003. The application form and a supporting statement from a CSAS (Community Safety Accreditation Scheme) Officer are attached at Appendix 1.

2.2 The review is made under the licensing objective of the prevention of crime and disorder on the grounds that; -

there is evidence that this premises is associated with handling stolen goods.

Additionally, Dorset Police, alongside our partners in Dorset Council, have concerns that this premises is failing to promote the licensing objectives by offering alcohol for sale to those that are most vulnerable in our communities, namely street homeless individuals.

Dorset Police no longer have confidence in the DPS or Premises Licence Holder to uphold the licensing objectives at this premises.

## **3. The Licence**

3.1 The Licence is currently held by Naguleswaran Jayauthan.

3.2 Mr. Jayauthan has held the Licence since 2005, when the Licensing Act 2003 came into effect.

3.3 The licence allows for off sales of alcohol from 7am to 11pm every day. There are no conditions on the licence apart from the mandatory conditions. The Licence is attached at Appendix 2 together with the set of mandatory conditions that apply to this licence whether they appear on the licence or not.

3.4 The agent for the applicant has written to the police regarding the content of the review. The correspondence is attached at Appendix 3 together with a letter that is referenced.



#### **4. Responsible Authorities Representations**

- 4.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on every application. Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.
- 4.2 No representations from any of the remaining Responsible Authorities have been received.

#### **5. Representations from Other Persons**

- 5.1 The Town Council responded to the application supporting the review
- 5.2 There have been 13 representations in support of the premises licence holder. These representations are from current customers of the premises, and all speak very favourably of Mr. Jayathan and his staff. The representations are attached at Appendix 4.

#### **5. Relevant Sections of the Licensing Act 2003**

- 5.1 Section 4 sets out the general duties of the Licensing Authority; -
- (1) A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives.
  - (2) The licensing objectives are—
    - (a) the prevention of crime and disorder;
    - (b) public safety;
    - (c) the prevention of public nuisance; and
    - (d) the protection of children from harm.
  - (3) In carrying out its licensing functions, a licensing authority must also have regard to—
    - (a) its licensing statement published under section 5, and
    - (b) any guidance issued by the Secretary of State under section 182.

#### **6. Relevant Sections of the Statutory Guidance issued under Section 182**

- 6.1 Officers have identified the following paragraphs of the Revised Guidance issued under Section 182 of the Licensing Act 2003 issued in December 2023 (The Guidance) to be of particular relevance; -
- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it

should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objective

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

## **6 Relevant Sections of Dorset Council's Statement of Licensing Policy**

- 6.1 Officers have identified the following paragraphs of the Dorset Council Statement of Licensing Policy 2021-2026 (The Policy) to be of particular relevance; -

13.9 The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

13.15 Where any agency provides evidence of the keeping of smuggled goods, such as counterfeit alcohol or tobacco, or the employment of persons who do not possess the right to work in the UK, the relevant agency may request a review of the premises licence.

## **7 Options**

- 7.1 The members of the Sub-Committee will determine the application in the light of all of the written representations and any oral evidence given at the hearing. They will take such steps as they consider appropriate and proportionate for the promotion of the licensing objectives of: -
- a) The prevention of crime and disorder.
  - b) The prevention of public nuisance.
  - c) Public safety.
  - d) The protection of children from harm.
- 6.2 The steps that the Sub-Committee may take are to: -
- a) Take no action.
  - b) Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.
  - c) Exclude a licensable activity from the scope of the licence,
  - d) Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
  - e) Suspend the licence for a period not exceeding three months.
  - f) Revoke the licence.

## **8 Financial Implications**

Any decision of the Sub Committee could lead to an appeal by any of the parties involved that could incur costs.

## **9 Natural Environment, Climate & Ecology Implications**

The Council is under a general duty to consider the impact any decision will have on the Natural Environment, Climate and local ecology.

