

Licensing

Subject: FW: Supplementary Submission - Variation - Eats & Drinks
Attachments: Supplementary Submission - Variation - Eats & Drinks.docx; Eats and Drinks Decision Notice.docx; Application for Review of Premises Licence - Eats and Drinks - WPPL0248.doc; CSAS Statement - Eats and Drinks.pdf

Importance: High

From: GOSLING Gareth 2551 [REDACTED]
Sent: 09 January 2025 10:39
To: Licensing [REDACTED]
Cc: [REDACTED]
Subject: Supplementary Submission - Variation - Eats & Drinks
Importance: High

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Good Morning Dorset Council Licensing Authority,

Please find attached Supplementary Submission in respect of the Variation application in advance of the Sub-Committee hearing on Monday 20th January 2025. This variation has been submitted following the conclusion of the Review process in September 2024 and we have included the documentation relating to that process to provide some additional context and to aid the understanding of the Sub-Committee members in advance of the hearing.

Dorset Police will be in attendance at the hearing to answer any questions relating to the evidence that has been submitted. The applicant has been included in this correspondence.

Regards,
Gareth



**DORSET
POLICE**

Gareth Gosling 2551

Police Sergeant

Drug & Alcohol Harm Reduction Team

Poole Police Station, Wmborne Road, Poole



Application for a Variation to a Premises Licence Supplementary Information in Support of Representation

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Eats & Drinks, King Street, Weymouth

This report is to be considered alongside the formal representation submitted in respect of an application to Vary a Premises Licence submitted to the Licensing Authority. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the applicant (or their representative) and members of the Licensing Sub-Committee with additional information, context, and evidence in support of the representation. This report is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.

Background

This is an established convenience store in Weymouth Town Centre, located between the beachfront and the Railway Station. As a premises in the Town Centre, this location benefits from high levels of footfall, however, is in an area commonly associated with Crime & Disorder and Anti-Social Behaviour (ASB).

The local Neighbourhood Policing Team (NPT) frequently deliver policing operations in the vicinity of this premises to tackle crime and ASB, targeting repeat offenders and those intent on committing harm to the community.

Dorset Police Drug & Alcohol Harm Reduction Team (DAHRT) has engaged with this premises over several years to achieve improvements to their operating practices and to support them to better promote the licensing objectives.

On the 25th June 2024 Dorset Police submitted an Application for Review in respect of this licensed premises on the grounds that the licence holder and designated premises supervisor were failing to uphold the licensing objective to prevent crime and disorder. A copy of that application is included as an appendix to this report.

The determination following the hearing (received by Dorset Police on the 23rd August 2024) that took place in respect of that application concluded that additional conditions were necessary to support the licence holder to promote the licensing objectives. The following conditions were imposed to the premises licence in addition to the Mandatory Conditions –

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.

These conditions would take effect from the 13th of September 2024 once a period of 21 days had elapsed.

This application, submitted by the licence holder on 6th December 2024, **12 weeks following the conclusion of the Review** determination appeal period, has sought to amend two key conditions imposed to the premises licence that are intended to support the premises to promote the licensing objectives.

The proposed amendments are as follows –

Condition 2

- Current – No beers, ciders, or lagers of 5.5% ABV (alcohol by volume) or above shall be sold at the Premises.
- Proposed – Beers, ciders, or lagers of 5.5% ABV (alcohol by volume) or above shall not be sold as single at the Premises, minimum of four in single transaction.

Condition 6

- Current – No miniature bottles of spirits of 20cl or below shall be sold from the premises.
- Proposed – No miniature bottles of spirits of less than 20cl shall be sold from the premises.

Concerns

Dorset Police are concerned that the licence holder is seeking to undermine the decision of the sub-committee following the most recent Review hearing.

There has been a significant reduction in crime and ASB in the vicinity of this premises following the review and subsequent conditions imposed to the premises licence. The two conditions that are intended to be amended form part of the complex schedule of conditions intended to support the licence holder to deliver responsible alcohol provision in this sensitive area of Weymouth.

Dorset Police can evidence that the availability of high-strength beer, cider and lager can often encourage street drinking by vulnerable members of the community who will consequently often become involved in crime and ASB. Additionally, the availability of spirits in smaller volumes often promote the irresponsible consumption of these products that are consequently cheaply available.

Insufficient time has elapsed since the imposition of conditions following serious concerns of crime and disorder occurring at this premises. The sub-committee are invited to refrain from permitting any significant amendments to the premises licence until the premises can demonstrate consistency in their promotion of the licensing objectives over a reasonable period.

