



LICENSING SUB COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Thursday, 9th February, 2023 at 10.00 am.

The Members of the Licensing Sub Committee are:-

Cllrs. Michael, L. Suddards and Wright.

Cllr. Burgess (Reserve)

Supplementary Agenda

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| (a) | Supporting Paperwork from Applicant | 1 - 28 |
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APPLICATION FOR A PREMISES LICENCE - THE TUDOR PEACOCK, CHILHAM
9TH FEBRUARY 2023

Dear Committee members,

The Tudor Peacock has always been a community project, with approximately 30 individual investors, over half of whom live in the Parish of Chilham. It was borne out of a desire to create a business centred around the local Kentish wine industry, and to align with the new vineyard opening in Chilham later this year (Domaine Evremond), helping to revive tourism in the village, which has been impacted so badly following the recent pandemic

Another core intention of the business is to breathe new life into a village square that has suffered with multiple unoccupied properties in recent years, and to renovate a Grade II Listed property in a sympathetic and appropriate way. In the short time that we have been working on the project, we have developed close ties with the other traders in Chilham, and have designed our offering to complement, not compete with what already exists, and have already become a member of the Chilham Tourism and Retail Group.

The business will also help to boost employment in what is essentially a rural community, by creating 3 FT and 2 PT jobs initially.

Lastly, we've had huge backing from local bodies, including Locate in Kent and the Wine Garden of England, and have secured an interest free loan from KMBF to complete the renovations.

Planning permission was granted towards the end of 2022, with 92 statements of support, again mostly from local residents, and only 5 objections. With that permission came a number of conditions, which as the business owner, I am fully comfortable with, and take full responsibility to enforce.

Based on all of this, we believe that what we are asking for is very reasonable, but I did want to highlight a number of areas where we are acknowledging the concerns of residents, and demonstrating how seriously we are taking them:

1. All staff will be fully trained before opening the venue (please see the templates for these training documents in our other attachment)
2. CCTV will be installed through the premises
3. Encouraging customers to arrive and leave the venue with consideration and respect for our neighbours
4. Required to maintain a secondary internal door to the front of the property, thus creating a porch, and reducing the amount of noise that can escape the venue when people enter or leave
5. No commercial kitchen as part of the venue - this is another condition - so there will be no associated noise from a kitchen environment or from an extractor unit. We are NOT a restaurant
6. All communication on our website and on social media will encourage customers to park in the large public car park at the bottom of Taylor's Hill

7. Accept no deliveries before 09.30 or between the hours of 14.45 and 15.45 on weekdays, in order to avoid the congestion already caused by school drop off and pick up. In addition, there will be no deliveries on Sundays either
8. Bins will not be emptied before 09.00 or after 19.00, thus reducing disturbance to neighbours
9. The rear courtyard cannot be used by customers at all, so zero disturbance is anticipated from the rear of the property
10. There is a clear and robust condition in place with regards to insulation requirements. The venue cannot be used for the purpose of the business until that condition is proven to be effective
11. Live and amplified music is not allowed. We are NOT a music venue
12. No speakers, for the use of background music, can be located on any walls adjoining neighbouring properties
13. Business hours are 10.00 - 18.00 Sunday - Thursday and 10.00 - 20.00 on Fridays and Saturdays
14. Keen to engage closely with village square residents, perhaps through a Whatsapp group, in order to hear of any issues immediately and then address them quickly.

My young family and I have resided in Chilham for over 11 years, and sincerely hope that we are able to bring this business to life in the coming months.

I look forward to meeting with you on the 9th February to discuss further and answer any questions you may have.

Yours sincerely,

NICK MOGFORD



Underage Sales Refusals Register

If you are challenging a customer under the Challenge 25 policy and the customer fails to produce valid ID which confirms his or her age, the sale should be refused and recorded on a refusals register, after the customer has left the premises.

Keep the refusals register close to the counter but out of sight.

The sale should be refused if the customer is unable to prove he or she is the age given in the attached table for the product they are attempting to purchase.

All staff should know where the refusals register is kept and should write the entry whenever an age-related sale is refused.

If staff sell an age restricted produce to someone under the relevant age both manager and staff are liable to **PROSECUTION, CONVICTION, FINE** and/or **PRISON**.