## **10 Well-being and Health Implications**

None

## **11 Other Implications**

None

## **12 Risk Assessment**

- 12.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: High

Residual Risk: High

**13 Equalities Impact Assessment**

Not applicable

**14 Appendices**

Appendix 1 - Application

Appendix 2 - Licence and Plan

Appendix 3 - Correspondence

Appendix 4 - Representations Supporting the Premises

**15 Background Papers**

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Dorset Council Statement of Licensing Policy 2021](#)

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**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I** Sergeant Gareth Gosling on behalf of the Chief Officer of Dorset Police

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Eats & Drinks 24-25 King Street	
<b>Post town</b> Weymouth	<b>Post code (if known)</b> DT4 7BH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Mr Naguleswaran JAYASUTHAN
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<b>Number of premises licence or club premises certificate (if known)</b>  <b>WPPL0248</b>
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

<b>Name and address</b>  Drug & Alcohol Harm Reduction Team Bournemouth Police Station 5 Madeira Road Bournemouth Dorset BH1 1QQ
<b>Telephone number (if any)</b> 01202 227824
<b>E-mail address (optional)</b> licensing@dorset.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes ✓     |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

<p><b>Please state the ground(s) for review</b> (please read guidance note 2)</p> <p><u>The Prevention of Crime and Disorder</u></p> <p>Dorset Police bring this premises licence before the members of the Licensing Sub-Committee for review on the basis that there is evidence that this premises is associated with handling stolen goods.</p> <p>Additionally, Dorset Police, alongside our partners in Dorset Council, have concerns that this premises is failing to promote the licensing objectives by offering alcohol for sale to those that are most vulnerable in our communities, namely street homeless individuals.</p> <p>Dorset Police no longer have confidence in the DPS or Premises Licence Holder to uphold the licensing objectives at this premises.</p> <p>There are no conditions currently attached to this premises licence other than those conditions which are mandated by the Licensing Act 2003.</p>
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**Please provide as much information as possible to support the application** (please read guidance note 3)

This application for a review of the premises licence for Eats & Drinks, 24-25, King Street, Weymouth, is being submitted by Dorset Police as we can demonstrate that this premises has undermined the licensing objectives of the Prevention of Crime & Disorder.

It is and always has been the intention of Dorset Police Drug & Alcohol Harm Reduction Team to engage and support licensees throughout Dorset to promote the four licensing objectives of Preventing Crime & Disorder, Preventing Public Nuisance, Promoting Public Safety and Protecting Children from Harm.

It is our expectation that all licensees will endeavour to meet these objectives and fulfil their duty as licensees with responsibilities to uphold these objectives and meet the conditions of their premises licence.

Dorset Police are receiving increased reports of concern regarding this premises, which includes the way the operators engage with street homeless; the concern that we have that they are buying stolen goods, the lack of appropriate conditions being attached to their premises licence and that the relationship between Dorset Police and the operator has been significantly undermined following the most recent incident.

Regarding our concerns that the operators of this store are suspected of buying stolen goods, Dorset Police, through *Operation Shopkeeper*, are working hard to pursue those responsible for prolific shoplifting, whilst also gathering and developing any intelligence associated with regular or popular destinations for stolen goods. We will relentlessly pursue anyone that is supporting or facilitating the theft of goods, often in bulk or to order, from the businesses on our high streets.

Further detailed information will be provided for the benefit of the members of the Sub-Committee in due course.

The Section 182 Guidance issued under the Licensing Act 2003 envisages at section 11.28 that *‘Police...and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime’* and that *‘where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered’*.

Dorset Police, through our Drug & Alcohol Harm Reduction Team, working with other colleagues within Dorset Police and partners in Dorset Council and other responsible authorities, support licensed premises to provide value to their communities and to do so compliantly and in promotion of the licensing objectives. This premises, having been under the control of the existing operator for many years, has been identified as not operating to the high standards that are expected by Dorset Police and our partners.

Dorset Police invite the Sub-Committee to consider all of the options available to them under the Licensing Act 2003 with particular consideration to be given to revocation of the Premises Licence if the members of the Sub-Committee cannot be reassured that conditions may be offered which will restore confidence in the operator to deliver licensable activities compliantly and legally.

Whilst fiscal matters are not of concern to the Sub-Committee; if the Licensing Sub-Committee were to revoke the premises licence, Dorset Police are of the view that the business will remain viable given that the community is made up of residential and commercial premises that will continue to need groceries and other goods, which are offered at this store in addition to alcohol.