Available Outcomes to the Sub-Committee

To assist the members of the Sub-Committee, Dorset Police make the following submissions in relation to the available outcome options in respect of this Application for a Variation of a Premises Licence –

Grant the Variation application as applied for

Dorset Police are of the view that to grant the application as proposed would not be appropriate to fully promoting the licensing objectives. The Statutory Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 states at paragraph 10.2 that *“the Courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided”*.

There was an opportunity for the licence holder to submit an Appeal against the decision of the Sub-Committee following the most recent hearing and no appeal was submitted.

Dorset Police consider that the two conditions that are proposed to be amended should remain as they are currently to ensure that the licensing objectives are promoted.

Modification of the conditions of the Premises Licence the members of the Sub-Committee considers appropriate for the promotion of the licensing objectives.

Dorset Police sought the support of the members of the Sub-Committee to make amendments to the premises licence that would ensure that the licensing objectives would be promoted.

The additional conditions imposed to the premises have proven to be effective to date and Dorset Police continue to monitor the performance of this premises.

Refuse the whole or part of the application.

It is unclear why this proposal has been submitted; however, these proposals are disproportionately likely to promote irresponsible alcohol consumption as high-strength cider, beer and lager and smaller volumes of spirits are most often purchased by those tackling addiction or who are at increased risk of harm due to the consumption of alcohol. These are often the products that fuel alcohol related ASB in our communities.

Whilst Dorset Police are keen to support responsible and appropriate licensable activities, we remain of the view that this application, given the location and recent concerns of this premises, should be refused to enable the licence holder to continue to promote the licensing objectives.

Conclusion

The Sub-Committee are reminded that Paragraph 2.1 of the Licensing Act 2003 Section 182 Guidance produced by the Home Office states that, "*Licensing authorities should look to the police as the main source of advice on crime and disorder*". We have provided an evidence-based summary of our concerns above, as required by Paragraph 9.43 of the Section 182 Guidance.

Sergeant Luke White of the Weymouth Neighbourhood Policing Team has stated in an email of 9th January 2025 –

"Since the premises licence was varied at Eats And Drinks, there have been no issues reported at the premises, and alcohol related ASB in the wider locality has reduced. It is no longer a focal point where the street drinkers go to acquire their alcohol. If the conditions are relaxed as requested then I would be concerned that the premises would again be popular with street drinkers, and that ASB in the locality would increase again."

A copy of the email will be available during the hearing if required.

Dorset Police invite the members of the Sub-Committee to carefully consider each of the available options, however, to consider refusing this application as the most appropriate determination.

Dorset Police do not intend to repeat the above concerns to the members of the Sub-Committee during the Sub-Committee hearing, however, as the Licensing Authority's main source of advice on matters relating to crime and disorder, we will be happy to answer any further questions that you may have during the forthcoming hearing.

Hearing Regulations

The members of the Sub-Committee are reminded that the Licensing Act 2003 (Hearings) Regulations 2005 (Regulation 18) states that "*in considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.*"

Dorset Police have mediated in advance of this hearing and will consider any additional submissions received in advance of the hearing. Dorset Police will be unable to verify or scrutinise any evidence produced during the hearing and any additional evidence provided during the hearing can only be accepted with agreement of all parties.

If the Chair of the Sub-Committee orders an adjournment of the hearing, Dorset Police respectfully seek that any adjournment be for a **minimum of 48 hours** to enable appropriate scrutiny of any additional accepted evidence or information received.



Decision Notice

Notification of Determination Review Hearing

Application for a Premises Licence

xx August 2024

Applicant(s): Dorset Police

Premises: Eats and Drinks, 24-25 King Street, Weymouth, Dorset, DT4 7BH.

Premises Licence Holder: Mr. Naguleswaran Jayasuthan

Sub-Committee members: Cllrs D Beer (Chair), L Bown and L Fry.

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.

Reasons for Decision:

The Chair asked the Premises Licence holder whether they had sufficient time to consider the representations made by the Police, including the video which had been provided after publication of the report. In response, Naga Rajesh, the Premises Licence Holder’s agent, said that whilst the material had been received late, he had discussed with Mr. Jayasuthan and they were happy to proceed.

The Sub-Committee was addressed by the Licensing Team Leader who explained that this was an application to review the Premises Licence which allowed the off sales of alcohol between 0700 and 2300 seven days a week with no conditions save for the mandatory conditions. No representations had been made by any of the responsible authorities and that the Town Council and thirteen individuals had made representations.