The refusals register should be kept up to date and be shown to Officers of the Trading Standards Service, Licensing Service or the Police if they request to see it upon inspection or in the event of a sale.

Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: Date:



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Manager's Signature: Date:



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Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: Date:

Alcohol Sales Questionnaire for (Staff Name):.....

Please answer the following questions putting a ring around multiple choice answers:

1 Name the designated premises supervisor (DPS) for these premises

.....
.....

2 What are the hours you are allowed to sell alcohol from these premises?

.....
.....

3 Circle who from the list below who you must refuse to serve with alcohol

- a someone who appears to be drunk
- b someone who appears to be under 25 without ID
- c someone under 18
- d someone purchasing for somebody else who is drunk
- e someone purchasing for somebody who is under 18
- f someone you do not know

4 Who has to authorise you to sell alcohol otherwise you are not allowed to do so ?
.....THE DPS AT THE PREMISES

5 To sell alcohol

- a person must be a aged over 21
- b have more than 2 years experience
- c have been authorised by the DPS
- d aged over 18

6 What is the meaning of challenge 25 ?ANYONE WHO LOOKS UNDER 25
SHOULD BE ASKED FOR ID

7 Circle from the list below what you will accept as proof of age

a photographic ID card

b current passport

c birth certificate

d credit card

e photo driving licence

f student union photo ID

g pass accredited photo ID

8 If you are in any doubt what must you do ?REFUSE THE SALE!

9 Where must you record details of any refusals ?

...REFUSALS REGISTER

10 Who must you tell about the refusal and when ?

.....DPS/DUTY MANAGER - AS SOON AS POSSIBLE

11 Which of the following can indicate somebody may be drunk?

a) Flushed face

b) Bloodshot eyes

c) Cough

d) Slurring words

12 What may happen if you sell alcohol to somebody who is under 18 ?£90
FIXED PENALTY NOTICE/REVIEW OF THE PREMISES LICENCE/POSSIBLY
LEADING TO CLOSURE

Premises Name:

Staff Name:

Date:

Staff name:.....

Premises:.....

I am over 18 years of age and confirm that I have been trained in the sale of alcohol and alcohol products. I am fully conversant with my obligations in the sale of these products and the penalties that will apply if I serve a customer illegally. These range from a fixed penalty notice of £90 to a criminal conviction with an unlimited fine and/or 6 months imprisonment.

I warrant that:

1. Once authorised I can only sell alcohol during the hours specified on our Licence Summary as displayed on the premises
2. Alcohol sales are only allowed for consumption (delete as appropriate)
 - off the premises and I will not allow consumption on the premises
 - on the premises and I will not allow consumption off the premises
 - on and off the premises
3. I confirm that I will not sell alcohol to anybody under the age of 18
4. I confirm that I will challenge anybody attempting to purchase alcohol who appears to be under the age of 25 to prove that they are over 18 by producing acceptable proof of age
5. I will only accept a Passport, a Photo Driving Licence or a PASS accredited card as proof of age such as the Validate card or the Citizens card
6. I will not sell alcohol to anybody who I believe is purchasing to supply somebody under the age of 18
7. I will not sell alcohol to anybody who is, or appears to be drunk
8. I will not sell alcohol to anybody who I believe is purchasing for somebody who is, or appears to be drunk
9. If I am in any doubt on the above I will refuse to make the sale
10. I will record all incidents of refusals in the refusals book noting the date and time, plus a description of and name of the person if known together with a note of the product refused
11. I will advise my supervisor of the refusal as soon as possible and certainly no later than at the end of my shift
12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times

Staff Name (print):

Signature:

Date:

DPS Name (print):

Signature:

Date:

UNDER 25?

Please be
prepared to show
proof of age when
buying alcohol



DRINKAWARE.CO.UK



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Please answer the following questions putting a ring around multiple choice answers:

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6 What is the meaning of challenge 25 ?

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.....

7 Circle from the list below what you will accept as proof of age

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b current passport

c birth certificate

d credit card

e photo driving licence

f student union photo ID

g pass accredited photo ID 8

If you are in any doubt what must you do ?

.....
.....

9 Where must you record details of any refusals ?

.....

10 Who must you tell about the refusal and when ?

.....

