

Licensing and Control Committee B

Date:	17 June 2015
Time:	6:30pm
Venue:	Gordon Room, Stoke Abbott Road, Worthing

Committee Membership: Councillors Paul High (Chairman), Diane guest (Vice Chairman), Vic Walker, Mary Lermite, Joshua High, Joan Bradley, Edward Crouch, Sean McDonald, Louise Murphy, Michael Cloake, Keith Bickers, Callum Buxton, Tom Wye, Norah Fisher, Susan Jelliss

Agenda

Part A

1. **Declarations of Interest / Substitute Members**

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

2. **Confirmation of Minutes**

To approve the minutes of the Licensing and Control Committee B meeting of held on the 9 April 2015 and the minutes of the Licensing and Control Sub Committees of the 29 April 2015 and the 13 May 2015, copies of which have been previously circulated.

3. Public Question Time

To receive any questions from Members of the public in accordance with Standing Order 11.2

(Note: Public Question Time will operate for a maximum of 30 minutes.)

4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent

5. Licensing Act 2003 - Application for a Review of a Premises Licence under Section 51 - 'The Shop' - 71 Chapel Road, Worthing, BN11 1HU

To consider a report by the Director for Communities, copy attached as item 5

Part B - Not for publication - Exempt Information Reports

None

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Chris Cadman-Dando Democratic Services Officer 01903 221364 chris.cadman-dando@adur-worthing.gov.uk	Caroline Perry Solicitor 01903 221086 caroline.perry@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

**Licensing Act 2003
Application for a Review of a Premises Licence under Section 51**

**'The Shop'
71 Chapel Road, Worthing, BN11 1HU**

Report by the Director for Communities

1. Recommendation

- 1.1 That the full Licensing & Control Committee B consider and determine the review application made by:

Sussex Police

for a 'Review' of Premises Licence No. LN/000001618 which authorises the sale of alcohol, for consumption off the premises, at the above store.

2. Reasons for the Hearing

- 2.1 An application for the Review of the above Premises Licence held by:

Mr Ashish Soni & Ms Yogita Patel

on the newsagents, convenience store & off licence known as 'The Shop', has been received from Chief Inspector Banks, on behalf of the Chief Constable of Sussex Police - a Responsible Authority as defined in the Act.

- 2.2 Worthing Borough Council is the Licensing Authority that granted the above licence and it therefore falls to members to determine this application.

3. Background

- 3.1 The store is situated in Chapel Road in a parade of small shops on a busy main thoroughfare in a mixed commercial/residential area. The premise has traded for many years as a 'local newsagents' without a licence and was known as 'News Corner' until recently.

- 3.2 A premises licence authorising the sale of alcohol, for consumption off the premises, was granted to Mr Ashish Soni & Ms Yogita Patel in November 2006. Originally this licence had limited daytime hours. The timings were extended by

variation to more conventional later 'off licence' hours in January 2013 and the shop developed into a 'convenience store/off licence'.

- 3.3 A review of this premises licence was applied for in February 2015 by West Sussex County Council Trading Standards Service and heard by this committee on 9 April 2015. The application asserted that the licensing objectives:
- prevention of crime and disorder;
 - public safety;
 - protection of children from harm.
- had been seriously undermined. That application detailed offences under:
- Section 7 of the Children & Young Persons Act 1933.
 - Section 146 of the Licensing Act 2003
- the applicant having sold cigarettes and alcohol to persons under 18 yrs. of age during two separate failed test purchase operations carried out on:
- 8 January 2015 – WSCC Trading Standards operation where tobacco was sold to a volunteer aged 16yrs & 8months old.
 - 15 January 2015 – Sussex Police operation where alcohol was sold to two volunteers aged 16yrs old.
- 3.4 At the hearing members resolved that a mediated agreement reached between the applicant, the licence holder and those making representation be approved and an additional condition added as members were satisfied that these conditions together with the suspension were sufficient to promote the Licensing objectives. The agreed conditions imposed on the licence being:
- A suspension of the premises licence for a period of seven days as a deterrent from allowing the problems that gave rise to this review occurring again.
 - All staff engaged in selling tobacco, alcohol or any other age restricted products shall receive full training in relation to the Licensing Act and other appropriate legislation.
 - Induction training must be completed, and fully documented, prior to the sale of tobacco, alcohol or any other age restricted by staff and refresher training must be completed in a period of no less than six months. Documentation should be retained.
- the additional condition imposed on the licence being:
- A suitable till prompt is introduced to remind staff to check and confirm that the customer is over 18 before selling tobacco, alcohol or any other age restricted product. A suitable till prompt is to be implemented within a period of six months. (from the date this decision becomes valid)
- 3.5 Subsequent to the above review earlier this year a further test purchase operation has been conducted by Sussex Police and resulted in an illegal sale of alcohol. As a result Chief Insp. Banks made application to Worthing Borough Council on 30 April 2015 for this further review of the premises licence.
- 3.6 Mr Ashish Soni is the current Designated Premises Supervisor (DPS) and has been in post since November 2006. He holds a Personal Licence issued by Crawley Borough Council.
- 3.7 Attached to the report are copies of:
- A map of the area. (Appendix A)

- A plan of the store. (Appendix B)
- The application for Review (Appendix C) incl:
 - A copy of WSCC Trading Standards review application made in Feb 2015.
 - The L & C Committee's hearing decision regarding that review
- The current Premises Licence. (Appendix D)
- A representation made by West Sussex Trading Service (Appendix E)
- Representations received from local residents (Appendix F1 & 2)

- 3.6 The current Premises Licence authorises:
- a) Sale of alcohol, for consumption off the premise, between:
08.00hrs and 23.00hrs Monday to Sunday incl.
 - b) Hours the premise opens to the public:
06.00hrs and 23.00hrs Monday to Sunday incl.

4. The Application

4.1 The Application for Review is attached at **Appendix C**.

4.2 The application is made on behalf of the Chief Constable of Sussex Police, the police being a responsible authority as defined in Section 13 of the Act, and includes detailed information supporting their case that the licence holder is undermining the Licensing Objective:

- Protection of Children from Harm

by selling alcohol to persons under 18 yrs. of age in contravention of:

- Section 146 of the Licensing Act 2003

4.3 The application gives details regarding a third failed test purchase operation carried out this year:

- 23 April 2015 – Sussex Police operation where alcohol (a bottle of Smirnoff Ice) was sold to two volunteers aged 16yrs old.