Kirsty Gatehouse, Dorset Police Licensing Officer, addressed the Sub-Committee. She stated that the additional information from the Police and received by the Sub-Committee had been submitted late due to operational commitments during the last few weeks. She said that she had been involved with this premises for some time and previous warnings given to the licence holder had not been effective which had led to the review application. She stated that the Police investigation into the sale of stolen goods was still ongoing but could not comment any further on that; she hoped that the Police’s concerns on this issue could be seen from the submitted CCTV footage.

The Sub-Committee was addressed by Sergeant Gareth Gosling, Dorset Police, he stated that he had attended the premises on a couple of occasions and accepted that it was a difficult area in which to operate. However, he stated that the Police have high expectations for premises licence holders to uphold the licensing objectives which had not happened at these premises. He said that the incidents leading to the application gave rise to concerns about established practices at the premises and were contributing to issues faced in the town.

In response to questions, Ms. Gatehouse stated that local hoteliers had reported complaints from guests who had to walk past the premises and were faced with intoxicated people and that did not give the right impression to their guests. She stated that she had visited all convenience shops in Weymouth last summer and made them aware of the issues surrounding alcohol and anti-social behaviour. She stated that because this licence has no conditions, she could only offer advice and not take enforcement action. She said that this premises was reluctant to change its practices even though she had outlined the issues caused by their practices. She stated that selling single cans of high strength alcohol was an issue because street drinkers and homeless people tend to struggle financially so would purchase single cans after they had obtained enough money, usually through begging. Ms. Gatehouse said she had visited the premises a couple of times last year with Sergeant Gosling, the Council's Licensing Team and on her own. She had spoken to Mr. and Mrs. Jayasuthan who she felt did not appreciate her concerns. She had spoken to Mr. Jayasuthan when following up the incident from May with the intoxicated male and that was when the allegation of handling stolen goods arose.

In response to questions, Sergeant Gosling stated that under the statutory guidance, there was no need to wait for the outcome of a criminal investigation before determining an application for review and that he could not comment about the criminal investigation as it was ongoing.

Ms. Gatehouse mentioned a test purchase made by the Police about underage sales but due to the circumstances it was agreed by the parties and the Sub-Committee that this should not form part of the Sub-Committee decision on this application.

The Sub-Committee was addressed by Mr. Rajesh. He produced additional documents which he wished the Sub-Committee to consider in response to the latest representation from the Police. The Sub-Committee adjourned to allow Ms Gatehouse and Sgt Gosling to consider these documents after which they confirmed they did not object to the Sub-Committee taking these documents into consideration.

Mr Rajesh said the premises had been in business for over twenty years and is family run. He said it played a large and positive role in the local community, working with local charities and had provided free home deliveries during the Covid lockdown. He said the number of letters in support indicated the regard had for the business.

He stated that the premises is in a difficult area but that the premises' management had always worked with the relevant authorities and had the documents to show that. He said that when the Police had requested shops to stop selling strong beer, they were the only local business to do so, as shown in the Dorset Echo article.

Mr. Rajesh said that in relation to the intoxicated person, CCTV had been checked and the staff spoken to because Mr. and Mrs. Jayasuthan were not on the premises at the

time. He said the person had been served when he first bought alcohol that morning and was not intoxicated at that time but when he returned at 11.30 and was intoxicated, he was not served. Mr. Rajesh. He said the person is known to staff and is often asked to leave but is sometimes served in order to get him off the premises for the safety of staff and customers. He said that the person concerned makes threats to staff and complaints had been made to the Police about him. Mr. Rajesh felt that there would not be a problem if the Police kept this person away from the premises.

In relation to the allegation of receiving stolen goods, Mr. Rajesh said that this was drawn to Mr. Jayasuthan's attention in May 2024 and had occurred when he was not on the premises. He had subsequently reviewed the CCTV which he had given to the Police but did not see any evidence of stolen goods. He said Mr. Jayasuthan made an appointment for the Police to visit the premises the day after the incident to review the CCTV and that if Mr. or Mrs. Jayasuthan were involved they could have refused to provide the CCTV to the Police or wiped it. Mr. Rajesh said that Mr. and Mrs. Jayasuthan were shocked and confused by the allegation because they are not the type of people who would be involved in receiving stolen goods and this was reflected by all of the letters in support. The business makes good money and gives away some food to customers who cannot afford it so they would have no reason to receive stolen goods.

