

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE – **Avenue Food and Wine 21 Methuen Street Southampton SO14 6FL**

DATE OF HEARING 28th April 2021 1300 hours

REPORT OF SERVICE DIRECTOR – COMMUNITIES,CULTURE AND HOMES

E-mail licensing@southampton.gov.uk

Application Date : 18th February 2021 Application Received 18th February 2021

Application Valid : 10th March 2021 Reference : **2021/00512/01SPRN**



© Crown copyright and database rights 2014 Ordnance Survey 100019679

Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Safeguarding Children	No Response
Fire Service	No Response
Environmental Health - Licensing	No Response
Home Office	No Response

Building Control	No Response	
Public Health Manager	No Response	
Police - Licensing	No Response	
Trading Standards	Agreed Conditions	
Other Representations		
Name	Address	Contributor Type
Mr Roy Boyle	2 Gordon Avenue Southampton SO14 6WD	Resident
Mr Morikeh Daramy	36 Alma Road Southampton SO14 6UP	Resident
Ms Sophie Naylor	120 Earls Road Southampton SO14 6TL	Resident

Legal Implications

The legislation specifically restricts the grounds on which the sub-committee may refuse an application for grant of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. In doing so the sub-committee must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- its own statement of licensing policy
- the Statutory Guidance

An application may be refused in part and thereby only permit some of the licensable activities sought.

An applicant for grant of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any

other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.

In considering this application the sub-committee is obliged to consider the application in accordance, in particular, with both the Licensing Act 2003(Hearings) Regulations 2005 (as amended) and the rules of natural justice

The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.

The sub-committee must also have regard to:

- *The Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the sub-committee under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- *The Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the sub-committee to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the sub-committee that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the sub-committee which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for grant of a premises licence and the representations to it are annexed to this report.

Equality Act 2010

Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

SUMMARY

Applicant	Mr. Kanathage Rahula Perera
Designated Premises Supervisor	Kanathage Rahula Perera

Licensable Activities.

Supply by retail of alcohol

Monday	07:00 - 23:00
Tuesday	07:00 - 23:00
Wednesday	07:00 - 23:00
Thursday	07:00 - 23:00
Friday	07:00 - 23:00
Saturday	07:00 - 23:00
Sunday	07:00 - 23:00

Conditions consistent with the operating Schedule

Record Keeping

The Premises Licence Holder must keep, for a period of 24 months, complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes obtained by him for sale from his shop. Records must include the name, address, AWRS number (for alcohol suppliers) and telephone number of the supplier, the date of supply, the products supplied, and their prices. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and cigarettes present at his premises

CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that Responsible Authorities are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. Details recorded must include date (day/month/year), time, product refused, reason for refusal, and the full name of the person who made the refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Responsible Authorities.

The record of refusals will be retained for 12 months.

STAFF TRAINING

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products. This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age. All employees will sign a record to acknowledge that they have completed this training and have understood their responsibilities on this area. The contents of this training and the record must be available to Responsible Authorities on request. This training should be reviewed and updated at reasonable intervals but at least annually.

CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

ABV

No beers, ciders or lager of 6.5% ABV or over shall be sold by retail unless they in a pack of 4 or more as supplied by the manufacturer

SINGLE CANS

No single cans of beers ciders or lager shall be sold to customers. Unless other non-alcoholic product purchases (excluding tobacco and tobacco sundries) are made totalling £5.00 or more in the same transaction.

Work Hours

That a log of work hours is kept for every member of staff that works at the premises, full time, part time, and temporary, including those who provide cover at any point when the shop is trading, or conducting activities in relation to trade. The record will consist of the staff member's name, the date (day/month/year), the times when the staff member commenced and finished work (expressed in the 24 hour clock). This must be completed at the time when the staff member commences and finishes work, by either the member of staff or his supervisor/manager. The record must be kept at the premises and be available to Responsible Authorities on request.

The applicant has agreed the above conditions with Trading Standards after a visit to the store whilst they thought they were trading under a Temporary Event Notice. This is explained in the letter from Trading Standards.

There are three public representations.

Included in Report

Application

Plan

Trading Standards Agreed Conditions

3 Public Representations

**Application for a premises licence to be granted
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 KANATHAGE RAHULA PERERA.....

