



Communities Directorate

12 July 2016

Licensing and Control Committee B

Date:	20 July 2016
Time:	6:30pm
Venue:	Gordon Room, Town Hall, Stoke Abbott Road, Worthing

Committee Membership: Councillors Paul High (Chairman), Diane Guest (Vice Chairman), Paul Baker, Keith Bickers, Joan Bradley, Callum Buxton, Edward Crouch, Lionel Harman, Joshua High, Susan Jelliss, Jane Sim, Bob Smytherman, Steve Wills, Paul Westover, Tom Wye

Agenda

Part A

1. Declarations of Interest

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 held on the 20 April 2016, 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. Application for the Review of a Licence

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Part B - Not for publication - Exempt Information Reports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 the Review of the Premises Licence

Montague Stores

128 Montague Street, Worthing, BN11 3HG

Report by the (Interim) Director for Communities

1. Recommendation

- 1.1 That the full Licensing & Control Committee "B" considers and determines the application from:

Sussex Police

for a Review of the premises licence at the above store under section 51 of the Licensing Act 2003 (the Act).

2. Reasons for the Hearing

- 2.1 An application for a Review of premises licence No: LN/100001424, held by

Mr Kanapathpillai Vishnukanthan & Mrs Arshana Vishnukanthan

for the convenience store known as Montague Stores has been received from Chief Inspector Howard Hodges for and on behalf of the Chief Constable of Sussex Police. The Police being 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 Montague Stores has been a licensed convenience store since before the council's licence records start in 2005. It is situated in a busy terrace of commercial retail units in Montague Street. The street is a continuation of the town's busiest pedestrian precinct and is the site of dozens of small retail units including two public houses, numerous takeaways, restaurants, a betting shop and various other independent outlets situated on both the south and north side of the road.
- 3.2 In addition to alcohol the store sells a large selection of convenience goods including groceries, soft drinks, newspapers, sweets, tobacco and speciality continental & eastern european beers. There are similar stores situated within 100 m along the road in both directions.
- 3.3 Premises Licence no. LN/000001424 authorises the sale of alcohol at the store for consumption off the premise. It has been held by Mr Kanapathpillai Vishnukanthan & Mrs Arshana Vishnukanthan since August 2012.
- 3.4 The business is long established but since Mr & Mrs Vishnukanthan have held the licence our records show two enforcement incidents:
- a) November 2013 - Mr Vishnukanthan was DPS at the time and he was investigated for allegedly selling alcohol to a person who was intoxicated. The matter did not proceed to court.
 - b) September 2015 - Mr Vishnukanthan failed a Sussex Police conducted test purchase and received a warning regarding future conduct.
- There are no other matters on file and there have been no previous applications to Review this licence.
- 3.5 Mrs Arshana Vishnukanthan is the current Designated Premises Supervisor. She has held this responsibility since May 2014 when she took over from Mr Vishnukanthan. She holds a Personal Licence LN/201400446 issued by Worthing Borough Council.
- 3.6 A plan of the area is attached. (Appendix A)
- 3.7 A plan of the store is attached. (Appendix B)
- 3.8 The application is for a review of the licence due to representations made regarding the following licensing objectives:
- Prevention of crime & disorder
 - Public safety

- Protection of children from harm

The application is attached. (Appendix C)

3.9 The current Premises Licence allows:

- Sale of alcohol between:
06:30hrs and 00:00hrs, midnight, Monday to Sunday incl.
- Hours the premise may open to the public:
06:30hrs and 00:00hrs, midnight, Monday to Sunday incl.

(Appendix D)

3.10 Copies of the representations received in support of the Police's application are attached. (Appendix E1 & 2)

3.11 Copies of the representations received in support of the licence holder are attached. (Appendices F1-7)

3.12 A copy of the additional information supplied by Sussex Police to support their application is attached. (Appendix G)

4. The Application

4.1 The Application for Review is attached at Appendix C and is made on behalf of Sussex Police a responsible authority as defined in the Section 13 of the Act.

4.2 The application has been made in response to:

- a failed test purchase at the store whereby a 16 year old volunteer purchased alcohol during an operation conducted by Sussex Police in September 2015
- one of the licence holders being convicted for the criminal offence of handling stolen goods, contrary to Section 22 (1) of the Theft Act 1968, in May 2016.

the application also notes the applicant's failure to provide CCTV footage at the police's request.