11 Which of the following can indicate somebody may be drunk?

a) Flushed face

b) Bloodshot eyes

c) Cough

d) Slurring words

12 What may happen if you sell alcohol to somebody who is under 18 ?

.....
.....

Premises Name:

Staff Name:

Date:

Staff name:.....

Premises:.....

I am over 18 years of age and confirm that I have been trained in the sale of alcohol and alcohol products. I am fully conversant with my obligations in the sale of these products and the penalties that will apply if I serve a customer illegally. These range from a fixed penalty notice of £90 to a criminal conviction with an unlimited fine and/or 6 months imprisonment.

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11. I will advise my supervisor of the refusal as soon as possible and certainly no later than at the end of my shift
12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times

Staff Name (print):

Signature:

Date:

DPS Name (print):

Signature:

Date:

LICENSING MANUAL

Licensing Act 2003

All Staff Document

Premises Licence and Site Operations **Training Manual**

This Premise Licence Operation and Training Manual contains instructions and guidance covering policies and procedures for the premises. The intention of this manual is to:

- assist staff training and awareness.
- act as an 'aide memoire' for all staff
- referencing important information quickly and easily
- providing guidance to staff as part of their on-going training and development.

The Training Regime

All on-site staff must read the training material provided and then satisfactorily pass the subsequent written test before being allowed to sell alcohol. It is important that all of this information is fully understood, should a staff member not satisfy the Designated Premises Supervisor (DPS) that they understand all of this then the DPS will not authorise that staff member.

You are at risk of prosecution for making unauthorised sales.

Refresher training must be undertaken at least on six-monthly basis, to sell alcohol and a number of refresher quizzes should take place to help in testing all staff and their knowledge.

Due Diligence Measures

- Staff to satisfactory undertake questionnaire - all questions to be answered correctly.
- Training Statement, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).
- Staff Authorisation sheet, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).

The Premises Licence holder may also consider putting staff members forward to sit the APLH - Award for Personal Licence Holders exam if there is a likelihood of them becoming a DPS in the future.

For further details please contact Easylicences.

All staff training must be recorded as well as individual staff authorisations to sell alcohol. You should complete both the alcohol training statement sheet and the authorisation record sheet.

All staff should be issued with their own confirmation of having received their initial training, whether under this regime or any alternative proprietary system, keeping the originals for your own records. All your current staff should be listed on the authority record and it should contain their signature as proof of their understanding of the training they have received and the responsibilities that they hold in the sale of alcohol. Subsequently as they are re-authorized to sell alcohol on a regular basis this should form part of the refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the rules relating to the sale of alcohol. New staff should then be added as they join, subsequently signing again on a regular basis thereafter, after each refresher. The alcohol training and authority sheets are designed for quick reference by any of the authorities which may visit your store, and for you to identify and maintain all training requirements.

Premises licence – Licensable Activities

You can only carry out the sale of alcohol off the premises during the licensable hours of the premises licence. The penalty for selling outside permitted hours is substantial - max £20,000 fine and/or six months imprisonment plus a possible licence review.

Staff Authorisation

Under the terms of the grant of the premises licence: It is an offence for a person to serve alcohol to anybody unless you have been authorised to do so by a personal licence holder. It is an offence to sell alcohol to anybody from premises without a premises licence and/or without a named Designated Premises Supervisor who is in possession of a personal licence.

Underage Sales

It is an offence to sell alcohol to anyone under the age of 18, or to anyone purchasing alcohol on behalf of someone under the age of 18. It is an offence for any person under the age of 18 to buy or attempt to buy alcohol. It is an offence for anybody under 18 to sell alcohol unless authorised to do so by a responsible person. Responsible person are defined as:

- The holder of the premises licence
- The Designated Premises Supervisor (DPS) if any, for the Premises Licence
- An individual aged over 18 authorised (ideally in writing) to sell alcohol for consumption off the premises by either the Premises Licence Holder or the Designated Premises Supervisor.

It is an offence to allow alcohol to be served to someone under 18 if the staff member could have prevented it. If a Challenge 25 scheme is adopted as a condition of the licence then each customer wishing to purchase alcohol who is unknown to the cashier serving as a person who is over 18 years of age must be asked for satisfactory identification to prove their age. If they cannot or are not asked then the cashier may be committing an offence should the condition wording be specific in this regard.