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Avenue Food and Wine(formerly Sari Sari) 21 METHUEN STREET SOUTHAMPTON			
Post town	SOUTHAMPTON	Postcode	SO14 6FL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£8,400

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|---|--|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="padding-left: 20px;">i as a limited company/limited liability partnership</p> <p style="padding-left: 20px;">ii as a partnership (other than limited liability)</p> <p style="padding-left: 20px;">iii as an unincorporated association or</p> <p style="padding-left: 20px;">iv other (for example a statutory corporation)</p> <p>c) a recognised club</p> <p>d) a charity</p> | <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>please complete section (A)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> <p>please complete section (B)</p> |
|---|--|--|

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname PERERA			First names KANATHAGE RAHULA		
<div style="background-color: black; width: 100px; height: 15px; display: inline-block;"></div> I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes					
Nationality SRI LANKAN					
Current residential address if different from premises address		1 TREMONA ROAD SOUTHAMPTON			
Post town	SOUTHAMPTON			Postcode	SO16 6HR
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? AS SOON AS POSSIBLE

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
CONVENIENCE STORE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

R

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

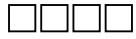
Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)					
Mon	07:00	23:00						
Tue	07:00	23:00						
Wed	07:00	23:00						
Thur	07:00	23:00				<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	07:00	23:00						
Sat	07:00	23:00						
Sun	07:00	23:00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name KANATHAGE RAHULA PERERA	
[REDACTED]	
[REDACTED]	
[REDACTED]	[REDACTED]
Personal licence number (if known) 2014/02057/02SPEN	
Issuing licensing authority (if known) SOUTHAMPTON	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	23:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	23:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Staff training shall be recorded and updated every 6 months Training shall cover the requirements for ID as part of age verification, AND OTHER RELEVANT REQUIREMENTS REGARDING THE LICENSING act as regards to each INDIVIDUAL STAFF MEMBERS ROLE IN THE BUSINESS.

Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly

Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years

b) The prevention of crime and disorder

There must be a suitable colour digital CCTV RECORDING system installed at the premises The system must be capable of providing 30 days recording. The images recorded are to be retained for 30 days and made available to the Police or other enforcement agencies WITHIN 48 HOURS of a request AND IN LINE WITH DATA PROTECTION LEGISLATION.

DVD/USB copies of relevant footage to be provided to the Police or other enforcement agencies at no cost.

The CCTV system shall be checked REGULARLY to ensure it is working in line with the requirements of the licence. Any failure to be rectified within 48HOURS

c) Public safety

Adhere to legislation and covered in a) above

Exit routes shall be kept clear

Adequate fire fighting equipment

d) The prevention of public nuisance

Ass I a

Regular Litter patrol

e) The protection of children from harm

The premises licence holder shall ensure that a ‘challenge 25’ policy is adopted on the premises at all times. Signage of the ‘challenge 25’ policy shall be prominently displayed on the premises.

Acceptable identification accepted by the premises licence holder, DPS, or other staff members shall be a passport, photo driving licence or PASS accredited identity card

Staff training in i.d procedure will be carried out on a regular basis.

The licence holder shall ensure that a refusals register is kept on the premises and that this shall be available upon request of an authorised officer. The register shall record any refused sale of alcohol.. The refusal register shall be inspected on a regular basis by the DPS or nominated person/s and signed by the DPS or nominated person/s that they have checked the register

Checklist:

Please tick to indicate agreement

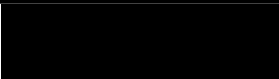
- I have made or enclosed payment of the fee. P
- I have enclosed the plan of the premises. P
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. P
- I understand that I must now advertise my application. P
- I understand that if I do not comply with the above requirements my application will be rejected. P
- P
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). P

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.



Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	 ROBERT JORDANBSc ACIB FOR PR RETAIL CONSULTANTS LTD
Date	18 TH February 2021
Capacity	agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) R. JORDANBSc ACIB FOR PR RETAIL CONSULTANTS LTD. PUMP HOUSE, OLD MEAD ROAD, HENHAM, BISHOP'S STORTFORD, HERTS.			
Post town	BISHOP'S STORTFORD	Postcode	CM22 6JG
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for

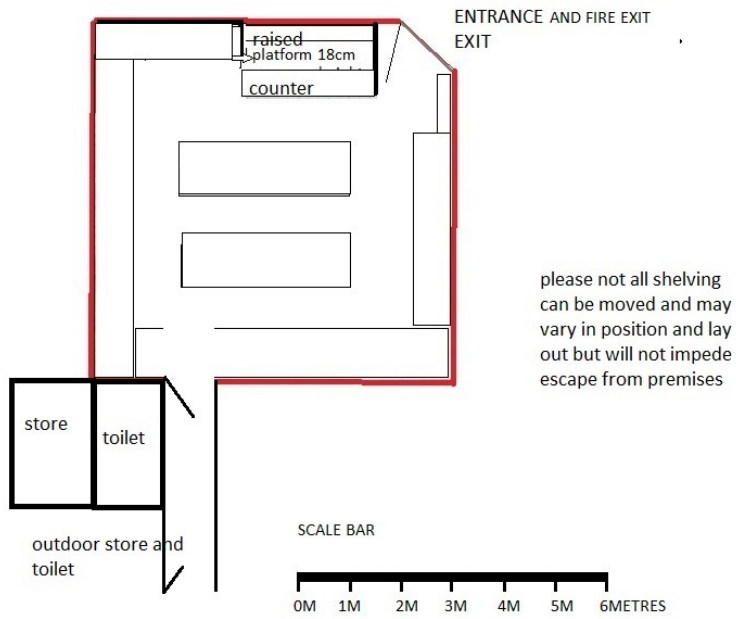
PREMISES
AVENUE FOOD AND WINE
21 METHEUN STREET
SO14 6FL



LICENSABLE AREA
WHOLE OF LICENSABLE AREA TO BE LICENSED
FOR ALCOHOL DISPLAY



FIRE EXTINGUISHER
1 X4KG POWDER OR EQUIVALENT POSITION
MAY VARY



Trading Standards Service

Southampton City Council
Civic Centre
Southampton S014 7LY

Direct dial: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Please ask for: Lucas Marshall

Our ref:

Your ref:

29th March 2021

Licensing
Southampton City Council
PO Box 1767
Southampton
SO18 9LA

Dear Sir/Madam

Licensing Act 2003

I write with reference to Kanathuge Rahula Perera's application for a premises licence at Avenue Food & Wine, 21 Methuen Street, Southampton, a copy of which has been received by Southampton City Council's Trading Standards Service.

When an application is made I check the background of the applicant, with regard to Trading Standard's involvement, and if possible I pay a visit to the business and check for compliance with Trading Standard's legislation, so that I can ascertain whether a representation would be appropriate.

On 25th March 2021 I conducted an inspection of Avenue News & Food. It appeared to have opened that day. The Premises Licence had not yet been granted and there was no Temporary Event Notice in place: any sale of alcohol would therefore be unauthorised, an offence under Section 136(1) of the Licensing Act 2003. There was one member of staff present and working behind the counter. Beers, wines and spirits were displayed so I decided to first make a test purchase of alcohol, prior to announcing myself to the staff member. A bottle of wine was sold to me. I then announced myself to the seller and I explained what he had done. He was unable to provide means of identification, but identified himself as [REDACTED], dob [REDACTED], a student from Sri Lanka, who said that he was permitted to work 20 hours per week. He told me that he had been told by Perera that he could not sell alcohol until tomorrow, 26th March. He also said that he had not worked at a shop before, and that he had only worked at this premises for an hour before selling the alcohol to me. It concerns me that someone with so little retail experience should be left in sole control of a shop selling controlled goods, and in allowing this Perera has set up the business for failure.

Mr Perera attended the premises shortly after and I discussed diligence procedures with him. He confirmed that there were no records of staff training in place, there was no refusals book in use, and that the CCTV system was not working: he had failed to take the most basic of precautions. What Perera has stated in his application, with regards to meeting the Licensing Objectives, bears no relation to the diligence, or lack thereof, that he demonstrated at the premises during my visit.

