

CANNOCK CHASE COUNCILLICENSING ACT 2003LICENSING SUB-COMMITTEE5 NOVEMBER 2018REPORT OF THE HEAD OF ECONOMIC PROSPERITYAPPLICATION FOR A REVIEW OF A PREMISES LICENCEWESTBOURNE FOOD & WINE, 1 WESTBOURNE AVENUE, CANNOCK, STAFFS, WS11 4AN1. Reason for Hearing

Staffordshire County Council's Public Protection Trading Standards Team have made application to the licensing authority for a review of the Westbourne Food and Wine Premises Licence. The application is made on the basis that the premises has failed two separate test purchases and on each occasion, alcohol has been sold to under age volunteers. Trading Standards' application for review relates to the licensing objectives of Prevention of Crime and Disorder and the Protecting Children from Harm. A copy of the Application for Review of the Premises Licence is given as Annex 1 to this report.

2.

Name and Address of Premises.	Westbourne Food & Wine 1 Westbourne Avenue Cannock Staffs WS11 4AN
Applicant for Review of Premises Licence	Mr Tony Shore Community Protection Manager Staffordshire County Council 2 Staffordshire Place Tipping Street Stafford ST16 2DH
Date of Application for Review	14 September 2018
Name and Address of the Premises Licence Holders	Mr Selvaratnam Josotharan 1 Westbourne Avenue Cannock Staffs WS11 4AN

Designated Premises Supervisor (DPS)	Mr Selvaratnam Josotharan
Other Responsible Authority representation.	No representations have been received from any other Responsible Authority
Valid Representations from Other Persons	No other representations have been received
Matters of note	<p>The Staffordshire County Council, Trading Standards Department state in their application for review of the premises licence that on 10 June 2016, Westbourne Food & Wine failed a test purchase and sold alcohol to a 16 year old volunteer. On 28 April 2018, the premises failed another test purchase and once again sold alcohol to a 16 year old volunteer.</p> <p>A chronology of events leading up to the application to review the premises licence is provided on page 5 and 6 of the application for review of the premises licence. This is reproduced at enclosure 4.9 and 4.10 of this report.</p> <p>Trading Standards feel that the advice provided by them has not been acted upon and licence conditions added to the Premises Licence in August 2016 have not been fully adhered to. Trading Standards also state that the actions of the premises and that of the Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) indicates an unequivocal disregard of the law which raises questions as to whether the business is managed in accordance with the promotion of the licensing objectives.</p> <p>In view of the failed test purchases and other stated concerns, Staffordshire County Council Trading Standards seek the revocation of the Westbourne Food & Wine Premises Licence.</p>
Other matters of note	There are no other matters of note.

3. Human Rights Act 1998 Implications

- 3.1 Article 6 of the Act provides that where a person's civil rights and obligations are being determined, s/he is entitled to a "fair trial". The Council complies with Article 6 in that it gives the person the opportunity to state their case, will make a decision within a reasonable period of time and will give reasons for its decision.

3.2 The Article also provides for the issue to be determined by an independent tribunal. The right of appeal to the Court against the Council's decision fulfils this.

4. Legal Implications

4.1 The Licensing Sub Committee is permitted under section 52(4) of the Licensing Act 2003 ('the Act') having had regard to the representations, to take such steps as it considers appropriate for the promotion of the licensing objectives namely;

- a) to modify the conditions of the licence**
- b) to exclude a licensable activity from the scope of the premises**
- c) to remove the Designated Premises Supervisor**
- d) to suspend the licence for a period not exceeding 3 months**
- e) to revoke the licence.**

4.2 The Licensing Sub-Committee can also resolve to take no action, issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

4.3 Any remedial action taken should be directed at the cause of the concerns which the representations identify. The remedial action should always be directed at these causes and should be no more than an appropriate and proportionate response.

4.4 The applicant, the licence holder and other persons who made relevant representations in relation to the application have a right of appeal to the Magistrates' Court should they disagree with the Licensing Sub Committee's decision. The appeal must be made within 21 days of the Committee's decision being notified (in writing) to the appellant.

5. Financial Implications

5.1 No fees are payable upon application for a review of a premises licence. However, both the applicant and licence holder have the right of appeal to the Magistrates' Court against the decision.

5.2 The Court is however, less likely to award costs against the Council if it is satisfied that the Council had acted honestly, reasonably and properly and on grounds which appeared to be sound.

5.3 Should the Premises Licence be revoked, then the annual fee of £70 due in December each year would not be payable to the Council.

6.

Annexes Attached	
Annex 1	The Application for Review of the Premises Licence.

7.

Determination Required	<p>Members are asked to determine what action may be required in order to ensure that the licensing objectives are met at Westbourne Food & Wine, having regard to the legislation, the 4 Licensing Objectives, the Council's Licensing Policy & Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.</p> <p>The 4 licensing objectives are:</p> <ul style="list-style-type: none">• The Prevention of Crime & Disorder• Ensuring Public Safety• The Prevention of Public Nuisance• The Protection of Children from Harm
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Licensing Unit

Cannock Chase District
Council
PO Box 28
Civic Centre
Beecroft Road
Cannock, Staffs
WS11 1BG

CANNOCK CHASE
14 SEP 2018 DM
CANNOCK CHASE

Trading Standards
Floor 1, Caste House
Barracks Road
Newcastle under Lyme
ST5 1BL

Telephone: (01782) 297004
Facsimile: (01782) 297010
E-mail: mark.wilson@staffordshire.gov.uk
Website: www.staffordshire.gov.uk

Please ask for Mark Wilson
For hearing impaired callers only, please call
Minicom (01785) 854156

11th September 2018

Dear Responsible Authority

Re: Application for Review of a Premise Licence under Section 51, Licensing Act 2003 – Westbourne Food & Wine, 1 Westbourne Avenue, Cannock, WS11 4AN.

Please find attached the standard form for the application for the review of a premises licence under the Licensing Act 2003. I also enclose together with the application form as appendices, copies of relevant exhibits as supporting evidence.

Please consider the postal copy of the application for review to be the copy served in accordance of the requirements of s.29 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

Please can you contact me to arrange the date of hearing before it is agreed with members of the licensing sub-committee?

Please do not hesitate to contact me for further information or clarification on the attached application.

Yours Sincerely

Mark Wilson
Principal Trading Standards Officer – Crime and Licensing,
Staffordshire County Council Trading Standards

CRIME AND LICENSING
AND PUBLIC PROTECTION
14 SEP 2018
LICENSING
PASSED TO



CANNOCK CHASE COUNCIL
ENVIRONMENTAL HEALTH
AND PUBLIC PROTECTION

14 SEP 2019

LICENSING
PASSED TO

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

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Tony Shore

(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 Westbourne Food & Wine 1 Westbourne Avenue	
Post town Cannock	Post code (if known) WS11 4AN

Name of premises licence holder or club holding club premises certificate (if known) Mr Selvaratnam Jasotharan
--

Number of premises licence or club premises certificate (if known) CCDC/PREM/05/267

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 Tony Shore Community Protection Manager Public Protection Staffordshire County Council 2 Staffordshire Place, Tipping Street Stafford ST16 2DH
Telephone number (if any) 01785 277870
E-mail address (optional) antony.shore@staffordshire.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

This application to review relates to the failure of the premise to meet the licensing objectives for the protection of children from harm and prevention of crime and disorder.

Responsible Authority:

Section 13(4) of the Licensing Act 2003 and Regulation 7 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 makes a Local Weights and Measures Authority a responsible authority for the purposes of the legislation. Staffordshire County council is a Weights and Measures Authority and that function is carried out by the Public Protection Trading Standards Team.

Staffordshire County Council seeks a review of the premise licence on the grounds that the Premise Licence Holder (PLH) and Designated Premises Supervisor (DPS) Mr Selvaratnam Jasotharan has failed to take adequate steps at the premises to protect children from harm and prevent crime and disorder, which raises questions as to whether the business is operated in accordance with the promotion of the licensing objectives.

Protection of Children from Harm

By virtue of section 4 of the Licensing Act 2003, offences under s.146(1) of the Act, involving the sale of alcohol to an individual aged under 18 are relevant offences when considering a personal licence. Such offences can lead to the suspension or forfeiture of a personal licence.

Revised guidance issued by the Home Office in April 2018 states that the Government believes that it is completely unacceptable to sell alcohol to children (para 2.23) and that Licensing authorities should give considerable weight to representations about child protection matters (para 2.29).

Para 11.27.further states that - there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.

Staffordshire County Council seeks a revocation of the premise licence on the grounds that the PLH/ DPS has failed to take adequate steps at the premises to protect children from harm.

The actions of this premise and that of the PLH/ DPS indicates an unequivocal disregard of the law which raises questions as to whether the business is managed in accordance with the promotion of the licensing objectives. The licensing authority has a duty to ensure that steps are taken to promote the licence objectives in the interests of the wider community and not those of the individual PLH.

Please provide as much information as possible to support the application (please read guidance note 3)

Supporting documentation is provided in appendices to this application as follows;

- Appendix 1 – Copy of current premise Licence
- Appendix 2 – Record of visit following advice visit carried out by Trading Standards 19/01/2015
- Appendix 3 – Witness statement from Officer who attended test purchase operation 10/06/2016
- Appendix 4 – Flare record of visit carried out by Trading Standards 09/08/2016
- Appendix 5 – Copy of Minor Variation application and set of agreed conditions
- Appendix 6 – Copy of Team Caution given to DPS/ PLH as a result of the 1st sale.
- Appendix 7 – Copy of Team Caution given to Director as a result of the 1st sale.
- Appendix 8 - Record of visit following advice visit carried out by Trading Standards 04/11/2016
- Appendix 9 – Copy of Underage Sale Notification left at the premise on the 28/04/2018
- Appendix 10 – Witness statement from officer who witnessed the underage sale – FCH.
- Appendix 11 – Photograph of alcohol.
- Appendix 12 – Photographs of premise on day of the sale.
- Appendix 13 – Copy of Companies House record for the Limited company
- Appendix 14 – Copy of interview records for seller/ DPS&PLH/ director
- Appendix 15 – Letter sent to PLH requesting DPS authorisation document.
- Appendix 16 – DPS authorisation response received 01/08/2018

Here is a summary of events supporting this application.