If a customer looks under 25 they **Must** be challenged to prove that they are over 18 by producing photographic proof of age which must include a photograph and state the full date of birth of the customer. The only forms of proof of age that we will accept are:

- A passport
- A photographic new style driving licence
- A PASS accredited Proof of Age ID card such as: the Citizen Card

Do not accept any other form of ID under any circumstances

Note: the penalty for the member of staff selling alcohol to an under aged person ranges from a fixed penalty notice to a criminal conviction and a substantial fine. You must ensure that you are completely satisfied as to the customer's age BEFORE you make the sale.

Do not ask staff members or 'take someone's word' that, they are over 18 and always use CHALLENGE 21 / CHALLENGE 25.

DUE DILIGENCE PROCEDURE

All staff are to be regularly briefed on the following topics:

- ii Test purchasing
- iii Age restricted products
- iv How to check proof of age
- v Follow the guidelines
- vi What the law says
- vii Due diligence procedure

Protection of Children from Harm

To protect children from harm and comply with the law, the vast majority of retailers take under age sales very seriously. There can be serious consequences for businesses, licensees AND individual members of staff. Penalties for breaking the law include substantial fines, loss of licences, even imprisonment. Individual members of staff can be taken to court and prosecuted. They could also lose their job.

Trading Standards & Police are amongst the Responsible Authorities who are consulted on licence applications under the Licensing Act 2003. If a licensee and the staff are not

following the guidelines outlined in this booklet then these matters may be raised during the licensing process. Any evidence of underage sales can also trigger a review which could lead to loss of the Licence.

Test purchasing

Trading standards and the Police (sometimes together) check that the law is followed and can carry out test purchases of all age restricted products as part of their enforcement duties. The test purchases are made with volunteer young people who are to look their age.

These test purchases follow procedures supported by the government. They are allowed as evidence of underage sales. Following these guidelines and asking for proof of age and receiving appropriate proof (asking by itself is not a defence), should make sure that you don't make an illegal sale. Samples of 'proof of age' are shown on the photocards poster in the support material

Age restricted products – age restrictions

Alcohol Products 18

Cigarettes and tobacco products. 18

By following the rules regarding age related products it will help you show you are taking 'all reasonable precautions and exercising all due diligence'. This is legal-speak to say that you must have behaved in a way that can provide a defence in law if an illegal sale takes place. You must be able to show that you are doing all that you possibly can to make checks. This is what the courts would look at should an illegal sale take place.

How to check proof of age ?

If a customer who looks under 25 asks to buy an age restricted product, ask for one of the prescribed forms of proof of age and check it. If appropriate proof of age cannot be produced you must refuse the sale and make an entry in the refusals register. You must only accept proof of age with date of birth and a photo. Remember to check that the photo matches the customer and that you can see their face clearly, including asking them to remove hoods and caps.

Proof of age cards need to carry a PASS hologram to show that they are part of an approved scheme and have been correctly issued. When you see a genuine PASS logo you can be more confident that it is valid proof of age, however there are good forgeries in circulation. Please see over page for checks.

• *Always follow these checks*

1. Check that the PASS hologram is genuine and flush with the body of the card.
2. Check that the photo matches the person using it and that it is printed on the card, not just stuck on top of it. Ask them to remove helmets, hoods and sun glasses if you are not sure.
3. Check that the date of birth is properly printed on the card and that you have calculated the date of birth correctly.
4. Check that the card has not been tampered with in any way.
5. Check the person. If you are unsure about any of the above you must, and have the right to, refuse the sale.

• **Acceptable proof of age includes**

- 10 year passport
- Photo driving licence
- Citizencard
- "PASS " accredited proof of age card scheme

There are fake proof of age cards about so if you are unhappy with a card for any reason, refuse the sale. Items such as birth certificates and national insurance cards are not good enough. They carry no photo so can be passed between friends. Legally you have the right to refuse to sell to anyone, whether over or under age, if you are unhappy with the sale in any way.