For this reason I would ask that, should a Premises Licence be granted, the following conditions are added to the licence, to assist Mr Perera in the management of the premises:

Record Keeping

The Premises Licence Holder must keep, for a period of 24 months, complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes obtained by him for sale from his shop. Records must include the name, address, AWRS number (for alcohol suppliers) and telephone number of the supplier, the date of supply, the products supplied, and their prices. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and cigarettes present at his premises

(it was noted during my inspection that Polish beers which were not compliant with legislation on labelling of food/drink (they were not labelled in English) were in possession for sale at Avenue Food & Wine, and illegal alcohol has been found at Perera's other premises, 156 Warren Avenue, Southampton, hence the above condition regarding Record Keeping):

CCTV

A colour recording CCTV system that captures images from the main public areas must be fully operational whilst licensable activities are taking place.

The system shall be able to cope with all levels of illumination.

The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.

The system clock shall be checked regularly for accuracy taking account of GMT and BST.

Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).

The images produced shall be date and time stamped.

A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.

An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.

It is important that Responsible Authorities are able to access data from the systems quickly and easily and therefore provision shall be made that at all times a person is in attendance who is nominated by the data controller who has access to the secure area who is able to operate the equipment

Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.

Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act.

In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

REFUSALS BOOK

A written log shall be kept of all refusals including refusals to sell alcohol. Details recorded must include date (day/month/year), time, product refused, reason for refusal, and the full name of the person who made the refusal. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Responsible Authorities.

The record of refusals will be retained for 12 months.

STAFF TRAINING

Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products. This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age. All employees will sign a record to acknowledge that they have completed this training and have understood their responsibilities on this area. The contents of this training and the record must be available to Responsible Authorities on request. This training should be reviewed and updated at reasonable intervals but at least annually.

CHALLENGE 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

ABV

No beers, ciders or lager of 6.5% ABV or over shall be sold by retail unless they in a pack of 4 or more as supplied by the manufacturer

SINGLE CANS

No single cans of beers ciders or lager shall be sold to customers. Unless other non-alcoholic product purchases (excluding tobacco and tobacco sundries) are made totalling £5.00 or more in the same transaction.

Work Hours

That a log of work hours is kept for every member of staff that works at the premises, full time, part time, and temporary, including those who provide cover at any point when the shop is trading, or conducting activities in relation to trade. The record will consist of the staff member's name, the date (day/month/year), the times when the staff member commenced and finished work (expressed in the 24 hour clock). This must be completed at the time when the staff member commences and finishes work, by either the member of staff or his supervisor/manager. The record must be kept at the premises and be available to Responsible Authorities on request.

Yours faithfully

Lucas Marshall
Trading Standards Officer

Cc. Police Licensing, Central Station, Southampton
Mr K.R.Perera, Avenue Food & Wine, 21 Methuen St, Southampton

If you require this letter or future correspondence from us in a different format (e.g. tape, Braille, or disc) please do not hesitate to let us know.

From: [Marshall, Lucas](#)
To: [Licensing](#); [Licensing & Alcohol Harm Reduction Team Mailbox](#)
Cc: [McGuinness, Ian](#); [Hawley, Mark,25491](#)
Subject: FW: Representation re. application for Avenue Food & Wine, 21 Methuen Street, Southampton
Date: 31 March 2021 12:35:44

Dear Sir/Madam

I write with regard to the application for a premises licence, Avenue Food & Wine, 21 Methuen Street, made by Mr K.R Perera. I have made representation by way of letter and Robert Jordan, Perera's Licensing Consultant, has notified that the conditions proposed will be accepted. I would therefore regard a hearing as unnecessary.

Yours faithfully

Lucas Marshall

Trading Standards Officer

Southampton City Council

From: robertjordan01 [redacted] >

Sent: 31 March 2021 12:20

To: Licensing [redacted]; Marshall, Lucas

[redacted] >

Cc: Hawley, Mark,25491 [redacted] >; Licensing & Alcohol Harm Reduction Team Mailbox [redacted] >; McGuinness, Ian

[redacted]

Subject: Re: Representation re. application for Avenue Food & Wine, 21 Methuen Street, Southampton

CAUTION: This email originated from a non UK Government address. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Yes agreed

----- Original Message -----

From: "Marshall, Lucas" <[redacted]>

To: "Licensing" <[redacted]>

Cc: "Licensing & Alcohol Harm Reduction Team Mailbox"

[redacted] >; [redacted]

<[redacted]>; "Hawley, Mark,25491"

<[redacted]>; "McGuinness, Ian"

<[redacted]>

Sent: Monday, 29 Mar, 2021 At 09:44

Subject: Representation re. application for Avenue Food & Wine, 21 Methuen Street, Southampton

Dear Sir/Madam

Please find attached a representation from Southampton City Council's Trading Standards Service regarding the application for premises licence at Avenue Food & Wine, 21 Methuen Street, Southampton.