Premise history:

19/01/2015 Age restricted sales advice visit carried out by Trading Standards Enforcement Officer at the premise - Spoke to DPS/ PLH Mr Selvaratnam Jasotharan. See appendix 2.

10/06/2016 Premise failed test purchase – PLH/DPS Mr Selvaratnam Jasotharan sold alcohol to 16 year old volunteer. Offence under s.146 Licensing Act 2003. See appendix 3.

09/08/2016 Advice visit carried out by Trading Standards Enforcement Officer at the premise to discuss application for minor variation following the failed test purchase. See appendix 5.

18/08/2016 Application for licence minor variation submitted. See appendix 6.

04/11/2016 Age restricted sales advice visit carried out by Trading Standards Enforcement Officer at the premise spoke to DPS/ PLH Mr Selvaratnam Jasotharan to give advice and guidance following new licence (including new conditions) being issued to the business. See appendix 9.

28/04/2018 Test purchase carried out under the **REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000** for alcohol, premise failed this retest and sold a 4 x 500ml can pack of Carlsberg Export lager 4.8% Vol to a 16 year old volunteer. Offence under s.146 Licensing Act 2003. Person who made the sale claimed under caution that he had not received any written staff training since 2016 (see Appendix 15); contrary to the conditions on the premise licence. See appendix 1 and 10.

17/07/2018 Letter sent to PLH/ DPS requesting DPS authorisation. (deadline for info 3rd August) See appendix 16.

01/08/2018 Response received from PLH providing DPS authorisation. No date on the document. Seller is listed but no date to assist in confirming if the seller was authorised to sell alcohol at the time of the 2nd sale.

Trading Standards does not feel confident that Mr Selvaratnam Jasotharan has taken all reasonable steps to prevent his staff selling alcohol to a person under the age of 18. On gathering evidence at

the time of the latest 2nd sale (28/04/2018) there were evidently breaches of the licensing conditions which are in place to help prevent underage sales occurring, of which were added by means of a minor variation following the previous sale in 2016;

- Prior to selling alcohol, all persons involved in the sale of alcohol & age restricted products who are not the holder of a Personal Licence must receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor or external training provider with regards to the law in relation to the sale of alcohol & age restricted products and responsible retailing.
- Such training must be recorded and up to date training records of all such persons must be maintained at the premise and produced and made available for inspection at the time of the visit by any Responsible Authority. Both initial and subsequent refresher training in relation to the sale of alcohol & age restricted products must contain a test to be undertaken by the staff member and this test or online certificate must be made available at the time of the visit to any Responsible Authority. Records for each person must be retained for a minimum of 12 months.

The most recent staff training records that were available for inspection dated 01/02/17, the most recent training record for the seller being 04/08/16.

Mr Jasotharan stated at interview that although he did have a verbal conversation with the seller about challenging customers for ID and to record this in the refusals register, he hadn't carried out any formal training for a while and admits he has failed to fully comply with conditions on the licence. He stated that the seller made a mistake and didn't use the C25 policy.

Mrs Jamuna Jasotharan is sole director of the limited company Westbourne Food & Wine Ltd, of which the company owns the stock i.e. alcohol. The day to day running of the shop is managed by her husband Mr Jasotharan, as PLH & DPS, and she will help out when needed i.e. to cover lunch breaks etc. Mrs Jasotharan also stated that the seller made a mistake and didn't use the C25 policy.

Trading Standards are further concerned as to whether the seller was properly authorised to make the sale of alcohol. Documents requested by letter on 17th July for DPS authorisation records failed to provide evidence that the seller was authorised to sell alcohol at the time of the sale. Without proper authorisation, Trading Standards allege that further offences under s.136 of the Licensing Act 2003 may have been committed.

The shop is located in close proximity to a nearby high school, this provides additional reasoning as to why Trading Standards raises concerns and have felt the need to seek a revocation of the premise licence.

It is felt that previous advice and guidance given to support the business, first an initial visit to discuss the proposal of a minor variation and provide age restricted sales advice following the first failed test purchase. Once the new licence had been issued another visit was made to further discuss the new conditions. It is felt that the advice has not been acted upon and licence conditions added as a result of a 1st sale have not been fully adhered to.

Recommendations:

Trading Standards question whether the PLH/ DPS Mr Selvaratnam Jasotharan is able to uphold the licensing objectives and his role as a responsible retailer effectively. We therefore ask that the sub-committee consider a revocation of the premise licence.

A revocation of the premises licence would prevent the continued risk to the local community.

However, if the sub-committee are not minded to consider revocation, Trading Standards ask that the sub-committee consider their powers of suspension, up to a maximum period of 3 months and

removal of the current DPS.

A suspension would firstly act as a deterrent whilst also affording the business a FINAL opportunity to remedy the non-compliances and retrain staff, thus not exposing the business to risk of further unauthorised sale of alcohol and potential risk to children from harm, from the supply of alcohol.

Trading Standards is of the view that the conditions currently attached to the premise licence under the prevention of crime and disorder licensing objective are sufficient to deter the alleged mischief, and that no further conditions could seek to ensure compliance in the future.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

Capacity **Community Protection Manager**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Mark Wilson Principal Trading Standards Officer – Crime & Licensing Staffordshire County Council Floor 1, Castle House Barracks Road	
Post town Newcastle under Lyme	Post Code ST5 1BL
Telephone number (if any) 01782 297004	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) mark.wilson@staffordshire.gov.uk	

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.

**CANNOCK CHASE DISTRICT COUNCIL
LICENSING ACT 2003**



Premises licence number; CCDC/PREM/05/267

Part 1 – Premises details

Postal address of premises,

**WESTBOURNE FOOD & WINE
1 WESTBOURNE AVENUE, CANNOCK, STAFFS, WS11 4AN**

Telephone number

01543 506683

Where the licence is time limited the dates

NOT APPLICABLE

Licensable activities authorised by the licence

SALE BY RETAIL OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

**MONDAY TO FRIDAY – 08.00 TO 22.00
SATURDAY AND SUNDAY – 10.00 TO 22.00**

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

OFF SALES ONLY

The opening hours of the premises

**MONDAY TO FRIDAY – 08.00 TO 22.00
SATURDAY AND SUNDAY – 10.00 TO 22.00**

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence (amended 15/3/07 & 5/10/07 & 8/4/10)

**SELVARATNAM JASOTHARAN
1 WESTBOURNE AVENUE, CANNOCK, STAFFS, WS11 4AN**

Telephone

01543 506683

Registered number of holder, for example company number, charity number (where applicable)

NOT APPLICABLE

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol (amended 15/3/07 & 5/10/07)

**SELVARATNAM JASOTHARAN
1 WESTBOURNE AVENUE, CANNOCK, STAFFS, WS11 4AN**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol (amended 15/3/07 & 5/10/07)

06SJ-00AQ-RGDM-93YY - HARROW COUNCIL

Approved by



On behalf of the Council

S. Shilvock

Original issue date:

1st day of December 2005

Re-issued as Minor Variation:

2nd day of September 2016

GENERAL

This licence is granted subject to such conditions as to reproduce the effect of the following:

LICENSING ACT 1964

CHILDREN AND YOUNG PERSONS ACT 1933

CINEMATOGRAH (SAFETY) REGULATIONS 1955

SPORTING EVENTS (CONTROL OF ALCOHOL ETC) ACT 1985

CCDC/PREM/05/267

Annex 1 – Mandatory Conditions (amended 15/3/07 & 2/9/16)

APPLYING TO ALCOHOL SALES

- 1) No supply of alcohol may be made under this licence;
 - (a) at a time when there is no Designated Premises Supervisor in respect of this 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 this licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free water or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (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
- 6) The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider; ½ pint
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available
- 7) 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.
- 8) For the purposes of the condition set put in paragraph 1 -
 - (a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) 'permitted price' is the price found by applying the formula -
$$P = D + (D \times V)$$
 where -
 - (i) P is the permitted price,

CCDC/PREM/05/267

Annex 1 -- Mandatory Conditions continued (amended 15/3/07 & 2/9/16)

(ii) D is the rate 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) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

9) Where the permitted price given by Paragraph (b) of paragraph 2 would (part 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.

10) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule (amended 2/9/16)

**THE FOLLOWING CONDITIONS, WHICH ARE CONSISTENT WITH THE OPERATING SCHEDULE,
WERE AGREED BETWEEN THE LICENCE HOLDER AND STAFFORDSHIRE COUNTY COUNCIL
TRADING STANDARDS ON 9 AUGUST 2016**

PROTECTION OF CHILDREN FROM HARM

1. A Challenge 25. policy must be adopted and enforced at the premise where all persons who appear to be under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.
2. The only acceptable forms of identification must be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
3. Challenge 25 posters must be displayed at all entrances to the premise, all areas where alcohol is displayed and at the cash till payment area.
4. Posters must be displayed prominently and in sight of customers & staff.
5. At each till there must be placed a date of birth check card which must be kept updated at all times with the current date at which a person must be born to be aged 18 or over.
6. Cash registers in the premises must be fitted with automatic till prompts to ensure that Challenge 25 is implemented at all times.
7. A refusals register with details of all refusals must be maintained at the premise. The register must contain details of the staff member refusing the sale and must be checked on a 2 weekly basis by the Designated Premises Supervisor and signed and dated by the Designated Premises Supervisor.
8. The refusals register must be produced and made available for inspection at the time of the visit by any Responsible Authority.
9. All persons involved in the sale of alcohol/age restricted products must receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor or training provider with regards to the law in relation to the sale of alcohol/age restricted products. This will also include a written test of knowledge. Such training must be recorded and up to date training records of all such persons must be maintained at the premise and produced and made available for inspection at the time of the visit by any Responsible Authority.
10. Records for each person must be retained for a minimum of 12 months.