4.4 The application requests, that in light of the previous failed test purchases earlier this year, and this latest failure that members now considered:

- Revocation of the premises licence.

4.5 The Police in the summing up of their application have referred to paragraph 11.27 of the 'Revised Guidance issued under section 182 of the Licensing Act 2003' but have quoted from a previous issue. The current guidance issued in March 2015 excludes:

- *for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*

from the list of 'criminal activity that may arise in connection with licensed premises which should be treated particularly seriously'. The Police go on to quote part of section 11.28 but when the whole of paragraph 11.28 is considered:

*It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, **will use the review procedures effectively to deter such activities and crime.** Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*

The significance of their conclusion may need to be considered.

5. Promotion of the Licensing Objectives

5.1 The Licensing Act 2003 and its regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- protection of children from harm.

According to the Home Office Guidance each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to the aforementioned Guidance issued by the Home Secretary and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

Prevention of Crime and Disorder

4.2 *The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over licensed premises.*

4.3 *In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself, the Guidance issued under section 182 to the Act and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider all the information available and relevant representations made, including those from interested parties and the responsible authorities, particularly the Police.*

Protection of Children from Harm

4.28 *It is an offence to sell alcohol to an individual aged under 18. Licence holders are required to consider carefully ways to ensure that the sale of alcohol is restricted to those over the age of 18. Popular schemes include the 'Challenge 25 scheme' whereby*

if the individual looks under 25; they are required to prove that they are over the age of 18 when buying alcohol or tobacco. Acceptable forms of proof are: a photo card driver's licence, passport or PASS. PASS is the national guarantee scheme for proof-of-age, which is fully supported by the Home Office. Applicants are encouraged to introduce such schemes and detail them in operating schedules. The council may impose conditions requiring such schemes if relevant representation is received. Special care should be exercised and the licensed trade should be alert to counterfeit IDs and their fraudulent use.

Off sales of alcohol – Stores & Supermarkets

- 7.1 *The Home Office Guidance to the Act recommends that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours, unless there are exceptional reasons related to the licensing objectives, in particular 'the prevention of crime and disorder' and 'the prevention of public nuisance'.*
- 7.4 *Selling alcohol to a person who is drunk or to a person who is under the age of 18 are both offences under the Licensing Act. The council recognises that the vast majority of licensees are very aware of their responsibilities and the duty of care they have selling alcohol to the public. However, the council takes both these issues extremely seriously.*
- 7.5 *The Council considers it vital that licence holders provide formal and effective training to all staff involved in the sale of alcohol to recognise members of the public who are drunk or underage and give their staff the ability and confidence to refuse service. The council will expect operating schedules to demonstrate that the licence holder has considered such matters and addressed them as far as possible and that formal training records are kept on the premise and are to be made available for inspection by Police and/or Licensing Unit officers on request.*
- 7.12 *From October 2010 it became a mandatory condition that all licence holders selling alcohol put in place an age verification policy for the premises. In some circumstances the Council will impose, where necessary to promote the licensing objectives, implicit conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18 years of age.*
- 7.13 *Licence holders need to have sufficient day to day control of operations at their premise. They will be held responsible for breaches of the licence and ensuring there is adequate staffing and training. The authorities will continue to use young people for the 'test purchasing' of alcohol and CCTV evidence, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of a review of licence for underage sales include the imposition of additional conditions such as the attendance of a personal licence holder, licence suspensions and in some cases revocation to act as deterrence.*

Enforcement

- 9.1 *Once licensed, it is essential premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and the Council will make arrangements to monitor premises.*

Reviews

- 10.9 *The 2003 Act provides a clear focus on the promotion of the four statutory licensing objectives which must be addressed when licensing functions are undertaken. The Act provides tough powers, in the form of the review procedure, to enable licensing authorities to bring the minority of badly managed premises, which are failing to promote the licensing objectives, into line with the best.*
- 10.11 *When considering an application for a Review the priority of the Licensing Authority will be to establish the cause or causes of the concerns and failures and to take necessary and proportionate remedial action.*
- 10.12 *However, when considering applications for Review arising in connection with crime (this includes underage alcohol sales) deterrence is an appropriate objective. Whilst punishment may not strictly be a valid tool on an application for Review in cases where there has been activity in connection with crime, deterrence can be. The Licensing Authority will not confine its decision simply to considerations of remedying. To simply re-emphasise conditions which clearly have not been adhered to in the past will not in most cases prevent further breaches of the law in the future and consequently would not promote the Licensing Objectives.*

6. Consultation

- 6.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which representations have been received from the following:
- Members of the public – Two local residents
 - Responsible Authorities – One authority (WSSC Trading Standards)

7. Relevant Representations

- 7.1 As a result of consultation the application has received one representation supporting the Police application. A copy of the representation made by West Sussex Trading Standards is reproduced in full at Appendix E. The content of which is considered to relate to the statutory licensing objectives as follows:
- Prevention of Crime & Disorder
 - Protection of Children from Harm
- 7.2 West Sussex Trading Standards have stated they fully support Sussex Police recommendation that this authority considers revocation of the licence
- 7.3 In addition two relevant representations were received opposing the Police application and appealing for leniency. These are reproduced in full at Appendix F

8. Mediation

- 8.1 As part of the review process the Licensing Act encourages, where possible, parties to mediate. At the time of writing no details of mediation had been received but if there are any developments these will be fully reported at the hearing though considering the nature of the application such mediation seems unlikely.

