

- 1. Committee to elect a Chairman**

- 2. Application for the review of premises licence at 22 Mill Street, Chagford, TQ12 8AW** **1 - 30**

Agenda Item 2

Report to: **Licensing Sub-Committee**

Date: **12th December 2018**

Title: **Application for the review of premises licence at 22 Mill Street, Chagford, TQ12 8AW.**

Portfolio Area: **Customer First**

Wards Affected:

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

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Recommendations:

That the Sub-Committee consider the application for the review of the Premises Licence and make a determination under s.52 Licensing Act 2003, namely to:

- i modify the conditions of the licence;**
- ii exclude a licensable activity from the scope of the licence;**
- iii remove the designated premises supervisor;**
- iv suspend the licence for a period not exceeding three months;**
- v revoke the licence;**

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the authority takes steps in (i) or (ii) above, it may provide that the modification or exclusion is to have effect permanently or for only such period (not exceeding three months) as it may specify.

1. Executive summary

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for the review of the Premises Licence at **22 Mill Street, Chagford, TQ12 8AW, known as 22 Mill Spice**, in accordance with Section 52 of the Licensing Act 2003.
- 1.2 An application to review the Premises Licence for the above was received from Home Office Immigration Enforcement on 25th October 2018. The grounds given for the review application is that the premises licence holder does not meet the licensing objective of 'prevention of crime and disorder' due to illegal working taking place at the premises. In light of this, Home Office Immigration Enforcement have requested that the outcome of the review process is revocation of the premises licence. A copy of the review application is attached at **Appendix A**.
- 1.3 The current premises licence and plan can be found at **Appendix B**. The only licensable activity permitted under the premises licence is the sale of alcohol for consumption on the premises:
Monday to Saturday – 10am to midnight
Sunday – midday to 11.30pm
Christmas Day and Good Friday – midday to 11.30pm
There are conditions on the licence restricting alcohol sales only to those persons taking table meals at the premises, as an ancillary to their meal.

2. Background

- 2.1 Under section 51(1) Licensing Act 2003, a responsible authority or any other person may apply to the relevant licensing authority for the review of the premises licence. The grounds for review must be relevant to at least one or more of the following licensing objectives:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 2.2 The Licensing Act 2003 was amended by the Immigration Act 2016 by introducing immigration safeguards into the licensing regime. One of these changes was the addition of the Home Office (Immigration Enforcement) as a responsible authority. In this role, they are able to make representations in relation to certain licence applications, as well as apply to review an existing premises licence where there are concerns in relation to any of the licensing objectives.
- 2.3 A review application has been received from Home Office (Immigration Enforcement) in respect of 22 Mill Street, Chagford (WDPLWA0067). The stated grounds for the review are:

“We have grounds to believe the licence holder will fail to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.”

- 2.4 Statutory guidance issued until section 182 of the Licensing Act states:
“The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.”
- 2.5 Further information has been provided by Home Office (Immigration Enforcement) relating to their findings, which is included on the review application form (**Appendix A**). Immigration Enforcement officers visited the premises on Friday 8th June and found three persons present at the restaurant with no permission to work. In addition, the premises licence holder, Mr Shabuddin Parvas, has been served with a civil penalty of potentially up to £60,000. We have been informed that this action is still in progress.
- 2.6 The premises licence for 22 Mill Street, Chagford (WDPLWA0067) was transferred to Mr Shabuddin Parvas in December 2016. Mr Parvas also became the designated premises supervisor (DPS) at this time.
- 2.7 The premises is currently trading as an ‘Indian restaurant and takeaway’. A copy of the premises licence and plan is at **Appendix B**. The premises is located in Mill Street, Chagford, near to the town centre and close to many residential properties.
- 2.8 As an application to review the premises licence has been received and not withdrawn, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to West Devon Borough Council’s Statement of Licensing Policy (the Policy) and Home Office guidance issued under Section 182 Licensing Act 2003 (revised April 2018).
- 2.9 The following responsible authorities are statutory consultees under Licensing Act 2003:
- Devon and Cornwall Police
 - Devon and Somerset Fire and Rescue Service
 - Devon Safeguarding Children’s Board
 - Devon County Council Trading Standards

- Devon Drug and Alcohol Action Team, NHS Devon
- West Devon Borough Council Development Management (Planning)
- Dartmoor National Park Authority Planning Department
- West Devon Borough Council Environment Health (Health and Safety)
- West Devon Borough Council Environmental Health (Pollution Control)
- Home Office Immigration Enforcement (Applicant for Review)

2.10 There were no representations received from any of the other responsible authorities.

2.11 Section 3.1 of the Council's Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. (These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives). These objectives are listed at 2.1 of this report.