4.3 The applicant has included detailed information in the application supporting their case that the licence holder is undermining the Licensing Objectives:

- Prevention of crime & disorder
- Protection of children from harm

and explaining Sussex Police's reasoning as to why they are requesting that members consider revocation of the licence

5. Promotion of the Licensing Objectives

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

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the 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 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.*

4.4 *In their role as a responsible authority, Sussex Police are an essential source of advice and information on the impact and potential impact of licensable activities in the borough, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and usually have good working*

relationships with those operating in the local area. The council recognises that Sussex Police are the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The Council will accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

4.5 *Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. The Council will expect Operating Schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business, including, where appropriate, the arrangements proposed in respect of prevention of both alcohol and drug misuse.*

4.8 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in para. 4.2, under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder within the vicinity if relevant representations are received. Whether or not incidents can be regarded as being in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.”*

Public Safety

4.11 *Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.*

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

- 7.11 *When requested by the police, or other authorities, the Licensing Authority may impose on new applications, or on existing licences at review, conditions requiring:*
- *No sales of alcoholic beverages (beers, lagers & ciders) over a specified limit of alcohol by volume or of specified quantities (e.g. of beers, lagers and ciders over 6.0% alcoholic content by volume).*
 - *No sales of single cans or bottles of beer, lager and cider in containers containing less than 500ml.*
 - *No sales of miniature bottles of wine or spirit in units of less than 35cl.*
 - *Other conditions may be imposed directed at reducing problematic street drinking.*
 - *Conditions stopping irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption.*
 - *Conditions relating to the positioning of alcohol within the shop and the types of displays of alcohol within the store. Particularly those displays that might appeal to younger consumers.*
- 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 statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act.

7. Relevant Representations

- 7.1 The application has received numerous representations during the 28-day consultation period and they are all reproduced in full at Appendices E & F.
- A. Supporting Sussex Police's Application - two written representations were received from responsible authorities
- NHS West Sussex Primary Care Trust.
 - Public Health & Regulation (EH Food)
- B. Supporting the Licence holder – Seven letters were received from members of the public. Members have been supplied with all but will need to consider carefully their relevance to the licensing objectives and therefore the weight, if any, they apportion to each.
- 7.3 The representations are considered to relate to the licensing objectives:
- the prevention of crime and disorder;

- public safety;
- the protection of children from harm.

7.4 Sussex Police have produced additional information supporting their arguments at Appendices G.

7.5 The applicant, licence holder and those making relevant representation have been invited to attend the Committee meeting. All parties have the right to address members.

8. Mediation

8.1 As part of the review process the Licensing Act encourages, where possible, mediation.

8.2 The licence holder has been encouraged to engage with Sussex Police but the results were unavailable at the time of writing. Any developments will be reported at the hearing.

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) 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. This case 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-emphasis 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. Safeguards

10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the Magistrates' Court in respect of applications for review of a premises licence includes:

- 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. A person who has made relevant representations may appeal against a review being granted, rejected, or against the modification or lack of modification of any conditions.

9.2 The Act also allows for the local licensing authority to undertake a review 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 any other person, 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.

11. Legal Implications

11.1 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.

11.2 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.

11.3 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.

11.4 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.

11.5 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.

11.6 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.

12. Other Implications

12.1 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 equalities implications that have been identified.

13. Recommendation

13.1 Members are requested to determine the application by Sussex Police for a Review of the Premises Licence, held by Mr Kanapathpillai Vishnukanthan & Mrs Arshana Vishnukanthan at their shop, 'Montague Stores' situated at 128 Montague Street, Worthing. Members are requested to give reasons for their determination.

**Tina Favier
(Interim) Director for Communities**

Principal Author and Contact Officer:

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or simon.jones@adur-worthing.gov.uk

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

<https://www.gov.uk/government/publications/licensing-act-2003-amended-guidance-issued-under-section-182>