9. Consideration

- 9.1 The legislation provides a clear focus on the promotion of four statutory objectives, listed at 5.1 above, which must be addressed when licensing functions are

undertaken. Each objective is of equal importance and it is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

- 9.2 When determining this application members need to carefully consider the following:
- The four statutory licensing objectives
 - Worthing Borough Council's 'Statement of Licensing Policy'
 - Guidance issued under Section 182 by the Home Secretary
 - The application, relevant representations and the testimony of the parties.
- 9.3 These are the only matters to be addressed by the authority when considering this review application. The statutory licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application, suspend or revoke a licence or impose conditions.
- 9.4 When considering an application for a review, pursuant to s51 of the Act, the following options are available to the Committee to ensure promotion of the Licensing Objectives:
- Take no action.
 - Issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.
 - Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).
 - Exclude a licensable activity from the scope of the licence.
 - Remove the designated premises supervisor because they consider the problems are the result of poor management.
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence.
- 9.5 Members should consider any mediation that takes place and any agreements reached between the parties. Satisfying themselves that any such agreement could allow the Licensing Objectives to be met and act as a suitable deterrent.
- 9.6 If members are satisfied with the results of any mediation then it is recommended that any conditions are noted and imposed on the Premises Licence. If , however, members were not satisfied and of a mind to impose a different decision then the importance of paragraph 9.9 of this report must be emphasised in that the committee must give clear and precise reasons for their decision so that it could be defended in a court of law if necessary.
- 9.7 In determining an application for a review the following sections of the Home Secretary's Guidance issued under section 182 of the Licensing Act 2003 (Amended – March 2015 I should also point out that the Police quote) should be taken into account,

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

- 11.17 *The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.*
- 11.18 *However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.*
- 11.19 *Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*
- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
 - *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
 - *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
 - *suspend the licence for a period not exceeding three months;*
 - *revoke the licence.*
- 11.20 *In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes that instigated the review.*
- 11.21 *For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.*
- 11.22 *Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.*
- 11.23 *Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is*

appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence

Review of a premises licence following persistent sales of alcohol to children

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

9.8 Members should also have regard to relevant case law - Crown (Bassetlaw District Council) v Worksop Magistrates' Court – 2008

The judgment by Mrs Justice Slade in the High Court in a Judicial Review applied for by Bassetlaw District Council regarding a judgement of a District Judge sitting at Worksop Magistrates' Court in respect of a Licensing Act Appeal for Select & Save has established a number of principles.

- 1. The general approach of Licensing Authorities on a Review is to establish the cause or causes of the concerns and to take remedial action which is necessary and proportionate.*
- 2. However, when considering Reviews arising in connection with crime (and underage sales are included) deterrence is an appropriate objective and one contemplated by the Secretary of State in the Guidance.*
- 3. Whilst punishment may strictly not be a valid tool on a Review, in Reviews where there has been activity in connection with crime, deterrence could be.*
- 4. The Licensing Authority and courts should not confine their decision simply to considerations of remedying. Deterrence should be considered.*
- 5. To simply re-emphasise conditions which clearly haven't been adhered to in the past is not going to prevent further underage sales in the future, and therefore will not promote the Licensing Objectives.*

9.9 In all cases members are required to give reasons for their decision.

10. Legal Implications

10.1 Under Section 181 and Schedule 5 of the Act, rights of appeal to the Magistrates' Court in respect of applications for review of an existing licence include:

- a) The applicant or licence holder may appeal against any decision to modify the conditions of the licence, suspend or revoke a licence.

- b) The applicant may appeal against a rejection in whole or part of an application to review.
- c) Those that have made relevant representations may appeal against a review being granted, rejected, or against the modification or lack of modification of any conditions.

10.2 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence".

"At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives".

- 10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 10.5 All applications before Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and the responsible authorities particularly the Police.

11. Other Implications

- 11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account. There are no significant direct race relations or equal opportunity implications that have been identified.

12. Recommendation

- 12.1 Members are requested to determine the application by Sussex Police for a Review of the Premises Licence, held by Mr Ashish Soni & Ms Yogita Patel at their store, 'The Shop' situated in Chapel Road, Worthing. Members are requested to give reasons for their determination.

John Mitchell
Director for Communities

Principal Author and Contact Officer:

Simon Jones, Senior Licensing Officer
Telephone 01273 263191.

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- Worthing Borough Council's Statement of Licensing Policy
<http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/policy-and-forum/#policy>

Appendices:

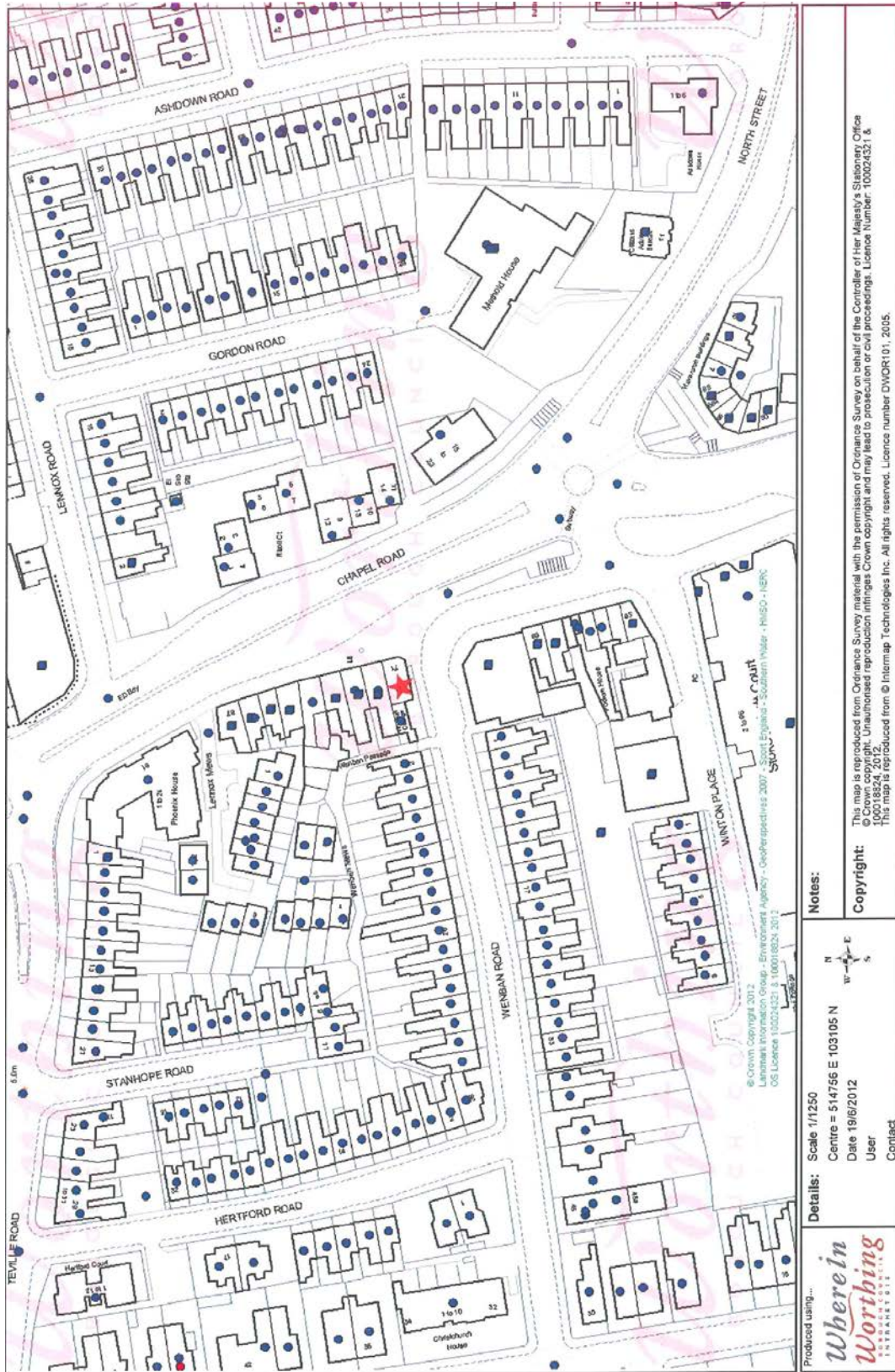
- Appendix A - Plan of the area.
- Appendix B - Plan of the store.
- Appendix C - Review Application.
 - Sub-appendix C(a) – WSCC Trading Standards Review application - Feb 2015
 - Sub-appendix C(b) – L & C Committee Decision as a result of that review
- Appendix D - Store's current Premises Licence.
- Appendix E - Police Representation
- Appendix F – Resident Representations