Annex 3 – Conditions attached after a hearing by the licensing authority

NOT APPLICABLE

Trading Standards Record of Visit

183004

Public Protection, Trading Standards
c/o Wedgwood Building, Block A, Tipping Street,
Stafford, ST16 2DH
TEL: 08453 303 313

Trading Name:	Westhorne Food and Wine		
Address:	1 Westhorne Avenue, Cannock		Post Code: WS11 4AN
	Owner: Robert & Jane Westhorne		
Telephone Number:	01283 554000	Business Type:	Off Licence
Email:		Web Address:	
Registered Office Address:	N/A		
Legislative Areas:	Licensing Act 2003		
*Staff Training: Maintain written records for Age Restricted Sales Training which is refreshed regularly & includes a written test of knowledge.			
*Challenge 25 No ID No Sale: When ID is produced staff should check: Date of Birth; Photograph; Layout & Wording as well as the Hologram where applicable, if unsure REFUSE.			
*Acceptable ID: Valid Passport; Valid UK Photo Driving Licence and PASS approved card.			
*Record Refusals/ Challenges: All refusals and challenges should be recorded in the refusals/ challenge book. This should be checked & signed by management regularly to ensure that staff are following company procedures.			
*Prominent Notices: Advertise policies such as Challenge 25. Display Statutory Notices.			
*Spotting Underage Purchases: Assess body language; appearance; the company they keep & the product(s) they attempt to purchase.			
*Till Prompts: Age verification reminder. Can also be used as an electronic refusal log.			
*Refusing Sales: Be calm & polite; apologise and transfer blame.			
*Proxy Sales: Be aware of adults buying on behalf of someone underage.			
*PLEASE NOTE: This business may be test purchased using underage volunteers.			
* Checked spirits			
Action Required			
Leaffets Provided: Age Restricted Sales Book(v8); Refusals/ Challenge Book; Steps You Can Take Leaflet; Sale Of Tobacco Leaflet; Challenge 25 Posters; Challenge 25 Badge; Proxy Poster; Acceptable ID; Fake ID; PASS Training Card; SCCTS/1 & /2 Quiz + Answers			
		Date & Time:	19/01/15 11:00
Officer (Block Capital)	LADY TONGS	Signed:	[REDACTED]
Record Received By: (Block Capital)	S. JONES	Signed:	[REDACTED]
		Direct Phone No:	01283 381008
		Position:	Manager

This record only covers areas inspected at the time of the visit.

STAFFORDSHIRE COUNTY COUNCIL
01283 381008

Premise Risk Assessment

Usage Code	
Hazard Score	
LOC	
Risk Band	

Comments

Nature of business _____

Compliance history _____

Current compliance _____

Management knowledge/competence _____

Management systems _____

Risk Assessment: Hazard/LOC Matrix

Hazard Scores	Likelihood of Compliance (with scores)					
	Very High		High	Medium or Not yet assessed	Low	Very Low
	0		15	40	65	80
81 - 100	81 - 95	96 - 100	96 - 115	121 - 140	146 - 165	161 - 180
56 - 80	56 - 70	71 - 80	71 - 95	96 - 120	121 - 145	146 - 160
31 - 55	31 - 55		46 - 70	71 - 95	96 - 120	111 - 120
15 - 30	15 - 30		40 - 45	65 - 70	90 - 95	105 - 110

Risk Bands

High	A	121 - 180
Upper Medium	B1	96 - 120
Lower Medium	B2	71 - 95
Low	C	15 - 70

The overall score is used to determine the frequency and nature of the regulatory response. This could take the form of inspections, test purchasing, sampling, targeted enforcement projects and/or advice etc.

RESTRICTED (when complete)

STATEMENT OF WITNESS

(Criminal Procedure Rules 2014, r. 27.2;
Criminal Justice Act 1967, S. 9, Magistrates' Courts Act 1980, s.5B)

Statement of Stephanie Dwight
Age of Witness Over 18 Occupation of Witness Enforcement Officer
(if over 18 enter "over 18")

This statement, (consisting of 1 page signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is introduced in evidence, then it would be an offence wilfully to have stated in it anything that I know to be false or did not believe to be true.

Signature:  t. Date: 7/9/18.


I am employed by Staffordshire Trading Standards as an Enforcement Officer, and I am based at Staffordshire Place 1, Stafford.

On 10th June 2016 we carried out a test purchase operation in the district of Cannock where we attempted to buy alcohol using an underage volunteer in order to detect any offences under the Licensing Act 2003. Also present on the operation were Kathryn Bevan, Trading Standards Enforcement Officer, PC Rollinson 17080 and PC Clark 21279 from Staffordshire Police.

At approximately 18:40 hrs, PC Clark entered the premise Westbourne Food & Wine, 1 Westbourne Avenue, Cannock, WS11 4AN followed by the underage volunteer. Shortly afterwards I witnessed the volunteer exit the premise and return to the vehicle where they handed over the 4 cans of cider purchased.

I then returned to the shop with Officer Bevan to join PC Clark who had witnessed the sale.

The seller, who I now know to be Mr Selvaratnam Jasotharan, identified himself as the Premises Licence Holder and Designated Premises Supervisor.

Signature:  t. Date: 7/9/18.

(To be completed if applicable: being unable to read the above statement I, of read it to him/her before he/she signed it.

Signature: Date:)

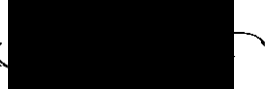
RESTRICTED (when complete)

STATEMENT OF WITNESS

(Criminal Procedure Rules 2014, r. 27.2;
Criminal Justice Act 1967, S. 9, Magistrates' Courts Act 1980, s.5B)

We took contact details in order to make arrangements for Mr Jasotharan to be invited for interview at our offices at a later date.

We left the premise at approx. 18:50 to return to the vehicle.



7/9/18.

Signature:

Signature witnessed by:

C:\EVO - Details for Tot Update (RWE)
 Windows Help File

Premises: F03CC(WEST/2) Name: Westbourne Food & Wine
 Address: 1 Westbourne Avenue, Cannock

1/ 9/2016 10:53 SWS
 Visit to premises 09.09.2016 - agreed minor variation to licence - application to be put forward by owner to Cannock Chase MC. Amending new licence and then visit to issue caution letter.

Full Diary Hide...

Premises:
 Ref: F03CC(WEST/2)
 Name: Westbourne Food & Wine
 Address: 1 Westbourne Avenue, Cannock

Scheduled	Actual	Off	Time	Idx	Tk	Activity	Uday
10/ 6/2016	10/ 6/2016	SDW	5				
10/ 6/2016	10/ 6/2016	SDW	15				
10/ 6/2016	10/ 6/2016	SDW	5				
13/ 6/2016	13/ 6/2016	SDW	5				
13/ 6/2016	13/ 6/2016	SDW	5				
13/ 6/2016	13/ 6/2016	SDW	10				
20/ 7/2016	20/ 7/2016	SDW	15				
14/ 6/2016	14/ 6/2016	BDW	5				
14/ 6/2016	14/ 6/2016	SOW	10				
14/ 7/2016	14/ 7/2016	SDW	60				
24/ 7/2016	24/ 7/2016	SDW	20				
9/ 6/2016	9/ 6/2016	SDW	150				

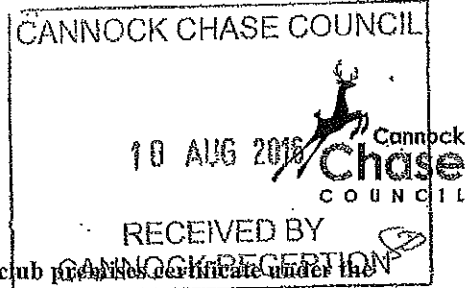
Delete OK Cancel Apply

Open Programs Ex...
 Enforcement Visits Update

8	EIS	Contact for interview phone (for as approp)
9	EIS	Contact for interview letter (del as approp) & (text)
10	EIS	Conduct interview
11	EIS	Case review
9/ 6/2016	9/ 6/2016	SDW

OK

Windows Taskbar: 14:32 20/03/2018



Application for a minor variation to 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, especially Note 1.

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 in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

SELVARAJAN - JASITHARAN

(Insert name(s) of applicant)

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, Ordnance Survey map reference, or description) 1 - WATBOURNE AVENUE CANNOCK	
Post town CANNOCK	Postcode WS11 4AN

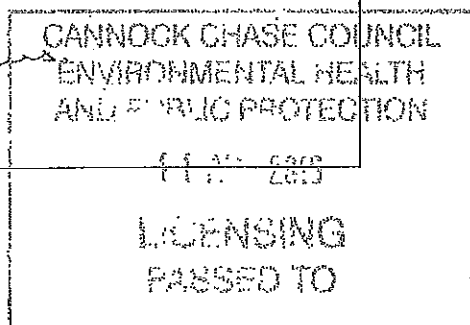
Telephone number at premises (if any)

01543 573959

Premises licence number/club premises certificate number

CCDC/PREM 105/267

Brief description of premises (Please see Guidance Note 2) off licensed Grocery & News



Part 2 – Applicant Details

I am/~~we are~~ the premises licence holder/club premises certificate holder. (Please delete as appropriate)

Contact phone number in working hours (if any)

01543 573959

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS	
Post town	Postcode
Please provide email address if you would prefer us to contact you by email (optional)	

Part 3 – Proposed variation(s)

Please tick

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DDMM		YYYY	

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

Details of proposed variations (Please see Guidance Note 3)

See attached condition by trading standards agency.