2.12 Section 4.1 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.

3. Outcomes/outputs

3.1 When determining an application for a review of a premises licence, the following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:

3.2 The policy states at paragraphs 9.2.4-9.2.6:

9.2.4 When considering a review of a premises licence or club premises certificate, the Authority will expect applicants for the review to provide evidence of previous infringements of licensing regulations, failure to comply with the licence conditions and/or failure to promote the licensing objectives.

9.2.5 Following a review, the Authority will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available are:

- to modify the conditions of the premises licence
- to exclude a licensable activity from the scope of the licence);
- to remove the designated premises supervisor
- suspend the licence for a period not exceeding three months;
- revoke the licence.
- to take no action

9.2.6 In cases where the crime and disorder objective has been undermined or where it can be demonstrated that a premises has a history of persistent offending, suspension or revocation of a licence, even in the first instance, may be seriously considered as a form of deterrence.

3.3 Section 11.17 of the guidance states:

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

3.4 Section 11.20 of the guidance states:

“In deciding which of these powers (see 3.2 above) to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.”

3.5 At section 11.27, the guidance lists certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. Included in this list is the use of licensed premises for ‘employing a person who is disqualified from that work by reason of their immigration status in the UK.’

3.6 Section 11.28 of the guidance states:

“It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

3.7 The desired outcome is a determination of the application to review the premises licence, with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

4. Options available and consideration of risk

4.1 The Licensing Authority may decide to impose additional conditions on the premises licence to address the four licensing objectives; to

remove the designated premises supervisor; to suspend the licence; or to revoke the premises licence. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.

- 4.2 A decision made by the Licensing Sub-Committee may be appealed by the premises licence holder, the applicant, or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates' Court may:
- a) Dismiss the appeal,
 - (b) Substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
 - (c) Remit the case to the licensing authority to dispose of it in accordance with the direction of the court,
- and may make such order as to costs as it thinks fit.

5. Proposed Way Forward

- 5.1 That the Sub-Committee consider the application for the review of the Premises Licence and make a determination in respect of this application, namely to:

- i) modify the conditions of the licence;
- ii) exclude a licensable activity from the scope of the licence;
- iii) remove the designated premises supervisor;
- iv) suspend the licence for a period not exceeding three months;
- v) revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the authority takes steps in (i) or (ii) above, it may provide that the modification or exclusion is to have effect permanently or for only such period (not exceeding three months) as it may specify.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As a review application has been received that has not been withdrawn, this hearing must be held.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 52) that when determining an application to review a premises licence, the Sub-Committee takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none"> i) modify the conditions of the licence; ii) exclude a licensable activity from the scope of the licence; iii) remove the designated premises supervisor; iv) suspend the licence for a period not exceeding three months; v) revoke the licence; <p>The Sub-Committee must give its reasons for the decision to take any of these steps. Similarly, the Sub-Committee must give its reasons if it is decided that no action is to be taken.</p> <p>The premises licence holder, the applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p>

		<p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> a) dismiss the appeal; b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. <p>and may make such order as to costs as it thinks fit.</p>
Financial	N	There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.1). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding	Y	All decisions must take into consideration the 'protection of children from harm' licensing objective.
Community Safety, Crime and Disorder	Y	Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.8 of this report.
Health, Safety and Wellbeing	Y	All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications	N/A	

Supporting Information

Appendices:

Appendix A – premises licence review application

Appendix B – copy of premises licence and plan

Background Papers:

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

West Devon Borough Council's Statement of Licensing Policy

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No

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APPENDIX A

Licensing Authority: West Devon Borough Council

Reference: AL18999

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Home Office Immigration Enforcement

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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	
22 Mill Spice 22, Mill Street, Devon	
Post town Chagford	Post code (if known) TQ13 8AW

Name of premises licence holder or club holding club premises certificate (if known) Mr Shabuddin Parvas
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Number of premises licence or club premises certificate (if known)

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

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional) IE.Alcoholreviews@homeoffice.gsi.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 type="checkbox"/>

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

We have grounds to believe the license holder will fail to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

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

Immigration Enforcement officers conducted an enforcement visit to the 22 Mill Spice, 22 Mill Street, Chagford Devon TQ13 9AW on Friday 8th June.

Three subjects were encountered at the premises. All three subjects were found to be illegally present with no permission to work.