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

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**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature   
.....

Date **25<sup>th</sup> June 2024**  
.....

Capacity **Police Sergeant**  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: [REDACTED]

Age if under 18: **OVER 18** (if over 18 insert 'over 18')

Occupation: **CSAS OFFICER**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: [REDACTED]

Date: **14/05/2024**

Tick if witness evidence is visually recorded  (supply witness details on rear)

1. I am employed by Dorset Council as a Community Safety Patrol Officer and am accredited under the Community Safety Accreditation Scheme. My area of responsibility is WEYMOUTH TOWN CENTRE including but not limited to the ESPLANADE, WEYMOUTH RAILWAY STATION and parts of RODWELL TRAIL. I am authorised by the Anti-Social Behaviour Crime and Policing act 2014 to serve and enforce Community Protection Warning Notices (CPWN) AND Community Protection Notices (CPN). On Tuesday 14<sup>th</sup> May 2024 at approx. 0950 hrs I witnessed in clear unobstructed view a male known to me as [REDACTED] [REDACTED] outside of the drop in on Raneleigh Road. I know [REDACTED] as I have had many dealings with him through the course of my duties, [REDACTED] has an address of [REDACTED] [REDACTED]. I would describe [REDACTED] as approx. [REDACTED] years old. Approx. five foot 6 inches tall, short grey hair wearing a grey jumper and grey jogging bottoms. As I approached [REDACTED], I could tell he was heavily intoxicated I gave him words of advice to go home and to not go onto the seafront due to his CPWN being in place I could see no containers of alcohol at this time, however after this he went round to Eats & Drinks and was served 2 cans of alcohol. He was displaying ASB by being aggressive and swearing, I told [REDACTED] to start making his way back home. At approx. 1130 [REDACTED] was issued a Section 35 following further ASB and was again served in Eat & Drinks for another 2 cans of alcohol. At approx. 1350 [REDACTED] was sat up on the Promenade, Weymouth in the shelter opposite Rossi's Ice Creams I contacted QC to inform of the breach, shortly after this [REDACTED] was arrested for the

Signature: [REDACTED]

Signature witnessed by:

Continuation of Statement of: [REDACTED]

breach of his Section 35 which had been issued earlier. On 11<sup>th</sup> March 2024 I am aware a CPWN was authorised and issued to [REDACTED] on the Promenade, Weymouth. *The conditions are as follows: **Not to be in possession of an open container of alcohol in any area where a Public Space Protection Order is in place within the Dorset Council area.***

2. ***Not to be in a group of 3 or more persons which includes yourself, in any outdoor place to which the public has access in the Dorset Council area. Except for any location operating a support service at that time.***
3. ***You must not cause nuisance, harassment, alarm or distress to any person anywhere within the Dorset Council area.***
4. ***Not to enter the area marked in red on the attached map, unless attending The Lantern or any other pre- arranged appointment with a support service - this is the area from the Pleasure Pier behind the Pavilion to the Groyne by the Sluice Gardens' and you must not enter Weymouth Train station, forecourt, car park or platform, except with valid reason and ticket to travel.***
5. ***You are not to enter retail premises that you have been banned from, verbally or written.***
6. ***You must engage with REACH Drug and Alcohol services; you can do this by phoning 0800 043 4656.***

Signature: [REDACTED]

Signature witnessed by:

**Witness Contact Details**

Home Address: **C/o WEST WEYMOUTH POLICE STATION, RADIPOLE LANE, WEYMOUTH**  
 Postcode: **DT4 9WW**  
 Home Telephone Number: [REDACTED] Work Telephone Number [REDACTED]  
 Mobile / Pager Number: [REDACTED] E-mail Address: [REDACTED]@Dorsetcouncil.gov.uk  
 Preferred means of contact (*specify details*):  
 Best time of contact (*specify details*):  
 Female Date and Place of Birth: [REDACTED]  
 Former Name: Ethnicity Code (16+1): **W1** Religion / Belief **NONE**

