

Kinsey Lisa

From: Bailey, Karen (Health & Communities) <Karen.Bailey@derbyshire.gov.uk>
Sent: 23 July 2014 08:38
To: info@bettysfarmshop.co.uk
Cc: Dathan, Clair (Health & Communities); Licensing Mailbox
Subject: Premises Licence application

TO RUFF

Dear Ms Ruff

Reference: Betty's Farm Shop, Bettys Farm, Castle Way, Willington, Derbyshire DE65 6BW

We are in receipt of a copy of your application to South Derbyshire District Council for a Premises Licence for the purpose of supplying alcohol at the above premises.

At present - whilst we appreciate the general comments made in relation to the licensing objectives in the attached schedule - we oppose the application as it currently stands. This is on the basis that the steps described in the Operating Schedule of the application are not sufficiently clear and precise about the measures that you intend to adopt, particularly with respect to the protection of children from harm. In particular, there appears to be no mention of documenting refused sales under the adopted proof of age scheme and no indication of how the applicant proposes to monitor whether their employees adopt the companies operating procedures following their training.

Referring to the statutory guidance made under section 182 of the Act, Consistency with steps described in operating schedule, Paragraph 10.7 states:

"Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts."

In order to address any potential ambiguity occasioned by the general nature of the steps indicated in the Operating Schedule we hereby make a representation to suggest the proposed steps in the operating schedule are transposed into the following conditions for the protection of children from harm, which should be applied to the premises licence

1. Full training is provided to staff on commencement of employment on the law relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods. Refresher training should be provided at regular intervals (at least 6-monthly).

Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years.

2. The age verification policy applying to the premises is 'Challenge 25'; that means anyone attempting to purchase alcohol (or other min.18 restricted product) that appears under the age of 25 years will be asked to prove their age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.

Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed at:

- all entry points to the premises,
- adjacent to the products, where displayed, and
- all points of sale.

3. A system of recording sales refused under the age verification policy will be operated at all times.

At least weekly, the Designated Premises Supervisor (or deputy, authorised in writing) will:

- examine the record and compare it against the normal operating pattern for the premises
- indicate any action required following that examination
- sign off/endorse the record to indicate the above points have been carried out

The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years.

If you require any further assistance or would like to discuss the matter then please contact me on 01629 539851 or by e-mail, if I am unavailable my colleague Clair Dathan can be contacted on 01629 539848.

You may also want to bear in mind that any conditions that you place on your licence should be meaningful and enforceable and you need to comply with them at all times. If you think that any of the above steps are not practical particularly with the displaying of the age verification posters at the shop then please let me know.

Could you please let me know as soon as possible if these conditions are acceptable to you.

Kind Regards

Karen

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