

Application for a new premises licence

**Tobis Foods
23 Railway Street
Chatham ME4 4HU**

Operating schedule/proposed licence conditions

This operating schedule has been drafted/updated having full regard to the current information and guidance including the Council's Statement of Licensing Policy, the Cumulative Impact Assessment (CIA) and the Home Office Guidance.

Tobis Foods is a small and well-established shop which focusses on African foods and goods. The shop sells a wide range of goods - aimed at the local African community - including snacks, soft drinks, confectionery, bread, various spices and cooking ingredients, dairy goods, frozen food, groceries, etc.

The applicant would like to develop the business by also offering some alcohol for sale alongside the other goods. The proposed alcohol sales would just be a part of the overall business. The shop would like to offer their customers a small range of traditional African beers and alcoholic drinks such as;

Palm Wine (generally 4% to 5% ABV), Star beer (5.1% ABV), Trophy beer (5.2% ABV), Gulder beer (5.2% ABV), Orijin beer (6% ABV), Nigerian Guinness (7.5% ABV),

Whilst several of the above drinks are over 5.5% ABV, they are not the type of drinks that are associated with, or attractive to, any street drinkers. The drinks that would be available from Tobis Foods are aimed at the African community and are more expensive than other types of drinks that may be attractive to street drinkers - such as the cheap white ciders often sold in plastic bottles and super strong lagers which will not be sold from this shop.

The proposed times for alcohol sales is updated to 9am to 8pm

These times are considered reasonable and sensible. Street drinkers or people with an alcohol addiction/problem are not going to be attracted to the shop in the early morning to try to purchase alcohol – other premises are licensed prior to 9am and sell a much wider range of alcohol than what is proposed by Tobis Foods.

Likewise, the proposed terminal hour of 8pm is early in the evening, it is more than reasonable and will not add to the cumulative impact in this area.

The applicant is aware of the CIA in place and the updated proposed operating schedule - see below - is extremely comprehensive and robust – and will promote the licensing objectives.

In the circumstances and in view of the updated hours and the proposed conditions, it is submitted that the granting of this licence will not add to the cumulative impact.

SEE PROPOSED OPERATING SCHEDULE BELOW

PROPOSED OPERATING SCHEDULE

Prevention of crime and disorder

CCTV

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.

Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police and other authorised officers upon reasonable request.

The premises licence holder must ensure that at all times that either the DPS or an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.

In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer within 24 hours unless the CCTV will be repaired before that time - licensing.north.division@kent.police.uk

Staff Training

All staff who sell or supply alcohol to customers will have licensing training. Such training will take place prior to any member of staff being allowed/authorised to sell alcohol.

All authorised staff (selling alcohol) will be trained on relevant matters such as the prevention of underage sales, proxy sales, conflict management, and not selling alcohol to a drunk person.

All staff will have individual training records that detail the date and nature of training.

Staff training will be refreshed every 6 months, be documented and made available to responsible authorities on request along with the content of the training. Such records will be kept for a period of at least 12 months.

An Incident log shall be kept at the premises and be made available on request to a police officer or other authorised officers. It must be completed within 24 hours of the incident and will record the following:

- All crimes reported at the venue.
- Any ejections of customers
- Any complaints received concerning crime and disorder.
- Any incident of disorder witnessed by staff
- Any seizure of drugs or offensive weapons
- Any visit by a Local authority or emergency service

Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made. The register must be made available (either electronically or hard copy) to the Police and other authorised officers upon request.

All staff selling alcohol will be authorised to sell alcohol in writing and a record of the authorisation will be made available for inspection.

No single can sales of beer, lager or cider will be made.

Spirits will be displayed behind the counter.

The premises shall display prominent signage upon entry indicating that it is an offence to sell alcohol to anyone who is drunk.

The shop shall operate an alcohol refusals policy as follows - alcohol will not be sold to;

(1) Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);

(2) Any person found to be drinking alcohol in the street;

(3) Any person who is drunk or appears to be drunk;

(4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;

(5) Any person unable to provide valid ID when requested by staff;

(6) Any person who is verbally or physically abusive towards staff or customers.

(7) To any person suspected of trying to buy alcohol for another person(s) who may be under age.

A notice advising customers of the refusals policy shall be on display.

'Crimestoppers' literature will be on display in the shop to promote the initiative.

An appropriate number of staff shall be on duty in the shop - the number of staff on duty will be assessed and determined on a regular basis by the PLH/DPS taking account of any peak periods in terms of sales, volume of customers, etc.