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness Care**

- a) Is the witness willing and likely to attend court? Yes / ~~No~~. If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Is the witness vulnerable or intimidated? Yes / No.
- d) If 'Yes', does the witness require 'special measures'? Yes / No.  
If 'Yes', submit **MG2** with file.
- e) Does the witness have any particular needs? Yes / No. If 'Yes', what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes  No  N/A
- b) I have been given the Victim Personal Statement leaflet (victims only): Yes  No  N/A
- c) I have been given the leaflet "Giving a witness statement to the police – what happens next?": Yes  No  N/A
- d) I consent to the police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*): Yes  No  N/A
- e) I consent to the medical record(s) in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA: Yes  No  N/A
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:
- h) I have been given a compensation form (MG19): Yes  No  N/A

Signature of witness: PRINT NAME:  
 Signature of parent / guardian / appropriate adult: PRINT NAME:  
 Address and telephone number if different from above:

Statement taken by (*print name*): [REDACTED] Station: **WEST WEYMOUTH**

Time and place statement Taken: **1625 HRS WEST WEYMOUTH POLICE STATION**

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**Licensing Act 2003**  
**Premises Licence**

**WPPL0248**

Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**EATS AND DRINKS**

24-25 KING STREET, WEYMOUTH, DORSET, DT4 7BH.

Telephone 07958626675 or 01305 766520

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption	OFF the premises only Monday to Sunday	7:00am	11:00pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Not applicable		

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- J. Supply of alcohol for consumption OFF the premises only

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Naguleswaran JAYASUTHAN

Telephone [REDACTED]

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Naguleswaran JAYASUTHAN

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. WPBC/05/0100

Issued by Weymouth and Portland

## Licensing Act 2003 Premises Licence

# WPPL0248

### ANNEXES

#### ANNEX 1 - MANDATORY CONDITIONS

##### Sale of Alcohol

- 1) No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence; or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

#### ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

None

#### ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Not applicable - no hearing held.

#### ANNEX 4 - PLANS

The hand drawn plan submitted as part of an application to convert an existing licence to a premises licence under Schedule 8 to the Licensing Act 2003 dated 1st June 2005 forms part of this licence and should be read in conjunction with it.

## 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.

## Appendix 4 – Correspondence from Applicant

I understand that the Review application has been made under the Prevention of Crime & Disorder, for the following reasons-

- Handling stolen goods
- Serving to Vulnerable individuals
- No confidence in the current Licensee & DPS

I had a detail conversation with my client regarding the current management and the history of the premises. Furthermore, I can see that there are issues in relation to street drinking in this area and we truly respect your concerns.

My client has run this business for the past 22 years in this area. This is one of the long-standing businesses and this is his livelihood. This business is owned by his wife however he manages the premises with his team.

I'm sure that you will appreciate that running this business in this environment is not an easy task. He refused to serve alcohol to several individuals on daily basis for multiple reasons. Moreover, to be on top of everything he trains his staff on regular basis, and I believe these training records were submitted/shown to your team & the councils' licencing team in the past.

In addition to that, when there are concerns raised by any Responsible Authorities in the past, he never ignored any advice & guidance rather he fully engaged with relevant parties via verbal & written communication. You might have seen some of the letters he wrote to the licensing team in the past.

Regarding the allegation in relation to stolen goods, the matter was brought to my client's attention sometime in May 2024. On the date and the time of the allegation, Mr Jayasuthan wasn't in the premises and therefore he confronted his staff and reviewed the CCTV. He didn't find any evidence for this allegation, and he provided all the CCTV footages to the officers (Police & Council Licensing) at that time. There was no further communication nor any follow-up, so he believed that the matter was closed.

Regarding the incident on the 14<sup>th</sup> of May 2024, again my client wasn't in the premises at that time. However, when he was notified about this matter, he reviewed the CCTV footages and talked to his staff. As my client explained on his letter dated 21/05/2024, this individual was served in the morning when he wasn't drunk however, we have refused the alcohol when he returns later around 11.30am because he was intoxicated. My client wrote to the council explaining this and there was no follow-up.