Details of proposed variations (Continued)

Part 4 -- Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary was successful.

Provision of regulated entertainment

Please tick all that apply

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

Sale by retail of alcohol

(Note that this can only relate to reducing licensed hours or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/club premises certificate.

I have included a copy of the plan (necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.

Any further information to support your application. (See Guidance Note 4)

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority:
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

- I understand that I am required to advertise my application by posting a white notice at or on the premises for ten consecutive days commencing on, and including the day after the day when my application is given to the licensing authority.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures and Contact Details
(See Guidance Note 5)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see Guidance Note 6). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature:



Date: 10/8/16.

Capacity: I/We (insert full name and capacity)

SALVADORNAM RESTAURANT
(Mansions owner)

sign on behalf of and have authority to bind the applicant.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (See Guidance Note 7). If signing on behalf of the applicant, please state in what capacity.

Signature:

Date:

Capacity: I/We (insert full name and capacity)

sign on behalf of and have authority to bind the applicant.

Where the premises is a club

I (insert full name)

make this application on behalf of the club and have authority to bind the club.

Signature:

Date:

Capacity: I/We (insert full name and capacity)

sign on behalf of and have authority to bind the applicant.

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 8)	
Post town	Postcode
Telephone number (if any)	If you would prefer us to correspond with you by email your email address (optional)

Notes for Guidance

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D (3) of the Licensing Act 2003 in a premises licence.

2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines etc.

3. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. (However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.) Relevant information includes:

a) Variations to licensable activities/licensing hours (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) Variations to premises/club layout: If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or

- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** Details of any changes to hours when the premises or club is open to the public.

4. **Further information:** You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

5. **Signatures:** The application form must be signed.

6. **Authorised agent:** An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

7. **2nd Applicant:** Where there is more than one applicant, both applicants or their respective agents must sign the application form.

8. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

Protecting Children from Harm

1. A Challenge 25 policy must be adopted and enforced at the premise where all persons who appear to be under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol.
2. The only acceptable forms of identification must be a valid photo driving licence, valid passport or a valid PASS approved proof of age card.
3. Challenge 25 posters must be displayed at all entrances to the premise, all areas where alcohol is displayed and at the cash till payment area.
4. Posters must be displayed prominently and in sight of customers & staffs.
5. At each till there must be placed a date of birth check card which must be kept updated at all times with the current date at which a person must be born to be aged 18 or over.
6. Cash registers in the premises must be fitted with automatic till prompts to ensure that Challenge 25 is implemented at all times.
7. A refusals register with details of all refusals must be maintained at the premise. The register must contain details of the staff member refusing the sale and must be checked on a 2 weekly basis by the Designated Premises Supervisor and signed and dated by the Designated Premises Supervisor.
8. The refusals register must be produced and made available for inspection at the time of the visit by any Responsible Authority.
9. All persons involved in the sale of alcohol/age restricted products must receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor or training provider with regards to the law in relation to the sale of alcohol/age restricted products. This will also include a written test of knowledge. Such training must be recorded and up to date training records of all such persons must be maintained at the premise and produced and made available for inspection at the time of the visit by any Responsible Authority.

10. Records for each person must be retained for a minimum of 12 months.

Agreed by Selvarajam Jayatharan (Print Name)

Signature: 

Date: 9/2/16

Public Protection
Trading Standards
20 Sidmouth Avenue
Newcastle
ST5 0QN

Telephone: (01782) 297004

Facsimile: (01782) 297010

E-mail: mark.wilson@staffordshire.gov.uk

Website: www.staffordshire.gov.uk

Please ask for Mark Wilson

For hearing impaired callers only, please call
Minicom (01785) 276207

Mr Selvartnam Jasotharan (DPS)
Westbourne Food & Wine
1 Westbourne Avenue
CANNOCK
WS11 4AN

28th October 2016

Dear Mr Jasotharan

Licensing Act 2003

I have received a report from Stephanie Dwight, an Enforcement Officer, concerning the sale of alcohol to a minor. The sale was made on 10th June 2016 by yourself (DPS) at Westbourne Food & Wine to a 16 year old child volunteer, whilst acting under the instructions of a Trading Standards Officer.

The supply of alcohol to any person under the age of 18 years constitutes an offence under the above legislation.

I am aware of the steps since taken to protect children from harm in the form of additional licence conditions that have been formally added to the premise licence by means of a minor variation.

Having carefully considered the matter and taking the above into consideration, I have decided not to institute proceedings in this case. I must advise you that should a similar situation arise in the future this incident will be taken into consideration in determining the appropriate course of action.

The Community Safety Team can provide valuable assistance with staff training. By working together we can ensure that both you and your staff have received the most effective advice in order to deal with the selling of age restricted products. Please contact Stephanie Dwight on 01785 277380 to arrange this.

Yours sincerely

Mark Wilson
Principal Trading Standards Officer – Crime and Licensing

Public Protection
Trading Standards
20 Sidmouth Avenue
Newcastle
ST5 0QN

Mrs Jamuna Jasotharan (Director)
Westbourne Food & Wine
1 Westbourne Avenue
CANNOCK
WS11 4AN

Telephone: (01782) 297004
Facsimile: (01782) 297010
E-mail: mark.wilson@staffordshire.gov.uk
Website: www.staffordshire.gov.uk

Please ask for Mark Wilson
For hearing impaired callers only, please call
Minicom (01785) 276207

28th October 2016

Dear Mrs Jasotharan

Licensing Act 2003

I have received a report from Stephanie Dwight, an Enforcement Officer, concerning the sale of alcohol to a minor. The sale was made on 10th June 2016 by Selvarthnam Jasotharan at Westbourne Food & Wine to a 16 year old child volunteer, whilst acting under the instructions of a Trading Standards Officer.

The supply of alcohol to any person under the age of 18 years constitutes an offence under the above legislation.

I am aware of the steps since taken to protect children from harm in the form of additional licence conditions that have been formally added to the premise licence by means of a minor variation.

Having carefully considered the matter, I have decided not to institute proceedings in this case. I must advise you that should a similar situation arise in the future this incident will be taken into consideration in determining the appropriate course of action.

The Community Safety Team can provide valuable assistance with staff training. By working together we can ensure that both you and your staff have received the most effective advice in order to deal with the sale of age restricted products. Please contact Stephanie Dwight on 01785 277380 to arrange this.

Yours sincerely

Mark Wilson
Principal Trading Standards Officer – Crime and Licensing

EVU 188224/

Trading Standards Record of Visit

Public Protection, Trading Standards
c/o Wedgwood Building, Block A, Tipping Street,
Stafford, ST16 2DH
TEL: 08453 303 313

Trading Name:	KOLETBOURNE FOOD & DRINK LTD.				
Address:	1 WOODBURY AVENUE, CANNOCK				
Owner:	MRS JANINA JASIMABEAN				
Telephone Number:	01543 573939	Business Type:	OFF LICENCE		
Email:		Web Address:			
Registered Office Address:					
Legislative Areas:	Licensing Act 2003 Age Restricted Sales advice				
<p>*Staff Training: Maintain written records for Age Restricted Sales Training which is refreshed regularly & includes a written test of knowledge.</p> <p>*Challenge 25 No ID No Sale: When ID is produced staff should check: Date of Birth; Photograph; Layout & Wording as well as the Hologram where applicable, if unsure REFUSE.</p> <p>*Acceptable ID: Valid Passport; Valid UK Photo Driving Licence and PASS approved card.</p> <p>*Record Refusals/ Challenges: All refusals and challenges should be recorded in the refusals/ challenge book. This should be checked & signed by management regularly to ensure that staff are following company procedures.</p> <p>*Prominent Notices: Advertise policies such as Challenge 25, Display Statutory Notices.</p> <p>*Spotting Underage Purchases: Assess body language; appearance; the company they keep & the product(s) they attempt to purchase.</p> <p>*Till Prompts: Age verification reminder. Can also be used as an electronic refusal log.</p> <p>*Refusing Sales: Be calm & polite; apologise and transfer blame.</p> <p>*Proxy Sales: Be aware of adults buying on behalf of someone underage.</p> <p>*PLEASE NOTE: This business may be test purchased using underage volunteers.</p>					
Action Required					
Leaflets Provided:	Age Restricted Sales Book(v9A); Refusals/ Challenge Book; Challenge 25 Posters; Challenge 25 Badge; Proxy Poster; Acceptable ID; Fake ID; PASS Training Card; SCCTS/1 & 2 Quiz + Answers				
	Date & Time:	9/11/15 2.30			
Officer (Block Capital)	STEPHANIE D. JONES	Signed:	[Signature]	Direct Phone No:	01273 271381
Record Received By: (Block Capital)	Stephanie Jones	Signed:	[Signature]	Position:	Manager

This record only covers areas inspected at the time of the visit.