A potential Civil Penalty of up to £60,000 has been served to the licence holder Shabuddin PARVAS.

In light of the 3 subjects found working illegally, Home Office Immigration Enforcement wish to seek revocation of the licence.

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

Part 3 – Signatures (please read guidance note 4)

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

Signature P. Thomas

Date 25/10/2018

Capacity **Responsible Authority**.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Alcohol Licensing Team Lunar House 40 Wellesley Road	
Post town Croydon	Post Code CR9 2BY
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) IE.Alcoholreviews@homeoffice.gsi.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.

Licensing Act 2003**Premises Licence**

Licence Valid From: 26 September 2005

WDPLWA0067**LOCAL AUTHORITY**

West Devon
Borough
Council

Licensing
West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
PL19 0BZ

Part 1 - Premises Details**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

22 Mill Street
22 Mill Street, Chagford, Devon, TQ13 8AW

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Supply of Alcohol

THE OPENING HOURS OF THE PREMISES:**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:**

Supply of Alcohol	Mon 10:00-00:00
	Tue 10:00-00:00
	Wed 10:00-00:00
	Thu 10:00-00:00
	Fri 10:00-00:00
	Sat 10:00-00:00
	Sun 12:00-23:30
	Sun, Xmas Day & Good Friday 12:00- 23:30

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

On Premises

Part 2**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Mr Shabuddin Parvas
[REDACTED]

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

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

Mr Shabuddin Parvas
[REDACTED]

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

Licence Number: [REDACTED]

Issued By: [REDACTED]

ANNEXES

ANNEX 1 – MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003

Mandatory Licensing Conditions - Pubs, Clubs & Restaurants from 1st October 2014

Supply of alcohol

No supply of alcohol may be made under the premises licence:-

1. at a time when there is no designated premises supervisor in respect of the premises licence, or
2. at a time when the designated premises supervisor does not hold a personal licence or his personal licence has been suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Registered door staff

Each individual carrying out a 'security activity' must be licensed by the Security Industry Authority other than

1. in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
2. in respect of premises in relation to any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
3. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

For the purposes of this section

- "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
- paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Minimum permitted price for the sale or supply of alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) “permitted price” is the price found by applying the formula—

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

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).

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

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

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

Irresponsible promotions

(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 a 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 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).

Potable water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age verification

- (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.

Minimum measures

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: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(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.

Exhibition of films

The admission of children to the exhibition of any film to be restricted to:

1. Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
2. Where
 - a) The film classification body is not specified in the licence, or
 - b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

3. In this section

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

A Supply of alcohol

Alcohol shall not be sold or supplied on the premises

- Unless the premises are structurally adapted and bona fide used for the purpose of habitually providing the customary main meal at mid-day or in the evening, or both, for the accommodation of persons frequenting the premises.
- Otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal
- The authorised hours for the sale of alcohol do not prohibit:
 - during the first thirty minutes after the end of authorised hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - consumption of the alcohol on the premises or the sale or supply of alcohol to any person residing in the licensed premises;
 - the taking of alcohol from the premises by a person residing there;
 - the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
- the sale or supply of alcohol from the end of authorised hours on New Years Eve to the start of authorised hours on New Years day.

B Regulated Entertainment - None

C Late Night Refreshment

Late night refreshment may be provided up to 30 minutes after the end of authorised hours for the sale and supply of alcohol.

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

None

ANNEX 4 - PLAN OF PREMISES

As originally submitted.



Ian Luscombe
Environmental Health Community of Practice Lead
On behalf of the Licensing Authority

Licensing Act 2003

Premises Licence Summary

Licence Valid From: 26 September 2005

WDPLWA0067

LOCAL AUTHORITY



West Devon
Borough
Council

Licensing
West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
PL19 0BZ

Premises Details

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

22 Mill Street
22 Mill Street, Chagford, Devon, TQ13 8AW

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Supply of Alcohol

THE OPENING HOURS OF THE PREMISES:

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

Supply of Alcohol	Mon 10:00-00:00
	Tue 10:00-00:00
	Wed 10:00-00:00
	Thu 10:00-00:00
	Fri 10:00-00:00
	Sat 10:00-00:00
	Sun 12:00-23:30
	Sun, Xmas Day & Good Friday 12:00- 23:30

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

On Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mr Shabuddin Parvas
[REDACTED]