The Licensing Unit, 9 Commerce Way, Lancing

Ref: SJ/Lic.U/LA03/Review – The Shop.

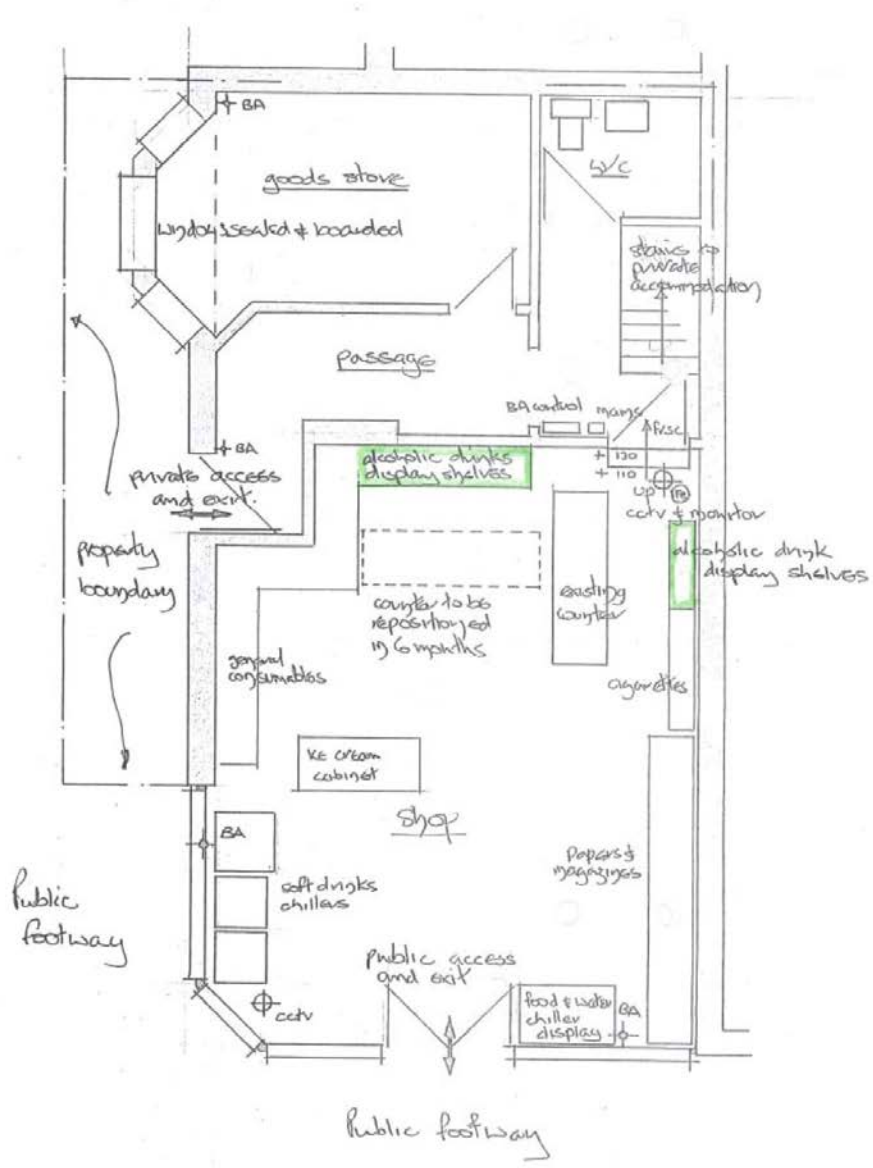
Date: 3 June 2015.

Plan of Area
The Shop, 71 Chapel Road



Plan of Premises

The Shop
 71 Chapel Road, Worthing
 Premises Licence LN/100001618
 Drawing No. A06/04/01



Legend

- + BA - Burglar alarm sensor
- BA control - Burglar alarm control panel
- ⊕ cctv - Close Circuit tv cameras
- monitor - CCTV monitor
- FRSC - Fire Resistant self closing door
- FE - Fire Extinguisher 6kg powder type
- +130 - rise in level in millimetres above Floor 0.000 datum
- Areas for display/storage of alcoholic drinks

Review Application

Application for the review of a premises licence or club premises certificate 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.