REMEMBER – If in doubtrefuse the sale

- Don't try to judge ages. Only accept approved proof of age cards with photos and date of birth.
- Follow either the 'Challenge 25 Rule' and ask for proof of age from anyone who does not look over 25. Remember, if you guess wrong you could end up in court!
- Make sure notices (e.g. 'It is an offence to sell cigarettes to persons under 18') are on display.
- Know when dates of birth will be correct. Are they 18 yet? Just having today's date with the relevant year of birth will do!
- Fill in a 'refusals book' each time a refusal takes place. The DPS should check entries regularly to make sure all staff are using the register.
- Be careful should young people wearing school uniforms request to purchase age related products.
- Do not sell to an adult you suspect of buying for under age young people. It is an offence for an adult to buy alcohol on behalf of someone under 18. This is called proxy selling.
- Support colleagues when they refuse sales. It can be difficult to say 'no.'

Alcohol

The age at which product alcohol can be legally served and bought is 18. Do not sell to over 18s who you think may be purchasing for under 18s. Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18. If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk.

Under 18s cannot legally purchase alcohol. Always ask for proof of age before you serve and check the details. You can face prosecution and a criminal record or alternatively the police can issue on the spot fine of £90 if under age sales are made.

Cigarettes and tobacco products

The age at which cigarettes can be legally bought is 18.

Under 18s who say they are buying for an adult must be refused.

It is illegal to split packets of cigarettes or to sell singly.

Do not sell to adults who you think may be purchasing on behalf of under 18s (proxy selling). A notice must be displayed about sales to under 18s.

Always ask for proof of age before you sell.

Checking Proof of age

When you ask somebody to produce proof of age in order to complete a purchase you must ensure that only an approved form of identification is accepted and that you

check it correctly: Only accept -

- a valid passport
- a European style photo driving licence
- a PASS accredited cards such as a Citizen card

Always ask for the identification to be handed to you for authentication purposes

Check that

i. Passport

- not altered in any way
- the passport date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

ii. European style driving licence

- not altered in any way
- the licence date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

iii. PASS cards

- not altered in any way
- the card is completely flat with no raised edges around the photo or PASS logo - ***reject the card if it is not flat***
- the PASS logo hologram 3D effect is working
- the card date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

iv. The customer

- matches the photograph on the card
- is not acting suspiciously
- has not altered the card offered in any way

If you are in any doubt about the validity of the identification offered or the age of the customer even with the identification

you MUST refuse the sale and record the details in the refusals book

What to watch out for regarding the ID of a person who is possibly under the influence of alcohol.

Signs of Intoxication

There are many signs that a person may display as they become intoxicated. As blood alcohol levels rise; differences can be noticed in coordination, appearance, speech and behaviour.

An intoxicated person may typically show some of the following signs:

i. Behaviour and Physical Signs

Becoming loud, boisterous and disorderly Dropping possessions, rambling conversation
Becoming argumentative Fumbling and difficulty in picking up change Loss of train of
thought e.g. forgot to pay for goods Annoying other customers and staff Swaying and
staggering Difficulty in paying attention Becoming incoherent, slurring or making
mistakes in speech Difficulty walking straight Not hearing or understanding what is being
said

Becoming physically violent Bumping into fixtures/other customers Drowsiness, dozing
or sleeping while in premises becoming bad tempered or aggressive Glassy/bloodshot
eyes and lack of focus Observe customers in difficulty lighting cigarettes whilst outside
the premises using offensive language. Falling down. Vomiting Exhibiting inappropriate
sexual behaviour Flushed face Dishevelled clothing Person smells of alcohol

DUTY TO REFUSE SERVICE

It is your duty to refuse to serve under 18s and also you must refuse to serve a person
if they are or appear to be drunk.

How to refuse a sale

Sometimes refusing a sale will make the customer angry. Here are some tips to help
you handle difficult refusals.

Ask for proof of age. This helps the situation as it is not a direct refusal. It says that
you will make the sale if they can produce valid proof of age. Only accept proof of
age with a photo, and only if you are happy it is correct.

Refuse politely. If necessary repeat your refusal clearly.

Keep calm. Don't get into an argument.

Explain briefly why you cannot sell. Try saying

- 'I'm sorry; if I serve you I might be breaking the law.'
- 'We have a policy of `no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

Show customers notices, posters and stickers that indicate you will not serve
alcohol to under 18s or sell other age restricted products.

Be positive in your refusal. Have a firm tone of voice, be confident and use direct
eye contact. The law is on your side and you are doing the right thing.

Call your supervisor or manager for support if necessary.

Record details in your premises' refusal register.