Mr. Rajesh said that the CCTV footage did not show the person entering the shop carrying anything. He said the door at the rear of the premises leads to a toilet and back office with the office being kept locked. He said that customers are sometimes allowed to use the toilet and they do not always ask to do so. On the day in question there was only one member of staff at the premises and he had followed the person in question through the shop because that person had not asked to use the toilet. Mr. Rajesh said the staff member had asked the person concerned what they were doing and was told that they needed to use the toilet and needed some change. The person had given the staff member a £20 note and was given change back. When reviewing the CCTV, Mr. Jayasuthan had not seen any evidence of stolen goods being handed over. Mr. Rajesh said that Mr. Jayasuthan had not reacted when he reviewed the CCTV by the Police because he needed to speak to the staff member before being able to properly respond to the Police.

Mr. Rajesh said that since the review application, all staff have been retrained and passed their personal licence qualification. Mr. Rajesh stated that the letters in support were all written by individuals and were not simply a petition. He drew the Sub-Committee's attention to a number of the letters.

Mr. Rajesh referred to Mr. Yeoman's statement and said that it gave no dates or specific events or referred to specific people and was just a general statement. He stated that simply because an intoxicated person has a drink in their hand near the premises does not mean it was sold to them by the premises. He said that a number of the hoteliers are also customers of the premises and had not mentioned any issues. Mr. Rajesh stated that whilst the review application was concerned only with alcohol sales, without alcohol sales there would be no business due to the number of stores selling alcohol in the area and so without alcohol sales, they would lose a significant proportion of good customers.

Thachayini Jayasuthan addressed the Committee. She stated that they had improvements to the shop which had been acknowledged on visits by Ms. Gatehouse. She said the review application had caused stress for the family and for them within the community in what had not been a peaceful summer. She stated that they had done whatever they had

been asked to by the Police. She stated that she could not simply 'throw people out' of the premises; she could ask them to leave but could not do much if they refused.

Mr. Jayasuthan addressed the Committee. He said he had always cooperated with the authorities and whilst he could have wiped the CCTV footage he did not. It had taken him twenty two years to build up his business and that he needed to speak to his member of staff before making any comments to the Police about the allegation of receiving stolen goods. He did not feel that there was any concrete evidence of that accusation.

In response to questions, Mr. Rajesh said that the intoxicated person is a troublemaker and he still comes to the store even though he is banned. Whilst most people who are refused alcohol leave the store, this person causes trouble but he is not the individual in the CCTV footage.

Mr. Rajesh said that Mr Jayasuthan could not tell what was inside the man's jacket from the CCTV. He said that the member of staff did change a £20 note and made a record of opening the till without a transaction as a result. He could not say what notes had been given in change but Mr. Jayasuthan was told by the staff member that he had given change for the £20 note. The member of staff involved began work at the premises at the beginning of 2024 and was still employed there. In response to further questioning about the CCTV footage, Mr. Rajesh said that he agreed that no £20 note had been put in the till during the CCTV footage and the staff member appears to pretend to do so but that the man had given the member of staff the £20 note at the back of the store, had given the man his change from the till and then put the £20 note in the till later in the day after the end of the CCTV footage provided to the Sub-Committee.

Mr. Rajesh said that the premises now sold one brand of strong beer/lager for a particular customer and that Mr. Jayasuthan travels to London just for items for specific customers including this beer. He said the premises had never been requested to cease selling single cans but only sold them to good and known customers; they did not sell single cans to troublemakers. He said that the premises would be happy to install additional CCTV cameras covering the outside of the toilet and would now try to restrict access to the toilet by keeping it locked. In response to a question about an article in the Dorset Echo from 2013 about the sale of strong alcohol, Mr. Rajesh said that high strength alcohol had been removed from sale between 2013 and the Covid lockdown and thought that the strongest beer or cider on sale was 5.5/6 percent. In response to a specific question about a particular high strength cider of over 7 percent mentioned in the recent refusals log, Mr. Rajesh said that they were not denying selling high strength alcohol but considered it did not undermine the licensing objectives. He said there was no particular issue in the premises selling single cans of alcohol and no other licenses premises in the area had such a restriction. He said that in relation to the receiving stolen goods, that the use of the toilet had only mentioned today because when the Police had first spoken to Mr. Jayasuthan he did not know about the incident and had needed to speak to the staff member concerned.