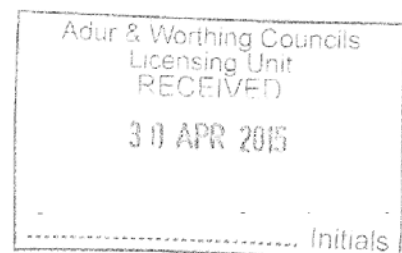
I Chief Inspector Banks for and on behalf of the Chief Constable of Sussex Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Shop 71 Chapel Road	
Post town Worthing	Post code (if known) BN11 1HU
Name of premises licence holder or club holding club premises certificate (if known) Mr Ashish SONI & Ms Yogita Patel	
Number of premises licence or club premises certificate (if known) LN/000001618	



Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Inspector Banks c/o Sgt Balmer Sussex Police Divisional Headquarters Centenary House Durrington Lane Worthing West Sussex BN13 2PQ
Telephone number (if any) 01273 404030
E-mail address (optional) WS_licensing_wor@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

X

Please state the ground(s) for review (please read guidance note 1)

The premises licence for The Shop in Chapel Road Worthing was subject to review by the licensing committee on 9th April 2015 following the sale of tobacco and of alcohol to children.

Details are attached at appendix A.

The determination of that hearing is attached at appendix B.

On 23rd April 2015 Sussex Police conducted a further alcohol test purchase at a number of premises in the area following intelligence pertaining to young people and underage drinking.

The Shop again sold alcohol to a child aged 16 years old.

Sussex Police contend that the following licensing objectives have been seriously undermined:

- 1) The protection of children from harm.

Please provide as much information as possible to support the application
(please read guidance note 2)

'The Shop' is located in close proximity to the town centre, an area subject of the 'Enough is Enough Campaign' which targets anti-social behaviour & the members of the community causing problems while drinking on the streets. It is surrounded by a mixture of business and private accommodation. A relatively small premises the sales counter is located at the far right of the shop. The premises licence permits the sale of alcohol from 08:00~23:00 hours 7 days a week

On **9th April 2015** the Licensing Committee heard the Application for the Review of the Premises Licence for The Shop; submitted by West Sussex County Council Trading Standards and supported by a representation from Sussex Police. The Licensing Committee agreed the proposed mediation and imposed a 7 day suspension of the premises licence and the addition of a number of conditions. See determination appendix B.

23rd April 2015 21:12 hours

On 23rd April 2015 a test purchase operation was conducted in the area due to intelligence received. Two volunteer test purchasers aged 16 years entered the premises where plain clothed Police Officers then witnessed one of the children purchase a 70cl bottle of Smirnoff Ice (ABV 4%). The children then left the premises. At no stage was their age requested nor any form of ID verified.

Uniformed officers then identified themselves to the member of staff who was issued a £90 Penalty Notice for Disorder (PND). The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) Mr Soni was called by the staff member and immediately came downstairs to the premises.

The police officers conducted a full licensing check of the premises. The premises licence part B & Challenge 25 posters were clearly displayed. Mr Soni provided his training manuals and refusals/incident logs all of which had been set up in accordance with the conditions on the licence. Written authority for the new member of staff to sell alcohol was also available. Mr Soni explained that the staff member had only been employed for two days, and had received full training which was reflected in the training records.

Sussex Police contend that while Mr Soni has taken steps to ensure the premises complies with most of the conditions of the premises licence, the outcome remains the same; children are still subjected to harm by being able to purchase alcohol from the premises.

The Premises Licence Holder, Mr Soni, has had clear warnings from Sussex Police, West Sussex County Council Trading Standards and from the Licensing Committee regarding the promotion of the Licensing Objectives. It is unacceptable that a newly trained member of staff has allowed children to make a purchase, indicating that the importance of the situation or the quality of training has not been taken seriously. The staff member on duty was un-supervised when the sale was made and by Mr Soni's own admittance, has been employed only two days.

Appearing before the Licensing Committee on 9th April, 2015 should have acted as a significant deterrent to Mr Soni, and ensured that no further age restricted sales to children took place. However, with another sale of alcohol to children taking place only two weeks after the Licensing Hearing Sussex Police contend that Mr Soni is failing to take his responsibilities under the Licensing Act 2003 seriously.

In consideration of the issues at this premises Sussex Police has paid due regard to

the S182 Secretary of State Guidance (11.27) of the Licensing Act 2003 which states;

"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously."

Specifically:

"For the illegal purchase and consumption of alcohol by minors which impacts on the health, education attainment, employment prospects and propensity for crime of young people"

Sussex Police request that the Licensing Committee consider the S182 Secretary of State Guidance (11.28) of the Licensing Act 2003 which states;

"Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered"

Under the circumstances, and taking into consideration the continued and repeated sales of restricted products to children, Sussex Police contend there is no alternative other than to respectfully request that the Licensing Committee seriously consider revoking the Premises Licence of the premises known as 'The Shop'.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

**West Sussex County Council Trading
Standards Review**

5th February 2015

**Sussex Police subsequently raised a
representation in support of the above review.**

If you have made representations before relating to this premises please state what they were and when you made them

A representation was raised by Sussex Police in relation to the sale of alcohol to children by Mr Soni the premises licence holder and designated premises supervisor. The representation supported the review raised by West Sussex County Council Trading Standards relating to the sale of tobacco to children
Details at appendix A.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

28/11/15

Capacity Chief Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Sgt M Balmer
Centenary House
Durrington Lane
Worthing, West Sussex
BN13 2PQ

Telephone number (if any) 01273 404030

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) WS_licensing_WOR@sussex.pnn.police.uk

West Sussex Trading Standards Review Application – Feb 2015

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Worthing Council
Licensing Unit
RECEIVED
- 9 FEB 2015

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 PHILIP LIPSCOMB, TRADING STANDARDS OPERATIONS MANAGER, WEST SUSSEX COUNTY COUNCIL TRADING STANDARDS SERVICE
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Shop (previously known as News Corner), 71 Chapel Road	
Post town Worthing	Post code (if known) BN11 1HU

Name of premises licence holder or club holding club premises certificate (if known) Mr Ashish Soni & Ms Yogita Patel

Number of premises licence or club premises certificate (if known) [REDACTED]

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Richard Sargeant, Trading Standards Team Manager West Sussex County Council County Hall North Chart Way Horsham West Sussex RH12 1XH FOR & ON BEHALF OF THE APPLICANT.
Telephone number (if any) 03302 227665
E-mail address (optional) richard.sargeant@westsussex.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

West Sussex County Council Trading Standards Service contends that the above licensing objectives, the prevention of crime and disorder, public safety and the protection of children from harm, have seriously been undermined. Full particulars in support of this application are to be found in the next section, but in summary:

A volunteer, under the age of eighteen, who was under the supervision and instruction of this Service, covertly visited The Shop and was sold a packet of cigarettes contrary to section 7 of the Childrens and Young Persons Act 1933. After the sale took place, Officers of This Service then introduced themselves to staff at The Shop.