## Appendix 4 – Correspondence from Applicant

I can see from the application that you don't have confidence with the current licensee & DPS. Therefore, we are happy to transfer the responsibilities to the business owner so she will be taking the responsibilities under Licensing Act 2003.

My client builds this business & his customers in the past 22 years. He will never jeopardise his livelihood by selling few cans of beer to street drinkers. He has taken all the steps to train his staff, He never ignored any of the authorities rather he is always corporative and responsive. Therefore, we are sincerely urging you to reconsider your position also we are more than happy to meet with you to resolve this matter effectively.

DORSET COUNCIL

23 MAY 2024

Digital Mail Room

## Eats & Drinks Ltd

25, King Street, Weymouth, Dorset, DT4 7BH  
Tel: 01305 766 520

Kathryn Miller  
Senor Licencing Officer  
Dorset Council  
Colliton Park  
Dorchester  
Dorset  
DT1 1UZ.

21/05/24

Dear Sir/Madam,

I am writing in response to the letter dated 15/05/2024 regarding the incident involving [REDACTED]

Upon reviewing the CCTV footage and discussing the matter with my staff, I can confirm that [REDACTED] was not intoxicated when he was served at 10:30 AM, around 11.30Am we have refused to sell him and have request him several time to leave the promises, a female customer purchased two cans of Lynx lager during that time. Subsequently, afterwards both my staff and I refused to sell him alcohol twice on the same day.

[REDACTED] is known for being abusive and aggressive towards both staff and other customers. Consequently, he has been banned from our shop about 2 years ago now. However, he frequently ignores this ban. It becomes extremely difficult for us to get rid of him from the premises.

Regarding this incident, I can assure you that we acted responsibly on that day. I kindly request that you forward a copy of this letter to the Dorset Police for their attention.

Yours sincerel ,



N. Jayasuthan (Jay)

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## Representation in Support of the Review

### Representation From Weymouth Town Council

It was felt that the Committee could not add to this, and the Chair supported the Police in any action they take regarding the prevention of crime and said that the Police obviously no longer have confidence in the license for that premises. The Committee agreed to support the review and await further information.

## Representations in Support of the Premises Licence Holder

### Representation 1

I have received a notice of a review of a licenced premises – Eats and Drinks, 24-25 King Street Weymouth.

My name is xxx and as Post Master traded as King Street Post Office for over 20 years which was next door to Eats and Drinks.

During that time I was acquainted with Mr Jay Naguleswaran for over 18 years.

Both premises were licenced so we conversed over licencing rules on a regular basis.

The Park Area where we are situated is one of the most deprived areas in Weymouth so theft and abuse have been a constant worry.

In latter years this problem has increased a hundred fold and is affecting retail outlets large and small.

We are seeing desperate and aggressive individuals stealing from licensed outlets for their addictions to tobacco and alcohol.

I have found Jay to follow all the licensing rules in these troublesome times and to ensure that all his staff follow theses rules.

Finally can I ask that these shops are given help from Police and Trading Standards before we lose many of our local shops

### Representation 2

I am writing in support of the above premises.

My husband and I have been shopping there for the last 20 years, as we live just around the corner. Jay and his family and staff have always been very friendly and polite, in what can be very difficult circumstances. I have witnessed myself the abuse that they often have to put up with from some of the people that go in there. It is not the easiest place to have a retail premises, been near the train station etc, and some of the people that hang around there. Jay and his family and staff always, in my opinion, deal with some very difficult customers with tolerance and respect. Also checking ID of young people wanting to buy alcohol and refusing to sell to obviously drunk people. Which isn't an easy thing to do! They are an big part of the local community, open long hours, which people need, and provide essential services. Such as package collections and newspaper delivers.