The DPS and other staff will be vigilant and monitor the area immediately outside the shop to check that youths are not causing annoyance by congregating.

The PLH and/or the DPS will seek regular contact with the Police to discuss and receive updates on any relevant issues in connection with the promotion of the licensing objectives

'Drinkaware' promotional literature shall be on display in the shop.

Public safety

No specific risks have been identified under The Licensing Act 2003 (note – the applicant is aware of the need to comply with other legislative requirements to ensure that the shop is safe for customers and staff).

Prevention of public nuisance

A notice will be displayed asking customers to leave the shop quietly

A notices will be displayed asking customers not to drop any litter on the floor.

Staff will monitor the area immediately outside the shop on a regular basis to check for, and to dispose of, any litter.

Protection of children from harm

Challenge 25 shall be adopted.

Posters will be displayed at the point of sale of alcohol advising that the business operates a 'Challenge 25' policy.

The only forms of proof of age accepted will be government-issued photographic ID, such as a passport, driving licence or photographic ID bearing a PASS hologram.

Each time that a member of staff refuses to sell an age-restricted product because the customer cannot provide satisfactory proof of their age, this will be recorded. These records will include the time and date of the refused sale, the product requested, a description of the person who attempted the purchase, and the reason for refusing the purchase. The records will be made available to the Police and Medway Council authorised officers on request.

Staff who sell age-restricted products will receive training on underage sales at the start of their employment, and then every 6 months. It will be recorded when staff undergo this training, and these records will be made available to the Police and Medway Council authorised officers on request.

A notice shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

NOTE TO RESPONSIBLE AUTHORITIES

**IF YOU HAVE ANY QUERIES OR COMMENTS ON THESE PROPOSALS,
PLEASE CONTACT IAN RUSHTON ON 07909 511953 OR BY EMAIL**

ijrushy@hotmail.com TO DISCUSS

From: wood, alexander <alexander.wood@medway.gov.uk>

Sent: 17 September 2024 14:22

To: Licensing <licensing@gravesham.gov.uk>

Subject: RE: 24/01631/MLPL01 - Tobis Foods Ltd

Good afternoon,

Medway Trading Standards would like to object to the grant of the licence as this service is of the view that the current proposed steps to promote the licensing objective the protection of children from harm are not sufficient to prevent the sale of alcohol to under-18s.

In particular, there is not enough detail about the proposed proof of age scheme; there is seemingly no proposal to train staff in the operation of the proof of age scheme; nor is it proposed to keep a refusals register, which would help to evidence that the proof of age scheme is being implemented and that staff are actually refusing sales.

The conditions Medway Trading Standards would have liked to have seen would be the following (or something to similar effect) –

- *The only forms of proof of age accepted will be government-issued photographic ID, such as passports and driving licences, or photographic ID bearing a PASS hologram.*
- *Every time staff refuse to sell an age-restricted product because the customer cannot provide satisfactory proof of their age, this will be recorded. These records will include the time and date of the refused sale, the product requested, a description of the person who attempted the purchase, and the reason for refusing the purchase. These records will be made available to police and Medway Council staff on request.*
- *Staff who may be responsible for selling age-restricted products will receive training on underage sales at the start of their employment, and thereafter at six-monthly intervals. It will be recorded when staff undergo this training, and these records will be made available to police and Medway Council staff on request.*
- *Posters will be displayed at the point of sale of alcohol advising that the business operates a 'Challenge 25' policy.*

I have contacted the applicant, Mr Okeke, by email on 28/08, 09/09 and 13/09 to seek his consent to these conditions (see my email attached), but have not heard back from him.

If the sub-committee is minded to grant the licence, then this service would like to see these conditions imposed on the licence.

Kind regards,

Alex

Alexander Wood | Trading Standards Officer | Trading Standards | Medway Council

01634 333132 | Gun Wharf, Dock Road, Chatham, ME4 4TR

Attached email as referenced in representation –

From: wood, alexander <alexander.wood@medway.gov.uk>
Sent: 13 September 2024 14:32
To:
Subject: RE: Tobis Foods Ltd, 23 Railway Street, Chatham

Dear Mr Okeke,

I still have not heard back from you about your licence application. Please let me know if you would be happy to accept my suggested licence conditions below, all around the underage sale of alcohol.