Please provide as much information as possible to support the application
(please read guidance note 2)

On 8th January 2015, Officers from West Sussex County Council Trading Standards Service visited The Shop, 71 Chapel Road, Worthing, BN11 1HU accompanied by a volunteer, who was aged 16 years and 8 months, as part of an Underage Sales Operation.

During the visit, the volunteer asked the member of staff behind the till, who I now know to be Mr Ashish Soni, for 1 packet of Mayfair cigarettes. Mr Soni did not ask the volunteer to confirm their age and failed to ask for proof of identification.

The sale of tobacco to a person under the age of eighteen is a criminal offence under section 7 of the Childrens and Young Persons Act 1933.

At the time of our visit, The Shop operated a Challenge 21 policy and since the visit, a Challenge 25 policy has been introduced. A Challenge 25 policy means that any person attempting to buy an age restricted product who appears to be under the age of 25, will be asked for photographic ID to prove their age.

During the visit, Officers confirmed that the tills used in The Shop does not have prompt facilities when age restricted products were scanned to remind staff to request proof of identification/age prior to selling the product. Officers also examined the refusals log maintained by staff at The Shop, which seemed to be updated accordingly.

Officers confirmed that both Directors are the only staff members of The Shop and that that training Mr Soni received in relation to the sale of age resitrceted products was as part of him receiving a personal alcohol licence. No repeat training on age restricted sale is carried out by the business and their own mystery shopping is not undertaken to ensure that staff comply with the law relating to underage sales.

An Officer within the Service, Miss Ashley Crofts, has formally interviewed Mr Ashish Soni who is one of the directors of Ansh Soni Ltd and there is an ongoing investigation in relation to the offence committed.

On 15th January 2015, Sussex Police visited the same premises as part of an underage sales operation and an underage volunteer under their instruction and supervision was sold alcohol, contrary to Section 146 of the Licensing Act 2003.

It is therefore contended that the sale of cigarettes to a person under the age of eighteen breaches the licensing objectives 'the prevention of crime and disorder', 'public safety' and 'the protection of children from harm' and that the licensee was failed in their responsibilities in promoting the above-mentioned licensing objectives.

In view of the above, West Sussex County Council Trading Standards deem it both appropriate and necessary to invite the licensing authority to review the Premise Licence of The Shop and determine if it is appropriate to issue an informal warning to the Premise Licence Holder or to suspend and/or impose specific conditions to the current licence. Specific conditions could include:

- All staff members engaged, or to be engaged, in selling tobacco or other age restricted products on the premises shall receive full training pertinent to the Licensing Act and other appropriate legislation, specifically in regard to age restricted sales

- Induction training must be completed, and fully documented, prior to the sale of

tobacco by the staff member and refresher training thereafter at intervals of no less than six months. Written records of all training, including refresher training, must be kept and made available to Police, PSCO, Licensing and Trading Standards Officers.

- A suitable till prompt is introduced to remind staff to check and confirm that the customer is over 18 before selling tobacco, alcohol or any other age restricted product

- The serving counter is kept clear and left free of all products so allowing staff a clear view of the shop and customers.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

1	1	1	1	1	1	1	1
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If you have made representations before relating to this premises please state what they were and when you made them

n/a

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

S. 2. 15

Capacity Trading Standards Team Manager

Licensing & Control Committee B Decision Regarding WSCC Trading Standards Review Application – Heard on 9 April 2015



Ms Ashley Crofts
Trading Standards Service
West Sussex County Council
County Hall North
Chart Way
Horsham
RH12 1XH

*Our Ref: EH/Lic.U/03Lic Act/simon/ LN/100001618/Review
Tel: 01273 263191 e-mail: simon.jones@adur-worthing.gov.uk*

14 April 2015

Dear Ms Crofts

**Licensing Act 2003 - Section 51
Application for a Review of Premises Licence No: LN/100001618
The Shop, 71 Chapel Road, Worthing, BN11 1HU**

West Sussex Trading Standards Service made the above application to the licensing authority, Worthing Borough Council, on the 13 February 2015. The 'Review' was applied for following two test purchase operations at which offences were committed. The application sought the imposition of a number of conditions that the applicant considered appropriate to allow the licensing objectives to be properly promoted and for members to consider issuing a warning or suspending the licence.

The application was correctly made as defined in the Act. One further relevant representation was received during the statutory consultation period from Sussex Police. As the issuing authority it fell to the Licensing & Control Committee to determine.

1. APPLICANT

Mr Philip Lipscomb, Operations Manager on behalf of the Head of Service at West Sussex County Council Trading Standards Service

2. LICENCE HOLDER / PREMISE

Mr Ashish Soni & Ms Yogita Patel / 'The Shop'

3. DATE OF HEARING

9 April 2015.

4. RESOLUTION

- 4.1 It was resolved that the mediated agreements reached between the applicant, the licence holder and those making representation be approved and an additional condition added as members were satisfied that these conditions together with the suspension were sufficient to promote the Licensing objectives.

4.2 The agreed conditions imposed on the licence being:

- a) All staff engaged in selling tobacco, alcohol or any other age restricted products shall receive full training in relation to the Licensing Act and other appropriate legislation.
- b) Induction training must be completed, and fully documented, prior to the sale of tobacco, alcohol or any other age restricted by staff and refresher training must be completed in a period of no less than six months. Documentation should be retained.

4.3 The additional condition imposed on the licence being:

A suitable till prompt is introduced to remind staff to check and confirm that the customer is over 18 before selling tobacco, alcohol or any other age restricted product. A suitable till prompt is to be implemented within a period of six months. (from the date this decision becomes valid)

4.4 A suspension of the premises licence for a period of seven days.

5. REASONS

In reaching its decision, the Licensing and Control Committee 'B' gave due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee gave regard to Human Rights legislation and the rules of natural justice. Due consideration was given to all representations made at the hearing and in writing. In discharging its functions the Committee did so with a view to promoting the Licensing Objectives, the relevant objectives in this case being the Prevention of Crime and Disorder and the Protection of Children from harm.

The Committee considered the primary reason for the underage sales was lack of training in age related products. However the Committee was concerned that conditions were already on the premises licence relating to this type of training and importantly condition 8 of the premises licence states that refresher training was due to take place at intervals of no less than 8 weeks. It does not appear that this was complied with.