Stephanie Jones, Staffordshire Trading Standards



Staffordshire
County Council

01273 271381 - 01273 271381

Premise Risk Assessment

Usage Code	
Hazard Score	
LOC	
Risk Band	

Comments

Nature of business _____

Compliance history _____

Current compliance _____

Management knowledge/competence _____

Management systems _____

Risk Assessment: Hazard/LOC Matrix

Hazard Scores	Likelihood of Compliance (with scores)					
	Very High		High	Medium or Not yet assessed	Low	Very Low
	0		15	40	65	80
81 - 100	81 - 95	96 - 100	96 - 115	121 - 140	146 - 165	161 - 180
56 - 80	56 - 70	71 - 80	71 - 95	96 - 120	121 - 145	146 - 160
31 - 55	31 - 55		46 - 70	71 - 95	96 - 120	111 - 120 121 - 135
15 - 30	15 - 30		40 - 45	65 - 70	90 - 95	105 - 110

Risk Bands

High	A	121 - 180
Upper Medium	B1	96 - 120
Lower Medium	B2	71 - 95
Low	C	15 - 70

The overall score is used to determine the frequency and nature of the regulatory response. This could take the form of inspections, test purchasing, sampling, targeted enforcement projects and/or advice etc.

CANNOCK CHASE DISTRICT COUNCIL
LICENSING ACT 2003



Premises licence number; CCDC/PREM/05/267

Part 1 - Premises details

Postal address of premises,

WESTBOURNE FOOD & WINE
1 WESTBOURNE AVENUE, CANNOCK, STAFFS, WS11 4AN

Telephone number

01543 506683

Where the licence is time limited the dates

NOT APPLICABLE

Licenable activities authorised by the licence

SALE BY RETAIL OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

MONDAY TO FRIDAY - 08.00 TO 22.00
SATURDAY AND SUNDAY - 10.00 TO 22.00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

OFF SALES ONLY

The opening hours of the premises

MONDAY TO FRIDAY - 08.00 TO 22.00
SATURDAY AND SUNDAY - 10.00 TO 22.00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence (amended 16/3/07 & 5/10/07 & 8/4/10)

SELVARATNAM JASOTHARAN
1 WESTBOURNE AVENUE, CANNOCK, STAFFS, WS11 4AN

Telephone

01543 506683

Registered number of holder, for example company number, charity number (where applicable)

NOT APPLICABLE

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol (amended 15/3/07 & 5/10/07)

SELVARATNAM JASOTHARAN
1 WESTBOURNE AVENUE, CANNOCK, STAFFS, WS11 4AN

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol (amended 15/3/07 & 5/10/07)

06SJ-00AQ-RGDM-93YY - HARROW COUNCIL

Approved by



On behalf of the Council

S. Shilcock

Original issue date:

1st day of December 2005

Re-issued as Minor Variation:

2nd day of September 2016

GENERAL

This licence is granted subject to such conditions as to reproduce the effect of the following:

LICENSING ACT 1964

CHILDREN AND YOUNG PERSONS ACT 1933

CINEMATOGRAPH (SAFETY) REGULATIONS 1955

SPORTING EVENTS (CONTROL OF ALCOHOL ETC) ACT 1985

CCDC/PREM/05/267

Annex 1 – Mandatory Conditions (amended 15/3/07 & 2/9/16)

APPLYING TO ALCOHOL SALES

- 1) No supply of alcohol may be made under this licence;
 - (a) at a time when there is no Designated Premises Supervisor in respect of this 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 this licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free water or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (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.
- 6) The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider; ½ pint
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available
- 7) 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.
- 8) For the purposes of the condition set out in paragraph 1 -
 - (a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) 'permitted price' is the price found by applying the formula -
$$P = D + (D \times V)$$
 where -
 - (i) P is the permitted price,

~~Wida display for Mural 81 Store~~

CCDC/PREM/05/267

Annex 1 - Mandatory Conditions continued (amended 15/3/07 & 2/9/16)

- (ii) D is the rate 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 --
- the holder of the premises licence,
 - the designated premises supervisor (if any) in respect of such a licence, or
 - 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) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.
- 9) Where the permitted price given by Paragraph (b) of paragraph 2 would (part 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.
- 10) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule (amended 2/9/16)

THE FOLLOWING CONDITIONS, WHICH ARE CONSISTENT WITH THE OPERATING SCHEDULE, WERE AGREED BETWEEN THE LICENCE HOLDER AND STAFFORDSHIRE COUNTY COUNCIL TRADING STANDARDS ON 9 AUGUST 2016

PROTECTION OF CHILDREN FROM HARM

1. A Challenge 25 policy must be adopted and enforced at the premise where all persons who appear to be under the age of 25 must be challenged for acceptable identification to prove they are over the age of 18 prior to the purchase of alcohol. ✓
2. The only acceptable forms of identification must be a valid photo driving licence, valid passport or a valid PASS approved proof of age card. ✓
3. Challenge 25 posters must be displayed at all entrances to the premise, all areas where alcohol is displayed and at the cash till payment area. ✓
4. Posters must be displayed prominently and in sight of customers & staff. ✓
5. At each till there must be placed a date of birth check card which must be kept updated at all times with the current date at which a person must be born to be aged 18 or over. ✓
6. Cash registers in the premises must be fitted with automatic till prompts to ensure that Challenge 25 is implemented at all times. ✓ *till prompt displays age.*
7. A refusals register with details of all refusals must be maintained at the premise. The register must contain details of the staff member refusing the sale and must be checked on a 2 weekly basis by the Designated Premises Supervisor and signed and dated by the Designated Premises Supervisor. ✓
8. The refusals register must be produced and made available for inspection at the time of the visit by any Responsible Authority. ✓
9. All persons involved in the sale of alcohol/age restricted products must receive initial and regular 6 monthly refresher training by the Designated Premises Supervisor or training provider with regards to the law in relation to the sale of alcohol/age restricted products. This will also include a written test of knowledge. Such training must be recorded and up to date training records of all such persons must be maintained at the premise and produced and made available for inspection at the time of the visit by any Responsible Authority. ✓
10. Records for each person must be retained for a minimum of 12 months. ✓

Annex 3 - Conditions attached after a hearing by the licensing authority ✓

NOT APPLICABLE

Staffordshire
County Council

Trading Standards - Underage Sale Notification

Licensing Act 2003

Notice for: Selwyn & Son Jaxall area
Premises details: Westhamsford farm, where

On 28/11/12 a 10 year old child visited your premises
and purchased, 4x Carlsberg Export

The sale was made by [REDACTED]

The supply of Alcohol to any person under the age of 18 years
constitutes an offence under the above legislation.

It is now necessary to discuss this matter with a representative of the
business. It is our policy to have regard to all relevant facts before
making any decisions and you should be aware that it would be
unfortunate if the absence of information resulted in you being brought
before the courts when otherwise that would not have been the case.

It would be appreciated if you could contact me at your earliest
convenience in order that a date and time for a meeting can be
arranged.

Officer Name: Kathryn Bevan
Signature: K. Bevan Contact Number: 01785 276207
Witnessing Officer: Tina Chapman
Signature: [Signature] Date & Time Issued: 28/11/12 11:30

Person Receiving Notice: [REDACTED]
Signature: [Signature]

Staffordshire Trading Standards
1 Staffordshire Place, Wedgwood Building,
Tipping Street, Stafford, ST16 2DH
Tel: 0300 111 8000
Minicom: 01785 276207
Email: businessadvice@staffordshire.gov.uk
Or visit our website at: <http://www.staffordshire.gov.uk/business/tradingstandards/>

Notice of Powers and Rights

Staffordshire County Council
Trading Standards, Wedgwood Building, Tipping Street
Stafford, ST16 2DH
Tel: 0300 111 8000

Trading Name: _____

Address of Premises: _____

Powers and rights are summarised on the reverse of this form

POWER UNDER WHICH SEARCH MADE *(Delete as Appropriate)

• Warrant (copy attached)

• Inspection/Powers (see over)

• With consent of person entitled to grant entry

1. You are not obliged to consent to a search being carried out
2. Anything seized may be used in evidence
3. You (the occupier) are not suspected of an offence*
* (delete if person is suspected of an offence).

I HEREBY CONSENT TO TRADING STANDARDS SEARCHING THE ABOVE NAMED PREMISES

Signature: _____

Name:(capitals) _____

Status: (relative to premises) _____

OFFICER IN CHARGE OF SEARCH

Name: _____ Tel No: _____

Status: _____

Time/Date of Search: _____

This search is made in accordance with the powers afforded to an authorised officer under the following legislation:

(Specify Acts) _____

White Copy to be given to the occupier
Yellow Copy to be placed on the Search Register File Record
Blue Copy to be retained by the officer

Notice of Powers and Rights

Staffordshire County Council
Trading Standards, Wedgwood Building, Tipping Street
Stafford, ST16 2DH
Tel: 0300 111 8000

Trading Name: Westminster Jewellery Jew

Address of Premises: 1 Westhollow Avenue, Cannock
WS11 1PL

Powers and rights are summarised on the reverse of this form

POWER UNDER WHICH SEARCH MADE *(Delete as Appropriate)

• Warrant (copy attached)

• Inspection/Powers (see over)

• With consent of person entitled to grant entry

1. You are not obliged to consent to a search being carried out
2. Anything seized may be used in evidence
3. You (the occupier) are not suspected of an offence*

* (delete if person is suspected of an offence).