Licensing Act 2003

Premises Licence Summary

Licence Valid From: 26 September 2005

WDPLWA0067

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

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

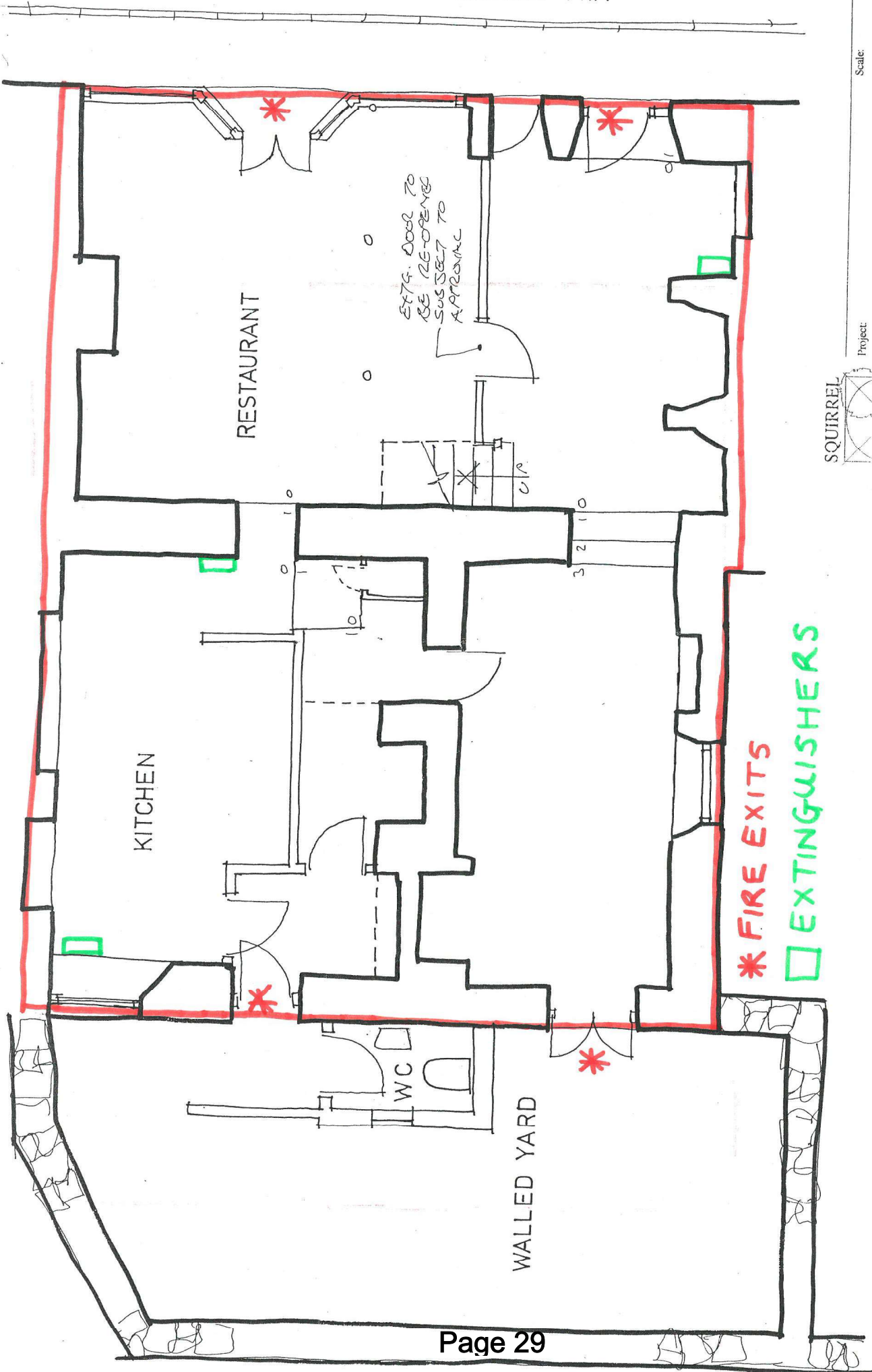
Mr Shabuddin Parvas

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No restrictions

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MILL STREET



Scale: 1:50
 Date: Aug'97
 Drawn By: MOC
 Dwg. No. G-197:3:1

Project: 22 Mill Street Restaurant
 Chagford
 Devon
 Title: Ground Floor Layout

SQUIRREL
 ARCHITECTURAL
 42 The Square Chagford
 Devon TQ13 8AH
 Tel: 01 647 43 25 75
 Fax: 01 647 43 26 76

22 Mill Street - Ground Floor Layout

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