As such, the Committee was of the opinion that it is appropriate to suspend the premises licence for a period of seven days as a deterrent from allowing the problems that gave rise to this review occurring again.

The Committee considered that the detrimental financial impact is appropriate and proportionate to the promotion of the licensing objectives.

6. ADDITIONAL COMMENTS

It should be noted that the applicant, the licence holder and those that made representation may appeal against this decision within 21 days by giving notice to the Justices' Chief Executive at Worthing Magistrates' Court.

If no appeal is lodged the amendments listed above and the suspension of the licence will come into effect on Friday 8 May 2015. On which date the sale of alcohol must cease and shelves cleared of alcohol products until 15 May 2015. The current premises licence must be returned to this office and an amended licence will be issued with the additional conditions imposed listed.

If an appeal is lodged then the committee's decision is suspended until such time as the appeal has been disposed of by the courts.

The Responsible Authorities and any other person may apply for a further review of this licence if activities at this store were to continue to undermine the licensing objectives.

The licence holder is reminded that it is a criminal offence under the Licensing Act to carry on licensable activities from any premises without a premises licence or in breach of a premises licence. The maximum penalty on conviction is six months imprisonment and an unlimited fine.

If you have any queries regarding this matter please do not hesitate to contact me.

Yours sincerely

Simon Jones
Senior Licensing Officer

CC. Mr Ashish Soni & Ms Yogita Patel, 'The Shop', 71 Chapel Road, Worthing
Worthing & Adur Licensing Team, Sussex Police

Premises Licence



Licensing Act 2003 – Sections 16 and 18
Premises Licence – Part A

Housing, Health & Community Safety
9 Commerce Way
Lancing
BN15 8TA

Premises Licence Number - LN/000001618

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description		
The Shop 71 Chapel Road Worthing West Sussex BN11 1HU		
Telephone number	01903 202318	
Licensable activities authorised by the licence		
See attached Schedule		
The times the licence authorises the carrying out of the licensable activities		
See attached Schedule		
Opening hours of the premises		
Location : Newsagents / Convenience Store		
Day	Start	Finish
Sunday	06:00	23:00
Monday	06:00	23:00
Tuesday	06:00	23:00
Wednesday	06:00	23:00
Thursday	06:00	23:00
Friday	06:00	23:00
Saturday	06:00	23:00
Non Standard Timings & Seasonal Variations		
Where the licence authorises supplies of alcohol whether these are on and/or off supplies		
OFF		

Part 2 – Premises Licence Holder Details

Name

Mr Ashish Soni & Ms Yogita Patel

Registered Address



Telephone Numbers :

E-mail :

Registered number of holder, for example company number, charity number (where applicable)

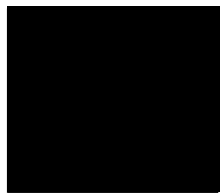
N/A

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)

Name

Mr Ashish Soni

Registered Address



Telephone Numbers :

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol

Personal Licence Number :

Licensing Authority :

Crawley Borough Council

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location :	Newsagents / Convenience Store	
Activities :	Alcohol OFF Sales/Supply (M)	
Day	Start	Finish
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Non Standard Timings & Seasonal Variations		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date : 28 May 2015

The Shop

Annexe 1 : Mandatory Conditions

A. Mandatory conditions: Licence authorises supply of alcohol

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

B. Mandatory conditions: Door supervision

When employed each such individual must be licensed by the Security Industry Authority.

C. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request. 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.

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 holographic mark, or
- an ultraviolet feature.

D. Mandatory conditions : Permitted price

A relevant person shall ensure that no alcohol is sold or supplied for a price which is less than the permitted price.

For the purposes of the condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; “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 rate 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;

“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;*

E. Permitted Hours

Alcohol shall not be sold or supplied except during the premise's permitted hours.

F. Off Sales

Alcohol shall not be sold in an open container or be consumed on the licensed premises.

Annexe 2 : Conditions Consistent with the Operating Schedule

1. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
2. It will be the responsibility of the DPS, or duty manager, to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible in compliance with data protection legislation.
3. All Spirits shall be stored and displayed behind the counter/servery
4. The premises shall at all times maintain and operate a sales refusals book and an incident log which shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant.
5. Both a refusal register and an incident register will be kept on the premises to record all refusals and incidents of crime or disorder. These records will be made available to the Authorised members of the Local Licensing Authority and/or the Police upon request.
6. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only form of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen card or validate proof of age cards bearing the "PASS" mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
7. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
8. All restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to the Sussex Police Local Authority Licensing officers and the local Trading Standards service upon request.
9. At all times the premises is open and undertaking licensable activity, members of staff must be able to communicate sufficiently to enable them to promote the 4 licensing objectives, specifically, the ability to make effective age and I.D. challenges and ensure alcohol is retailed responsibly.
10. West Sussex Fire & Rescue Service report no. 8/A/0387 dated 22nd September 2006 to be fully complied with.

11. Unaccompanied children (under 16) to be strictly monitored whilst on the premises.
12. Proper fire precautions & equipment and burglar alarms to be maintained.
13. Drinks containers not to be opened on the premises.
14. The sale of alcohol is to be secondary to the principal business of the shop.
15. There are to be no drinks promotions that could be interpreted to be aimed at young people.
16. Customers will be actively encouraged not to create litter.
17. All staff to work under the supervision of a personal licence holder.

Annexe 3 : Conditions imposed after a review hearing by the Licensing Authority

1. All staff engaged in selling tobacco, alcohol or any other age restricted products shall receive full training in relation to the Licensing Act and other appropriate legislation.
2. Induction training must be completed, and fully documented, prior to the sale of tobacco, alcohol or any other age restricted by staff and refresher training must be completed in a period of no less than six months. Documentation should be retained.
3. A suitable till prompt is introduced to remind staff to check and confirm that the customer is over 18 before selling tobacco, alcohol or any other age restricted product. A suitable till prompt system is to be implemented within a period of six months. (implemented by 8 November 2015)
4. Premises Licence suspended for a period of seven days from 8 May 2015 until 15 May 2015.