If you have any queries please contact me by e-mail or on [redacted].

Yours faithfully

Lucas Marshall
Trading Standards Officer
Southampton City Council

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or data protection legislation. If you are not the person or organisation it was meant for, apologies, please ignore it, delete it, and notify us. SCC does not make legally binding agreements or accept formal notices/proceedings by email. E-mails may be monitored. This email (and its attachments) is intended only for the use of the person(s) to whom it is addressed, and may contain information that is privileged and/or confidential. If it has come to you in error, you must take no action based on it, nor must you copy or show it to anyone.

Our Privacy Policy (<http://www.southampton.gov.uk/privacy>) explains how we handle your personal data

ROBERT JORDAN BSc ACIB
PR RETAIL CONSULTANTS LTD



From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00512/01SPRN
Date: 31 March 2021 23:00:17

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:00 PM on 31 Mar 2021 from Mr Morikeh Daramy.

Application Summary

Address: 21 Methuen Street Southampton SO14 6FL

Proposal: Premises Licence

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mr Morikeh Daramy

Email: [REDACTED]

Address: 36 Alma Road, Southampton SO14 6UP

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 11:00 PM on 31 Mar 2021 I strongly object to the above application. It will be noisy, empty beer cans & bottles all over the place, drunk people shouting & fighting. Cannot afford another off-license shop in this area.

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00512/01SPRN
Date: 31 March 2021 22:43:46

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:43 PM on 31 Mar 2021 from Mr Roy Boyle.

Application Summary

Address: 21 Methuen Street Southampton SO14 6FL

Proposal: Premises Licence

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mr Roy Boyle

Email: [REDACTED]

Address: 2 Gordon Avenue, Southampton SO14 6WD

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 10:43 PM on 31 Mar 2021 TO WHOM IT MAY CONCERN
I wish to object most strongly to this application for the following reason:
1. The applicant is seeking excessively long hours: from 07.00 to 23.00 7/7. None of the other or so licensed premises in Portswood and Lodge Road DC is licensed to sell alcohol as early as 07.00. Were these long hours granted, the other licensed premises in the DC would sooner or later seek comparably long opening hours.
2. With so many licensed premises already in this DC there is a serious risk that the area would become a major centre for the consumption of alcohol, especially by students who live in large numbers here. This should be strongly discouraged in the interests of the peace and good order in the locality.
Given the pressures on the Health Service and A&E the Local Authority should do what it can to ensure the health and well-being of the residents.

I hope that my concerns will be taken into account when this application is considered.

From: publicaccess@southampton.gov.uk
To: [Licensing](#)
Subject: Comments for Licensing Application 2021/00512/01SPRN
Date: 28 March 2021 21:08:20

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:08 PM on 28 Mar 2021 from Ms Sophie Naylor.

Application Summary

Address: 21 Methuen Street Southampton SO14 6FL

Proposal: Premises Licence

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Ms Sophie Naylor

Email: [REDACTED]

Address: 120 Earls Road, Southampton SO14 6TL

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 9:08 PM on 28 Mar 2021 I object for the convenience store to be an off-licence. We already have many off licence (The premier, Champagne Charley's, Tesco, the Polish store and more) all within half a mile distance. It would be totally ridiculous to have another one, they are families living on Earls road, we do not need any more alcohol nuisance that we have already. I am constantly picking up glass bottles, cans of drinks in the street, no more is needed!

Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

Preliminary matters

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a "disclosable pecuniary", "personal" or "pecuniary" interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party's absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party's absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee's legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record ("record") public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council's general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

Hearing Procedure

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

The applicant

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

The representations

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
 - (a) The person making a representation (or their representative) may present their case.
 - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
 - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.