Mr. Rajesh said that Mr. Jayasuthan would be prepared to accept the conditions set out in the Police's representation and that they already complied with most of them and that it would not be a problem for the conditions regarding the sale of single cans and strong beer to be included.

In response to questions, Mrs. Jayasuthan referred to an incident some years ago where a man had walked straight through the shop and out of the fire exit. She locked the door behind him but he had gone when she reopened the door once two police officers had arrived looking for him. If people enter the shop who did not want to leave she would first ask them to leave, then ask other staff for help and if that did not work, call the Police. She did not think security was needed for a small premises which had very few incidents such as the one she had just mentioned which had been a long time ago. She said that they did keep a record of Police incident numbers.

The Sub-Committee carefully considered the documents presented to them and the written and oral representations made by the parties. They had regard to the Licensing Act 2003, the licensing objectives, the Section 182 statutory guidance and the Dorset Council Statement of Licensing Policy.

The Sub-Committee noted that the Police's position was that the intoxicated man had been served when he first visited the premises on the day in question whilst intoxicated but that the Premises Licence Holder did not consider he was intoxicated when first served that day and had refused to serve him later in the day. They were not able to resolve the conflicting evidence before them on that point but did consider that the sale of single cans and high strength beer to particular customers and not to other customers created an inconsistent approach which could cause confusion for customers and tension between customers and staff. The Sub-Committee was concerned that the Premises Licence Holder had put forward an article from the Dorset Echo from 2013 stating that they had ceased selling high strength alcohol but were now selling it again.

The Sub-Committee considered that the Licence holder had not provided a full and frank account of what had happened on the CCTV footage. They considered that the person in question was carrying something into the store under his jacket and that the explanation about changing the £20 note had altered during the hearing.

The Sub-Committee noted that the business was well established in the community and shown generosity towards its community. They also took into account that neither Mr. nor Mrs. Jayasuthan had been present at the premises when the two incidents described in the review application took place.

The Sub-Committee considered that despite the Police stating that there had been ten years of concerns, no substantive evidence had been provided to substantiate that point save for the two specific incidents set out in the application.

As a result, the Sub-Committee did not consider that revoking the licence (or removing a licensable activity, which in this case would have the same effect as revoking the licence) would be appropriate in circumstances where there was a conflict of evidence about serving the intoxicated and that Mr. and Mrs. Jayasuthan were not on the premises when the incident for the allegation of receiving stolen goods took place and there was no evidence that they were involved.

Nevertheless, the Sub-Committee considered that the factors leading to the review had been caused by management issues. It was also concerned that the premises' management had not taken some of the issues sufficiently seriously including the reintroduction of high strength beer/cider, and insufficient management of staff. Accordingly, they considered it appropriate to remove the DPS from the premises licence

The Sub-Committee also felt that measures needed to be put in place to deal with the confusion and tension involved in selling single cans and high strength beer to some customers and not others. Further, the Sub-Committee considered that the toilet should be for staff use only and kept locked at all other times to prevent uncontrolled use by members of the public and that CCTV coverage should be extended to include the area outside of the toilet and office. They considered these conditions would assist staff at the premises dealing with difficult customers and assist with issues of street drinking in the area. As a result they decided to impose the conditions suggested by the Police, amended to deal with CCTV coverage and an additional condition to restrict use of the toilet to staff.

Right of Appeal:

Any party who wishes to appeal the decision has 21 days from the date of receipt of this notice to submit an appeal to Weymouth Magistrates Court, The Law Courts, Westwey Road, Weymouth, Dorset. You may wish to seek independent legal advice in relation to any such appeal.

The Court may make an award of costs against a party. If an appeal is successful, the Council will resist any costs application and if an appeal is unsuccessful, an application for costs will be made by the Council.

Councillor D Beer

Date xx August 2024

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

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

Name of premises licence holder or club holding club premises certificate (if known) Mr Naguleswaran JAYASUTHAN

Number of premises licence or club premises certificate (if known) WPPL0248
--

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

Name and address Drug & Alcohol Harm Reduction Team Bournemouth Police Station 5 Madeira Road Bournemouth Dorset BH1 1QQ
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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>Please state the ground(s) for review (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>

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

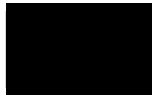
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 **25th June 2024**

.....

Capacity **Police Sergeant**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

.....

Post town	Post Code
------------------	------------------

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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 14th 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 11th 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 DetailsHome 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*):Station: **WEST WEYMOUTH**Time and place statement Taken: **1625 HRS WEST WEYMOUTH POLICE STATION**