Thank you for your attention in this matter

### Representation 3

With regards to the public notice that have been published on Eats & Drinks, 24-25 King Street, Weymouth, DT4 7BH, I would like to express my opinion on this matter. I have been shopping at Eats and Drinks for many years and I always found it one of the great local shop that helps the local community in Weymouth. I know the owner and the staff for a long time and always been very helpful. I am very surprised to hear this has happened because I have seen them few times that they have refused to sell to drunken people as well as underage customers especially when they try to buy age restricted products. I am very confident that they always take extra care when selling goods to the local community. During the pandemic time this local shop has taken extra effort to take care of our needs especially with elderly people. I believe the Dorset Council wouldn't allow any local business to suffer to run the business and this will have a huge impact on customers like me who regularly shop at Eats and Drinks. This type of a local shop should be supported as all local business should be. Therefore I hope this email finds you re assurance that they should continue to hold the license to sell.

### Representation 4

As the owner of a property opposite the premises, I would like to bring to your attention how convenient it has been to me, family and friends that we have Eats and Drinks on our doorstep.

They are a very responsible business, and I have seen on many occasions them checking ID on alcohol sales (including my own children who are 19 years old and above) as well as refusing to sell to others that were already drunk.

The vast array of goods available to buy, especially without a Superstore within walking distance, makes being there less stressful. The later opening hour as well is very useful.

To/  
The Licensing Bench.

DORSET CO

15 JUL 2024

11-07-24

Digital Mail Room

Dear Sus

Having been a partner in King St. Post Office business for 20 years - the P.O. having been closed 2 years before 2006, on my retirement the shop was sold to Mr. Naguleswaran. Having dealt with him during the selling process I have no doubt as to his integrity, honesty and general good character.

I still live in this vicinity and use his shop regularly. As you may well know the Park Area is

2

one of the most deprived areas in the country and whilst some of the people using his shop are very difficult, both Mr. Naguleswaran and his staff always deal with them firmly and take the necessary precautions to stop anything illegal happening.

Small shopkeepers, especially those of different colour are experiencing increasing abuse. Shoplifting and violence are everyday occurrences

Eats and Drinks provides a familiar stop for the people in this area for all and all are welcome

Eats + Drinks is a valuable asset

in the community - the only place to provide a paper delivery service - a godsend to the elderly and housebound. The delivery people keep an eye on untaken papers from letter boxes and an early morning eye on the area.

Mr. Naguleswaran and his staff are pleasant, helpful, polite and we admire them greatly. A well run, efficient and welcome business in the area.

Yours sincerely





### Representation 6

Dear members of the Licensing Sub-Committee

I am a daily customer of Eats and Drinks. I couldn't help but see the official notice on the inside of the shop window of notice given for this licensing review. It's not in my nature to watch an injustice done hence. why I am writing to you. In seven years I have never seen or heard anything about what has been alleged. I have seen the staff refuse to sell alcohol to people who are already intoxicated and stand firmly when the intoxicated person tries manipulating the staff otherwise. Also whilst in the queue I have seen them ask for I.D. for tobacco, vapes and alcohol and be very firm denying these products if it isn't produced. I know they don't allow particularly intoxicated persons to loiter outside the shop. From what I see is all the locals from all walks of life have a lot of respect for all of the staff. I have been present when staff have engaged with a young mum and her child and show kindness giving the child some sweets, obviously they see the financial difficulty these mums must have. These small actions stood out and is why I remember it so clearly.

This is a very busy shop and the owner Jay wouldn't need to buy things stolen, I imagine he is well aware of the consequences of what would happen. He 's not foolish, he has a family to consider first and foremost all of which I know and are extremely polite. It is my opinion that the license should remain in place.

### Representation 7

Dear members of the Licensing Sub-Committee

I am a daily customer of Eats and Drinks shop. I could see the official notice pasted in their shop window of notice given for this licensing review. I am going to the shop very often for buying day to day needs like milk and bread. I am buying in this shop for many years, still now I didn't see any of the staffs members or the shop owners is not illegally buying any alcohols or any other product from any one. As per my knowledge the staffs and the owner also very genuine and good persons to deal with. They are very kind to all the customers in all age groups and ready to help if we ask for without any hesitations. Many times I could see they ask for ID's to check the under 18 people for selling vapes,tobacco,lottery and alcohols. And also not ready sell alcohols to the persons who have already drunk and came to the shop. Other nearby customers also finds the staff members is having respect towards the customers. If a mum is not having enough money to pay for their children sweets they offer them for free by knowing their difficulties which I found this as a very good quality. I have seen once a person who is hungry not having enough money to buy a sandwich but the owner Jay is very kind to offer him for free.