I HEREBY CONSENT TO TRADING STANDARDS SEARCHING THE ABOVE NAMED PREMISES

Signature: _____

Name: (capitals) _____

Status: (relative to premises) _____

OFFICER IN CHARGE OF SEARCH

Name: Kathryn Bevan Tel No: 01527 291000

Status: Inspector

Time/Date of Search: 11.05 24/1/18

This search is made in accordance with the powers afforded to an authorised officer under the following legislation:

(Specify Acts) Consumer Rights Act 2015
Trading Act 2004

White Copy to be given to the occupier
Yellow Copy to be placed on the Search Register File Record
Blue Copy to be retained by the officer

OFFICIAL - SENSITIVE (when complete)

STATEMENT OF WITNESS

(Criminal Procedure Rules 2016, r. 16.2;
Criminal Justice Act 1967, S. 9, Magistrates' Courts Act 1980, s.5B)

Statement of Fiona Chapman

Age of Witness over 18
(if over 18 enter "over 18")

Occupation of Witness

Senior Community Safety Officer

This statement, (consisting of < NO OF PAGES > each signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is introduced in evidence, then it would be an offence wilfully to have stated in it anything that I knew to be false or did not believe to be true;

Signature:

Date:

I am employed by Staffordshire Trading Standards as a Senior Community Safety Officer, and I am based at Castle House, Barracks Road, ST5 1BL.

On 28th April 2018 we carried out a RIPA test purchase operation for a variety of age restricted products at different premises across Cannock, Lichfield and Stafford. At Westbourne Food and Wine we attempted to buy alcohol using an underage volunteer in order to detect any offences under the Licensing Act 2003. Present on the operation were Kathryn Bevan; Trading Standards Enforcement Officer and Stephanie Dwight, Trading Standards Enforcement Officer.

At approximately 14.22 hours, Officer Bevan instructed me to enter the premises Westbourne Food and Wine, 1 Westbourne Avenue, Cannock, WS11 4AN. On entering the premises there was a female customer approaching the till. I proceeded to browse the confectionary alone whilst I observed the volunteer enter the premises and approach the alcohol.

I then joined the queue at the till behind the volunteer. I witnessed the person behind the counter, who I now know to be Mr [REDACTED], sell 4 cans of Carlsberg Export lager 4.8%

Signature: Date:

(To be completed if applicable: being unable to read the above statement I, of read it to him/her before he/she signed it.

Signature: Date:)

OFFICIAL - SENSITIVE (when complete)

STATEMENT OF WITNESS

(Criminal Procedure Rules 2016, r. 16.2;
Criminal Justice Act 1967, S. 9, Magistrates' Courts Act 1980, s.5B)

Vol. No challenge was made for age or ID. I witnessed the payment of £4.50 being made and change given, before the volunteer exited the premise. I then introduced myself to the seller Mr N [REDACTED] and informed him that a test purchase had been carried out and an underage sale had been made. Mr N [REDACTED] stated that he was just helping out and that the owner was at a party.

Officer Bevan then entered the premises as lead officer who then took details of the owner and seller of the alcohol and continued to take photographs of the age verification signage on display and any other relevant evidence to the investigation.

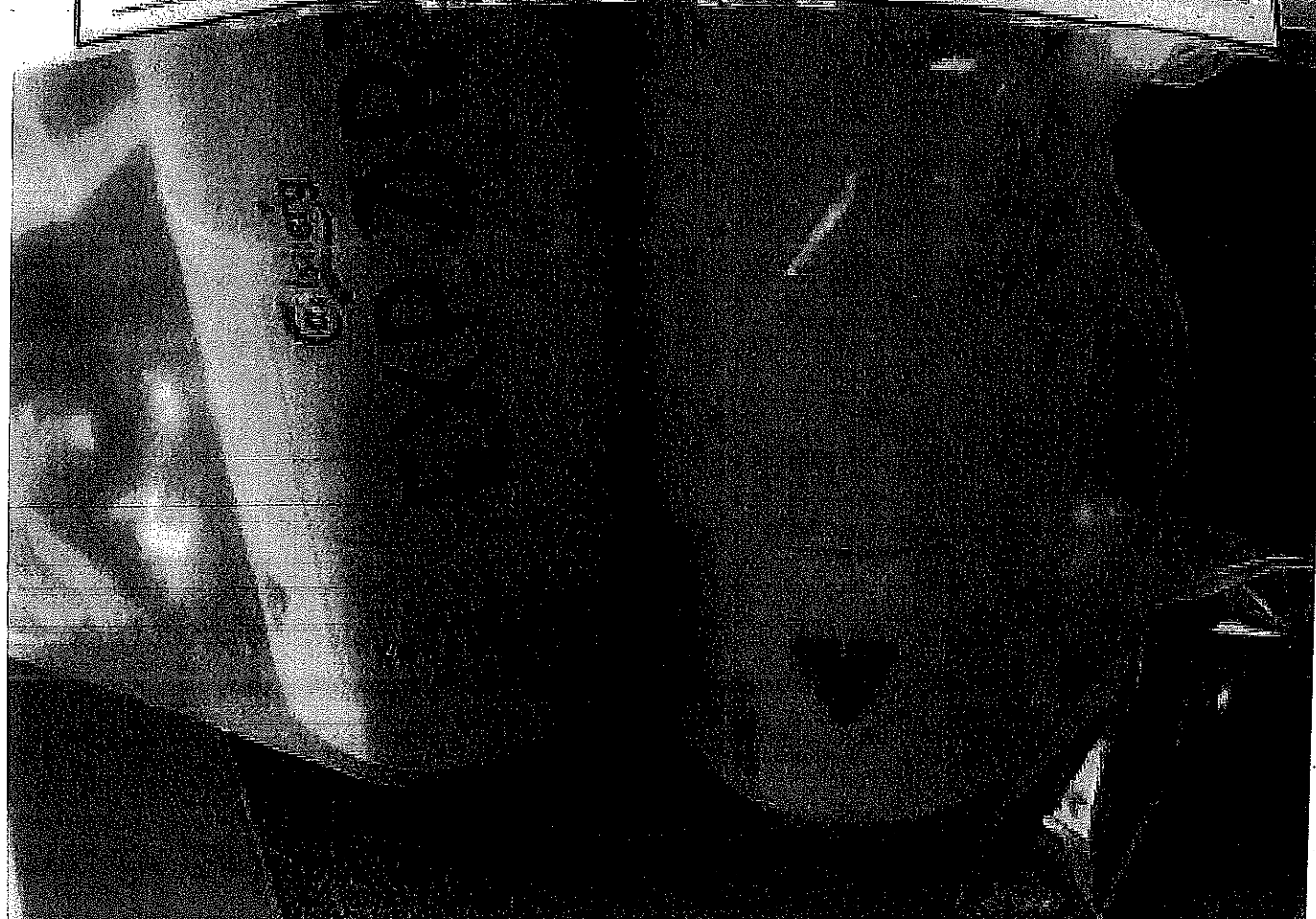
Officer Bevan and I left the premises at 14.45 hrs and returned to the vehicle.

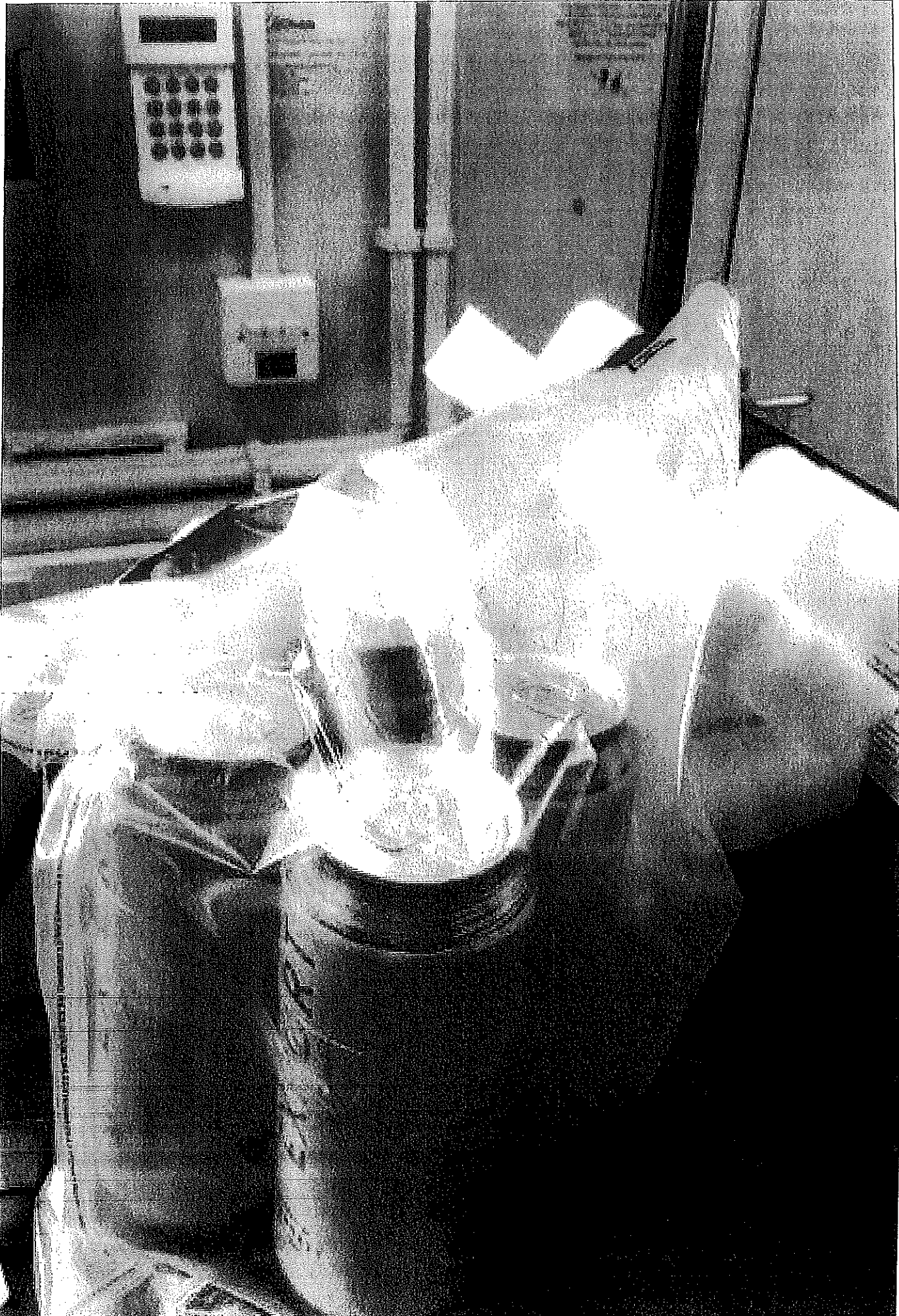
Signature:

Signature witnessed by:

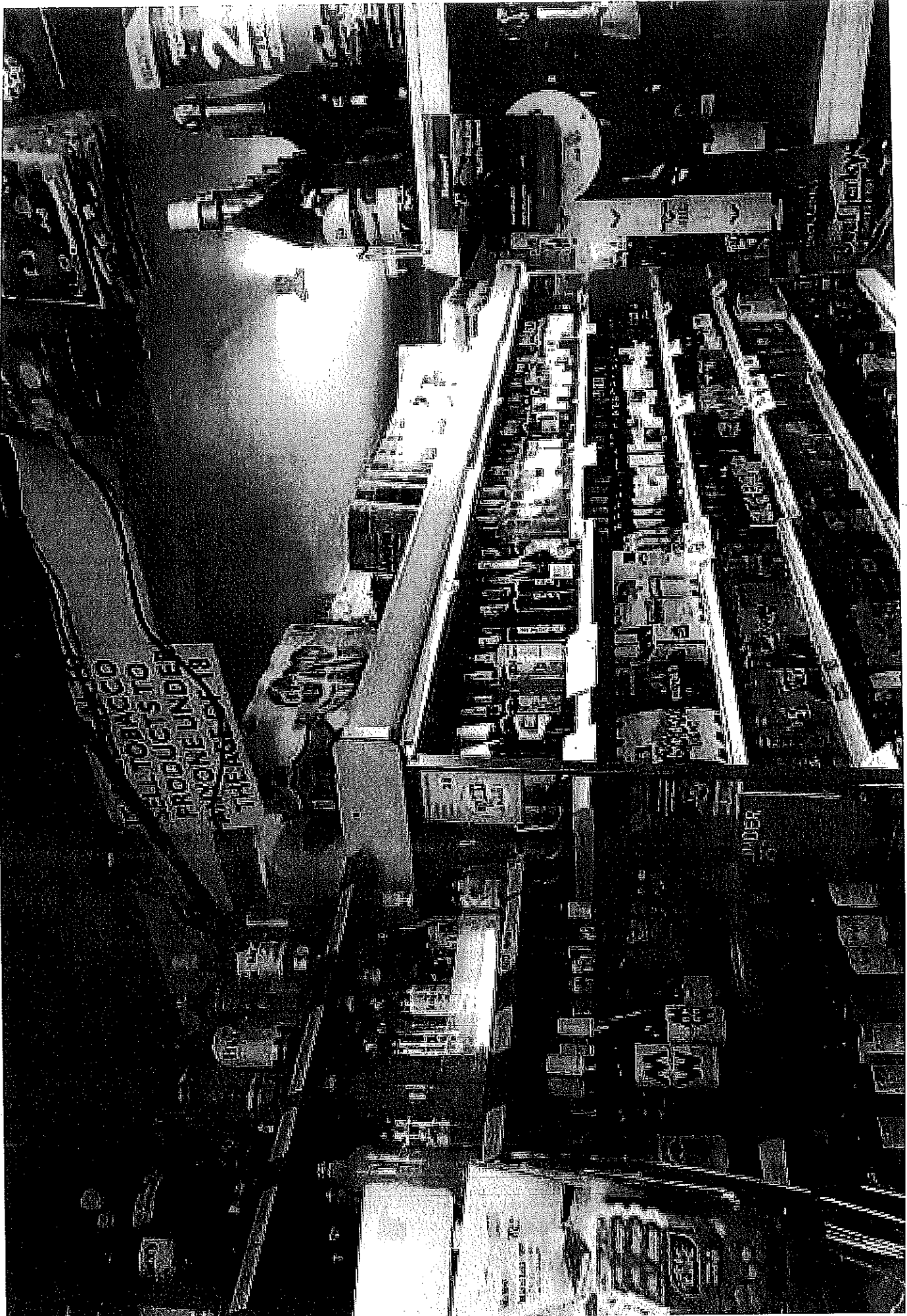


Case No. <u>201-10471</u>	Where Found/Produced <u>Lead</u>
Investigating Agent <u>[Signature]</u>	Where Found/Produced <u>[Signature]</u>
Case No. <u>[Signature]</u>	Where Found/Produced <u>[Signature]</u>
Description <u>Carlsberg Export</u>	Seized/Produced By <u>[Signature]</u>
Time/Date Seized/Produced <u>201-10471 10.24</u>	Signed <u>[Signature]</u>
	Incident/Case No. <u>EVU 19713</u>
	Major Incident Exhibit No. _____
	Laboratory ref. _____









WESTBOURNE FOOD & WINE LTD - Officers (free information from Companies ... Page 1 of 1

EVU 191713

Companies House

BETA This is a trial service — your [feedback \(https://www.research.net/r/chbeta\)](https://www.research.net/r/chbeta) will help us to improve it.

Search for companies or officers

WESTBOURNE FOOD & WINE LTD

Company number **09438345**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/09438345/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/09438345/persons-with-significant-control)

Filter officers

Current officers

Apply filter

1 officer / 0 resignations

JASOTHARAN, Jamuna

Correspondence address

01 Westbourne Avenue, Cannock, Staffordshire, United Kingdom, WS11 4AN

Role **Active Director**

Date of birth **May 1981**

Appointed on **13 February 2015**

Nationality **British**

Country of residence **England**

Occupation **Proprietor**

Is there anything wrong with this page?

Interview Date	6/6/18	CD Mark	EST/SDW/ 6/6/2018/1
----------------	--------	---------	------------------------

Interviewee Details	
Full Name	Mr Selvaratnam Jayotharan
D.O.B.	[REDACTED]
Current Address	1A Westbourne Avenue Cannock
Post Code	WS11 4AN
Telephone Number	[REDACTED]
N.I. Number	_____
Ethnicity	_____

Legal Representative	
Full Name	_____
Firm	_____

This interview is being recorded on CD at Staffordshire Place 1, Stafford.

I am Stephanie Dwight, Enforcement Officer for Staffordshire County Council,
Trading Standards

Also present is

The Time is 9:23

The Date is Wednesday 6th June 2018.

What is your full name, address, date of birth and National Insurance number
please?

Also present is (others persons & capacity, i.e., friend / solicitor – if friend confirm
role)

Do you agree that there are no other persons present (interviewee to reply)

Can you confirm that the discs were opened in front of you prior to interview?

This interview is being conducted in accordance with Code of Practice of the
Police and Criminal Evidence Act 1984. A copy of the codes is available for
you to consult at any time.

The reason for this interview relates to a sale of alcohol being made to a
person under the age of 18, at Westbourne Food & Wine during a test
purchase exercise carried out by Trading Standards on the 28th April 2018.

It is an offence under section 146 of the Licensing Act 2003 for a person in
licensed premises, to sell alcohol to a person under the age of 18.

Do you understand the details of the offences that I have just read out?

What is the name of the business/company you represent? Westbourne Food
+ Wine Ltd

What is your position within the organisation? Ltd company

Is it a Limited Company/ Partnership or sole trader business?

Are you able to speak on behalf of the business? wife is sole director,
JAMUNA JAYOCHARAN.

**At the conclusion of the interview I will give to you a notice explaining
what will happen to the CD and your right to access to copies of those
CDs.**

Caution: "You do not have to say anything but it may harm your defence if
you do not mention when questioned something which you later rely on in
court, anything you do say maybe given in evidence."

The time of caution is 9:27

Do you understand the caution?

You are not under arrest and you are free to leave if you wish to do so. You may consult a solicitor before proceeding with this interview and at any point during the interview.

Do you wish to seek legal advice?

Can you tell me why you have chosen not to seek legal advice?

*No. because I know
crime to be
committed.*

I am now issuing with the form "Notice to Persons being Interviewed"

Please take time to read this form. Will you confirm its receipt and let me know when you have read it.

Do you wish to continue with the interview?


Lead Interviewer: Stephanie Dwight	Secondary Interviewer and Note Taker: Kathryn Bevan
Date: 6 th June 2018.	Interviewee: Selvaratnam Jasotharan
Location: Staffordshire Place 1, Stafford	Focused open question to begin interview:
Purpose of Interview: The reason for this interview relates to a sale of alcohol being made to a person under the age of 18, at Westbourne Food & Wine Store during a test purchase exercise carried out by Trading Standards on the 28 th April 2018.	
Offence(s) or breach of Regulation(s):	Defence(s):
Issues and Points to Prove:	Aggravating factors/strengths:
	Mitigation factors/weaknesses:
Facts already established:	Facts to be established:
Significant statement/silence:	
Interview Plan	Key Questions
<i>Shop is owned by Mr Jasotharan. Company and the business - sole director is Mrs Jaysotharan.</i>	<ul style="list-style-type: none"> Who owns the business? <i>Ltd company.</i> Who owns the stock in the shop? → <i>The Ltd company.</i>

<p>why another sale? → Staff didn't follow C25 conditions.</p>	<ul style="list-style-type: none"> • When was the business purchased? • Have you previously operated any other businesses where you have sold age restricted products? Details? • Are you aware that it is an offence to sell alcohol to a person under the age of eighteen?
<p>Position/ Status / Employee Structure</p> <p>* [redacted] helps out, not paid. Has full job now, not very often helps out.</p> <p>Told [redacted] to do online training but has no signature.</p> <p>* Admits failed to comply with conditions. (on licence)</p>	<ul style="list-style-type: none"> • Describe for me your involvement in the day to day running of the business (inc. training responsibility) • How many people are employed at the shop? <ul style="list-style-type: none"> - Part time? - Full time? • Can you confirm who the physical seller of the alcohol was on 28th April? • What hours does he work? • Evening? Morning? • How many people were working in the shop when the sale took place?
<p>Training</p> <p>Training is a condition on licence</p> <p>No training records for last 6 months for staff member. (partner) – only July '16 and Feb '17)</p> <p>No training records for seller (only one dated Aug 16)</p>	<ul style="list-style-type: none"> - Changes since first sale 10.06.16? • Who is responsible for training staff on age restricted sales? How often, is it recorded, are staff tested? • Any documentation?