Annexe 4 : Plans

See attached plan no. A06/04/01

West Sussex Trading Standards Service Representation

Richard Sargeant
Trading Standards Service
 033 022 27665(Direct)
 Richard.sargeant@westsussex.gov.uk
www.westsussex.gov.uk/tradingstandards

Trading Standards
 County Hall North
 Chart Way
 Horsham
 West Sussex
 RH12 1XH
 (01243) 642124



BY EMAIL TO
 Simon.Jones@adur-worthing.gov.uk

13th May 2015

Dear Sir/Madam

Licensing Act 2003
'The Shop', 71 Chapel Road, Worthing

With regards to Sussex Police's application for the review of 'The Shop', 71 Chapel Road, Worthing, West Sussex, West Sussex Trading Standards wish to make representation in support of the review application.

West Sussex Trading Standards wishes to raise representations on the grounds that the Licensing Objectives are not being promoted.

On 8th January 2015, this Service visited The Shop, 71 Chapel Road, Worthing, BN11 1HU as part of an Under Age Sales operation and a 16 year old purchased 1 packet of Mayfair cigarettes.

Following the submission of a licence review, the hearing was held on 9th April 2015 and the committee outcome was as follows:

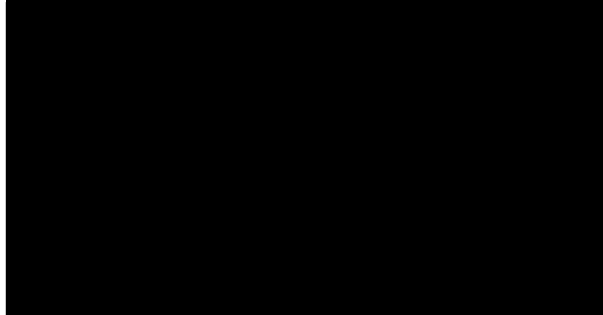
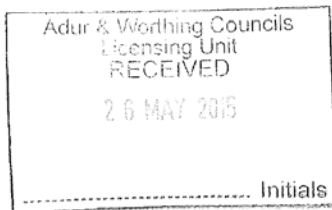
- Alcohol licence to be suspended for 7 days (due to come into effect 8th May 2015 if no appeal was received)
- The agreed conditions imposed on the licence being:
 - All staff members engaged, or to be engaged, in selling tobacco or other age restricted products on the premises shall receive full training pertinent to the Licensing Act and other appropriate legislation
 - Induction training must be completed, and fully documented, prior to the sale of tobacco, alcohol or any other age restricted product by staff and refresher training must be completed in a period of no less than six months. Documentation should be retained.
 - A suitable till prompt is introduced to remind staff to check and confirm that the customer is over 18 before selling tobacco, alcohol or any other age restricted product. A suitable till prompt is to be implemented within a period of 6 months (from the date this decision becomes valid).

Based on the above issue and the evidence provided by Sussex Police, West Sussex Trading Standards Service supports the proposal of a revocation of the licence.

Yours faithfully

Richard Sargeant
Team Manager – Operations Team

Representations from Local Residents



The Licensing Unit
Adur & Worthing Councils
9 Commerce Way
Lancing BN15 8TA.

22 May, 2015.

Dear Sir or Madam,

An Appeal For Leniency.

Re. the application by Sussex Police to revoke the licence at The shop, 71 Chapel Road, Worthing, run by Ashish Soni and Ms Yogita Patel:

As a Council Taxpayer for 25 years, and a founding member and the first Chairman of the Central Worthing Residents Association, I would like to voice my support for my fellow-citizens and neighbours Ash and Yogi.

Since taking over this shop eleven years ago I have never heard a bad word about them. On the contrary they have built up a solid, enterprising business, serving this community, working all the hours God sends, bringing up their two young sons. I can't speak too highly of them.

Indeed, if it was not for the two ^{test} 'failures' highlighted by Sussex Police, Ash and Yogi would qualify as exemplary citizens, the kind of ^{self-made} entrepreneurs that Britain needs, the life-blood of our country. Such go-getters were praised to the skies by politicians of all hues in the recent General Election.

When Ash slipped up for the first time in eleven years, he was suffering from fatigue after being on his feet for a marathon shift behind the till.

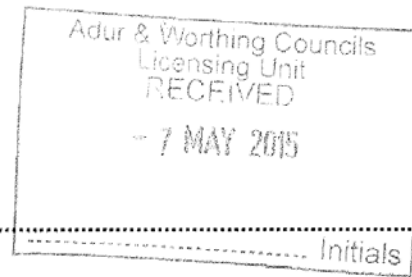
Ash is also under horrendous pressure here, working in a dog-eat-dog environment, with five such convenience stores - including the mighty Morrisons - all selling the same items within a stone's throw of each other. Losing this licence could shut down this much-loved community shop. ~~rather~~

Something has to give in this cut-throat free-for-all. When one of the 'failures' happened, the young woman on the till had only worked for Ash for 6 hours and 10 minutes and was distracted by the police's 'helpers', scared that they might be shoplifters! Inexperience caused this lapse.

We all make mistakes. Some get punished ... but plenty more don't take the rap for their misdemeanours. It would take a book to name them all. Ash & Yogi are among the good guys. They did not intend to do wrong. Sincerely,
I appeal for leniency.

WENBAN ROAD, WORTHING, WEST SUSSEX, BN11 1HY

P.S. If possible, I would like to attend the licence Cmttee meeting and speak in favour of Ash & Yogi.



[REDACTED]

Christchurch Road
Worthing
West Sussex
BN11 1JH

e-mail address – [REDACTED]
5 May 2015

[REDACTED]

To : The Licensing Unit, Adur & Worthing Council

Dear Sir or Madam

We are writing in support of the premises known as ‘The Shop’ 71 Chapel Road, BN11 1HU. As the proposed hearing is connected to the Protection of Children Act we assume that the hearing is being held to discuss a possible contravention of the act.

The shop run by a very hard working and responsible family, provides a valuable service to the local community. As daily users of the shop we have never witnessed a sale of alcohol to any person who could be underage. The owner has had to increase the shop operating hours as several other premises in the immediate vicinity have opened recently also selling alcohol. This has been necessary to enable the shop to be economically viable. Sadly alcohol sales are very important to sustain the business, it would be a tragedy if the community lost our long running corner shop.

Not knowing the circumstances of the proposed hearing I urge you to show due consideration and lenience if there is a case to answer.

Yours sincerely
[REDACTED]