The consultation on your licence application is due to close next Tuesday, the 17th. If I have not heard from you by the end of Monday 16th September, I will have to contact Licensing to make representations against the grant of the licence.

Kind regards,

Alex

Alexander Wood | Trading Standards Officer | Trading Standards | Medway Council

01634 333132 | Gun Wharf, Dock Road, Chatham, ME4 4TR

From: wood, alexander
Sent: Monday, September 9, 2024 1:40 PM
To:
Subject: RE: Tobis Foods Ltd, 23 Railway Street, Chatham

Good afternoon,

I do not believe I have heard back from you about this yet. Please let me know if these proposed steps to promote the licensing objective the protection of children from harm would be acceptable to you, and if so I will contact Licensing to confirm that, with these included, Medway Trading Standards otherwise has no objections to the grant of the licence.

If you have any questions, please let me know.

Kind regards,

Alex

Alexander Wood | Trading Standards Officer | Trading Standards | Medway Council

01634 333132 | Gun Wharf, Dock Road, Chatham, ME4 4TR

From: wood, alexander
Sent: Wednesday, August 28, 2024 9:23 AM
To:
Subject: Tobis Foods Ltd, 23 Railway Street, Chatham

Dear Mr Okeke,

I am writing in relation to your licence application for Tobis Foods Ltd, 23 Railway Street, Chatham. Medway Trading Standards has an interest as we are responsible for enforcing the provisions of the Licensing Act 2003 relating to the underage sale of alcohol.

Looking at your proposed steps to promote the licensing objective the protection of children from harm, we would like to see the following (or something to similar effect) among them:

- *The only forms of proof of age accepted will be government-issued photographic ID, such as passports and driving licences, or photographic ID bearing a PASS hologram.*
- *Every time staff refuse to sell an age-restricted product because the customer cannot provide satisfactory proof of their age, this will be recorded. These records will include the time and date of the refused sale, the product requested, a description of the person who attempted the purchase, and the reason for refusing the purchase. These records will be made available to police and Medway Council staff on request.*
- *Staff who may be responsible for selling age-restricted products will receive training on underage sales at the start of their employment, and thereafter at six-monthly intervals. It will be recorded when staff undergo this training, and these records will be made available to police and Medway Council staff on request.*
- *Posters will be displayed at the point of sale of alcohol advising that the business operates a 'Challenge 25' policy.*

Please let me know if you would be happy to adopt these as part of your steps to promote the licensing objectives, and I will contact Licensing to confirm Medway Trading Standards otherwise has no objections to the grant of the licence.

In addition, we can supply 'Challenge 25' posters, blank refusals books and blank staff training records free of charge if required. We can also give advice on your obligations around underage sales or other areas of trading standards law.

Kind regards,

Alex

Alexander Wood | Trading Standards Officer | Trading Standards | Medway Council

01634 333132 | Gun Wharf, Dock Road, Chatham, ME4 4TR

From: wood, alexander
Sent: 30 October 2024 10:31
To: Licensing <licensing@gravesham.gov.uk>
Cc: Ian Rushton; parfitt, gemma
Subject: FW: APPLICATION FOR A NEW PREMISES LICENCE - TOBIS FOODS, 23 RAILWAY STREET, CHATHAM
Importance: High

Good morning Licensing,

Please find attached a set of proposed licence conditions for Tobis Foods Ltd that Mr Rushton, agent for Mr Okeke, has sent over to me. They incorporated my suggested licence conditions and address this service's concerns about staff training, the proof of age scheme and the refusals register.

If these proposed conditions were to be attached, Medway Trading Standards would no longer have any objection to the grant of the licence.

Kind regards,

Alex

Alexander Wood | Trading Standards Officer | Trading Standards | Medway Council
01634 333132 | Gun Wharf, Dock Road, Chatham, ME4 4TR

From: Ian Rushton
Sent: 28 October 2024 13:38
To: wood, alexander
Subject: Fw: APPLICATION FOR A NEW PREMISES LICENCE - TOBIS FOODS, 23 RAILWAY STREET, CHATHAM
Importance: High

Hi Alexander

Hope you are well

I am instructed by Anthony Okeke to assist in respect of the above application.

Please see attached updated operating schedule for your consideration.

The proposed hours for alcohol sales have been reduced and the updated set of conditions are comprehensive - they include your proposed conditions.

Are you now agreeable to the licence being approved?

Thanks, Ian

Ian Rushton

JL Licensing