* Training up to date. (no records of this).

<p>Due Diligence</p>	<ul style="list-style-type: none"> • What policies / procedures, if any are operated in the store to help prevent underage sales? - Challenge 21/25 - Refusal Book – refusals book entry Aug 15 – Yoga?) (no entries for the seller) - Till Prompts (Was it working at the time?) - CCTV - Is there any signage around the shop? - Acceptable ID • How does the company check to see the above are carried out correctly?
<p>Communication</p>	<ul style="list-style-type: none"> • How have these policies/ procedures and the advice given at the time of my visit, been communicated to staff?
<p>Product Sold</p> <p>4 can pack of Carlsberg Export lager</p>	<ul style="list-style-type: none"> • What steps, if any have you/ the business taken since the sale took place? • What reasons did the seller give to you for making the sale?
	<p>Comments</p> <p>Anything further to add?</p>

Interview Date	04/07/2018	CD Mark	CST/SDW/ 04/07/2018/1
----------------	------------	---------	--------------------------

Interviewee Details	
Full Name	
D.O.B.	
Current Address	
Post Code	
Telephone Number	
N.I. Number	
Ethnicity	

Legal Representative	
Full Name	David Ellis
Firm	Chris Clark Solicitors.

This interview is being recorded on CD at Staffordshire Place 1, Stafford.

I am Stephanie Dwight, Enforcement Officer for Staffordshire County Council,
Trading Standards

Also present isKRO.

The Time is ..11:26

12:17 end.

The Date is Wednesday 4th July 2018.

What is your full name, address, date of birth and National Insurance number please?

Also present is (others persons & capacity, i.e., friend / solicitor – if friend confirm role)

Do you agree that there are no other persons present (interviewee to reply)

Can you confirm that the discs were opened in front of you prior to interview?

This interview is being conducted in accordance with Code of Practice of the Police and Criminal Evidence Act 1984. A copy of the codes is available for you to consult at any time.

The reason for this interview relates to a sale of alcohol being made to a person under the age of 18, at Westbourne Food & Wine during a test purchase exercise carried out by Trading Standards on the 28th April 2018.

It is an offence under section 146 of the Licensing Act 2003 for a person in licensed premises, to sell alcohol to a person under the age of 18.

Do you understand the details of the offences that I have just read out?

What is the name of the business/company you represent? Westbourne food + wine

What is your position within the organisation? Company Director. Ltd.

Is it a Limited Company/ Partnership or sole trader business? only director.

Are you able to speak on behalf of the business?

At the conclusion of the interview I will give to you a notice explaining what will happen to the CD and your right to access to copies of those CDs.

Caution: "You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court, anything you do say maybe given in evidence."

The time of caution is11:30

Do you understand the caution?

You are not under arrest and you are free to leave if you wish to do so. You may consult a solicitor before proceeding with this interview and at any point during the interview.

Do you wish to seek legal advice?

Can you tell me why you have chosen not to seek legal advice?

I am now issuing with the form "Notice to Persons being Interviewed"

Please take time to read this form. Will you confirm its receipt and let me know when you have read it.

Do you wish to continue with the interview?

Lead Interviewer: Stephanie Dwight	Secondary Interviewer and Note Taker: Kathryn Bevan
Date: 4 th July 2018. Location: Staffordshire Place 1, Stafford Purpose of Interview: The reason for this interview relates to a sale of alcohol being made to a person under the age of 18, at Westbourne Food & Wine Store during a test purchase exercise carried out by Trading Standards on the 28 th April 2018.	Interviewee: Jamuna Jasotharan Focused open question to begin interview:
Offence(s) or breach of Regulation(s): Issues and Points to Prove:	Defence(s): Aggravating factors/strengths: Mitigation factors/weaknesses:
Facts already established:	Facts to be established:
Significant statement/silence:	
Interview Plan	Key Questions
Westbourne food ↓ + wine wasn't always <u>Limited.</u>	<ul style="list-style-type: none"> Who owns the business? 3-4 yrs. (side director) Who owns the stock in the shop? The company.

Jamuna set as director

All the banking in Jamuna's name.

husband owns property.

husband is manager.

2010/11 - barque shop.

2014 - set up Ltd company.

<p>check ID for everyone. person who sold only works temporarily. - Husband named.</p>	<ul style="list-style-type: none"> • When was the business purchased? • Have you previously operated any other businesses where you have sold age restricted products? Details? • Are you aware that it is an offence to sell alcohol to a person under the age of eighteen?
<p>Position/ Status / Employee Structure Banking. serve to cover husband's break. how many hrs? every day during lunch break. hosp/doctor appts etc.</p>	<ul style="list-style-type: none"> • Describe for me your involvement in the day to day running of the business (inc. training responsibility) • How many people are employed at the shop? <ul style="list-style-type: none"> - Part time? - Full time? • Can you confirm who the physical seller of the alcohol was on 28th April?
<p>* Jamuna named? yes. can't remember.</p>	<ul style="list-style-type: none"> • What hours does he work? • Evening? Morning?
<p>under impression husband named everybody knew.</p>	<ul style="list-style-type: none"> • How many people were working in the shop when the sale took place?
<p>Training Training is a condition on licence No training records for last 6 months for staff member. (partner) - only July '16 and Feb '17) No training records for seller (only one dated Aug 16)</p>	<ul style="list-style-type: none"> - Changes since first sale 10.06.16? • Who is responsible for training staff on age restricted sales? How often, is it recorded, are staff tested? • Any documentation?

Jamuna role

- aware of licence conditions re 6 monthly training.

- thought licence taken against licence holder.
- it is actually company.
she is running shop.

<p>Due Diligence</p> <p>husband signs refusals book.</p> <p><i>understand</i> Legal responsibility as a director? no.</p>	<ul style="list-style-type: none"> • What policies / procedures, if any are operated in the store to help prevent underage sales? <p>- Challenge 21/25</p> <p>- Refusal Book – refusals book entry Aug 15 – Yoga?) (no entries for the seller)</p>
<p>- Training not complete.</p> <p>- Due Diligence not evidenced.</p> <p>- Licence conditions not met</p>	<p>- Till Prompts (Was it working at the time?)</p> <p>- CCTV</p> <p>- Is there any signage around the shop?</p> <p>- Acceptable ID</p> <ul style="list-style-type: none"> • How does the company check to see the above are carried out correctly?
<p>Communication</p>	<ul style="list-style-type: none"> • How have these policies/ procedures and the advice given at the time of my visit, been communicated to staff?
<p>Product Sold</p> <p>4 can pack of Carlsberg Export lager</p>	<ul style="list-style-type: none"> • What steps, if any have you/ the business taken since the sale took place? • What reasons did the seller give to you for making the sale?
	<p>Comments</p> <p>Anything further to add?</p>

Public Protection
Trading Standards
2 Staffordshire Place
Tipping Street
Stafford
ST16 2DH

Mr Selvaratnam Jasotharan
1 Westbourne Avenue
CANNOCK
WS11 4AN

Telephone: 01785 277380
Facsimile: 01785 259760
E-mail: stephanie.dwight@staffordshire.gov.uk
Website: www.staffordshire.gov.uk

Please ask for Stephanie Dwight

For hearing impaired callers only, please call
Minicom (01785) 276207

EVU 191713

17th July 2018

RESTRICTED

Dear Mr Jasotharan

Re: Licensing Act 2003

Thank you for your attendance at our offices on 6th June 2018 for an interview in relation to the alcohol test purchase at Westbourne Food & Wine, of the above address.

Further to your interview, can you please forward a copy of the DPS authorisation record, by 3rd August 2018.

If you have any queries at all please don't hesitate to contact me using the contact details above.

I look forward to hearing from you soon.

Yours Sincerely

Stephanie Dwight
Enforcement Officer – Community Safety

**DESIGNATED PREMISES SUPERVISOR (DPS)
LETTER OF AUTHORISATION**

To whom it may concern:

IS JASOTKARAN being the Designated Premises Supervisor (DPS), and the holder of a Personal Licence am the person in a position of authority on the premises known as:

Premises Licence Number: CCDC / PREM / 05 / 267
Personal Licence Number: 065T - CCAG - RCDM - 93 YY

Hereby authorise the following named personnel to sell and supply alcohol, to comply with the licensing law and the licence conditions attached to the licence. This being either when I am present on the premises or in my absence when I am away from the premises, I can always be contactable on the following telephone number:

..... [REDACTED] ?

NAMES OF AUTHORISED PERSONS:

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the licence.

Name	Personal Licence Number (if Applicable)	Non Personal Licence Holder (Please Tick)
JAMUNA JASOTKARAN	CCDC / PLH / 11 / 854	<input checked="" type="checkbox"/>
M [REDACTED]		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

DESIGNATED PREMISES SUPERVISOR

Name: Satvratnam Jasotkaran

Signature: [REDACTED]