

# Annex 1

## Licensing Act 2003 - Premises Licence Register as at 15:57 on 11 March 2022

### Post Office

Crossways House, Uplowman, Devon, EX16 7DP

### Open application 026066 which is a Variation Application for Premises Licence

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### Applicant(s)

Full Name	Sip Shed Ltd
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### Designated Premises Supervisor

Full Name	Lorne Maclean
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### Permitted Activities

- the supply of alcohol

#### Premises Open Hours Requested

	Time From	Time To
Monday to Sunday	09:00	23:30

#### Activities - Times Requested

	Time From	Time To
<b>J. Supply of alcohol for consumption ON and OFF the premises</b>		

Monday to Sunday	09:00	23:00	Post Office area (off sales)
Monday to Sunday	11:00	23:00	The Sip Shed area (on / off sales)

### Additional Conditions

- Proposed Variation**

Post Office area

Current hours - 0900 - 1900 Monday to Sunday off sales only

Proposed hours - 0900 - 2300 Monday to Sunday - on and off sales

Sip Shed Area

Current hours - 1100 to 2130 Monday to Sunday

Proposed hours - 1100 to 2300 Monday to Sunday - on and off sales

Opening hours premises

Current hours - 0900 to 2130 Monday to Sunday

Proposed hours - 0900 to 2330 Monday to Sunday

See plan A

No amends to website or delivery side of business

Removal of condition 12 below:

‘There shall be no consumption of beverages purchased from the premises in an outside area which is under control of the license holder and in the immediate vicinity of the premises. This includes both the front and

rear garden areas of the property. Note this condition does not restrict the license holder's ability to use outside areas (including gardens) for their own personal use'

## **ANNEX 1 - MANDATORY CONDITIONS**

### Condition 1

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

(a)

at a time when there is no designated premises supervisor in respect of the premises licence, or

(b)

at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Condition 2

(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).

### Condition 3

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

#### Condition 4

(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.

#### Condition 5

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.”

#### Condition 6

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;

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.

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.

## **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### Condition 7

Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

### Condition 8

There will be in place a written age verification policy in relation to the sale or supply of Alcohol, which will specify a *Challenge 25 proof* of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport

- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

#### Condition 9

All staff engaged in licensable activity at the premises will receive training and information in relation to the following;

1.

The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.

(a)

A photo driving licence.

(b)

A passport.

2.

How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).

3.

Recognising the signs of drunkenness.

4.

The procedures for refusing service to any person who is drunk, underage or appears to be underage, or appears to be making a proxy purchase.

5.

Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

#### Condition 10

An incident log shall be kept and maintained at the premises which will include a log of the following;

1.

Any incidents of disorder or of a violent or anti-social nature.

2.

All crimes reported to the premise, or by the premise to the police.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the member of staff reporting the incident.

#### Condition 11

Open containers of alcohol shall not be removed from the premises. Only containers with a lid, which is covered and closed, containing alcohol can be removed from the premise.

#### Condition 12

There shall be no consumption of beverages purchased from the premises in an outside area which is under the control of the licence holder and in the immediate vicinity of the premises. This includes both the front and rear garden areas of the property. NOTE: *This condition does not restrict the licence holder's ability to use outside areas (including gardens) for their own personal use.*

#### Condition 13

No customers carrying open or sealed bottles, cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public.

#### Condition 14

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include;

1.

The date and time of refusal.

2.

The reason for refusal.

3.

Details of the person refusing the sale.

4.

Description of the customer.

5.

Any relevant observations.

All entries must be made within 24 hours of the refusal.

#### Conditions relating to the ordering and delivery of alcohol for consumption off the premises

Ordering:

Alcohol can only be ordered for delivery to a residential address and not to a public place.

Alcohol can only be ordered for delivery to the person placing the order.

Full address details, including postcode, must be given when placing an order for alcohol.

At the time an order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.

Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.

All licence conditions pertaining to the online sale of alcohol must be part of the 'Terms and Conditions' which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering in particular the right and obligation of the driver to refuse delivery in specified circumstances.

Delivery:

Drivers will not deliver alcohol to any person anywhere other than at the residential address given when the order was placed.

Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card.

Alcohol delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.

If a delivery driver considers the recipient of alcohol to appear under 21, recognised photographic identification will be requested and must be provided evidencing the recipient to be at least 18 years of age before any alcohol is handed over.

All alcohol delivery drivers will be 18 years or over.

Any delivery must be signed for by a person over 18 years of age.

All drinks will be sold in sealed containers.

Drivers will not have to enter a customer's address aside from to place the order to the customer.

Any non-delivery (no answer at the door) - will be recorded.

Any violence or abuse of delivery staff will be reported to the police.

Delivery staff employed by the licence holder will not carry cash when delivering alcohol.

Delivery staff employed by the licence holder will not carry extra stock of alcohol when delivering.

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

N/A

### **ANNEX 4 - PLAN OF PREMISES**

See the attached plan marked as 'Annex 4'. The Plan highlights the different areas of the premises, that being the 'post office' (highlighted in yellow) and 'the sip shed' (highlighted in blue). It should be noted that the two areas have different permissions and times and this is also highlighted on the plan.