This is a very busy shop and the owner Jay wouldn't need to buy any stolen things. And definitely he is well aware about the consequences if something mistakenly happens. He has family to consider first and foremost all of which I know and are extremely polite. So my opinion is the license should remain in place.

### Representation 8

I write to comment on the application for review of the premises licence on respect of Eats & Drinks 24-25 East St Weymouth DT4 7 BH.

I have been a customer of this business for more than a decade and have visited the premises regularly at various times of day from morning to evening and often between 10 and 11 pm. I can honestly say I have never seen any member of the team behaving in other than an exemplary manner. I have witnessed customers refused service of alcohol due to their obvious over indulgence, always in a courteous manner.

I also find it extraordinary that the handling of stolen goods could possibly be happening here. It is a family business in which the owner's whole family plays a part and I do not believe such activity would be tolerated by the owner. I have never seen anything which would suggest it to be the case.

I hope that the review will give the business the chance to show that it is not failing to adhere to it's legal requirements as I believe not to do so would adversely affect the business and could deprive the area of an essential amenity. I believe the owner to be of the most integrity. I would also add that I am not in any way related to the license holder not am I a part of the business other than as a customer.

### Representation 9

I am shocked to see the unfair charging of the premises and would like to say something about the owner and the premises.

My family members have known Mr. Naguleswaran Jayasudhan for one and a half years since we came here.

We use daily essentials with unlicensed products sold in his shop.

He has a good team and they are also very friendly.

When I'm on premises, I've seen sales to vulnerable people being refused after asking for IDs and also we have never received expired items and they comply with the rules regarding the sale of aged products.

In terms of the essentials we buy ourselves on a daily basis, we find our local stores very essential.



### Representation 10

My family use the convenience (eats and drinks ) store daily for essential items including off licence products.

I known mr Naguleswaran Jayasuthan for 19 years. I'm shocked to see the unreasonable accusation on the premises and Mr Jay. The Staff are very friendly and kind too. In many occasions I've seen them ask ids and refuse sale to the vulnerable. The park district is a very troublesome area and having to run a business is challenging. They abide the rules and legislations in terms of selling age related products.

We need our locals shops. They are the part of our community, Covid has proven to all of us.

### Representation 11

I am writing with due to the fact an objection has been made with regards to the Eats & Drinks premises due to selling alcohol to our most vulnerable, could I ask who has classed these people as most vulnerable or Street homeless, do they not have the same rights as anyone else the walks the street unless they become aggressive or are completely incoherent when I believe our law enforcement takes over, I have been using the premises for the last 20 years and never seen anything untoward, the owner on a couple of occasions when I have been present has refused to serve people that are noticeably over indulging and becoming aggressive, otherwise it is a community shop where we are welcomed, taken an interest of and our families my grandchildren love going in there for the welcome they get from all that work in there, they consistory ask about them when they have not been in. This is a well run community shop that cares about its customers and they show empathy to all. I'm a nurse and when I had Covid they offered to do my shopping and deliver it to me does this sound like someone not being part of the community. We all know this is an area that suffers with vulnerable people as it states my mind who says who is vulnerable however that is no excuse to deprave the rest of the community they serve.

DORSET COUNCIL  
22 JUL 2024  
Digital Mail Room



To WHOM IT MAY CONCERN.

I have known Jay and Tash ever since they opened the shop 'Eats and Drinks' in King Street, Weymouth. Jay (and Tash) would never do anything dishonest or against the law. They are a thoroughly nice, honest couple and are a delight to know.

If you wish to speak to me personally you are very welcome.



DORSET COUNCIL  
22 JUL 2024  
Digital Mail Room

To whom it may concern.

I've been a customer of EATS + DRINKS for 7 years and have always found them to be efficient and hardworking. I was dumbfounded when I read in the local paper that they were being accused of illegal dealings.

I've never seen anything untoward when I've been in the shop.

They are hard working and honest people, and are an asset to the community.

Yours sincerely

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