- Worthing Borough Council's Statement of Licensing Policy

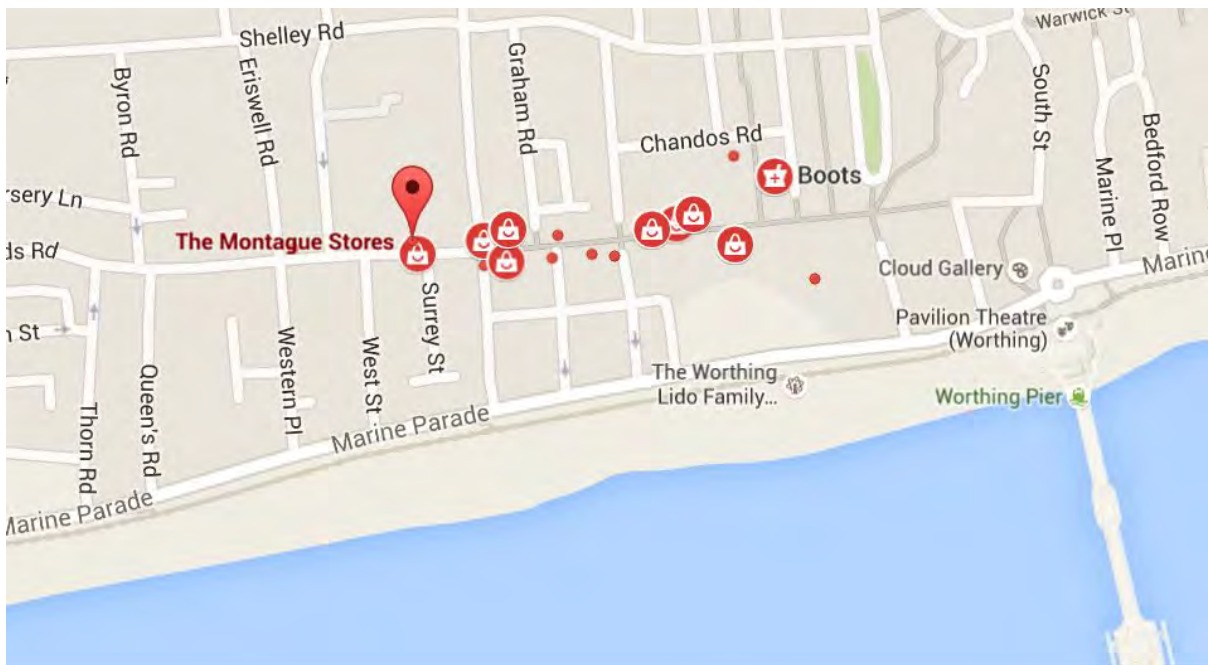
<http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/policy-and-forum/>

Appendices:

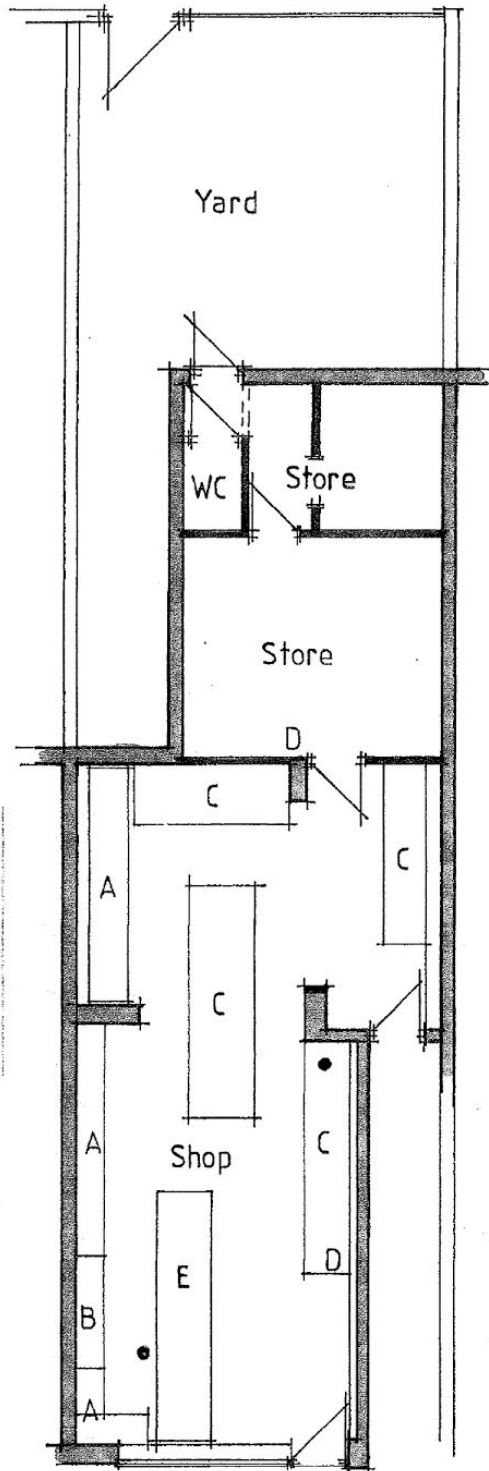
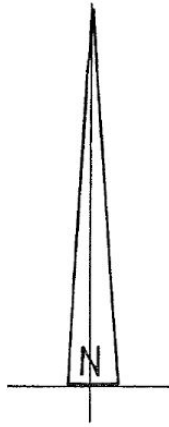
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - Review Application Form.
- Appendix D - Current Premises Licence
- Appendices E & F – Representations received as a result of consultation
- Appendix G - Additional Supporting Evidence from Sussex Police

Date: 7 July 2016.

Appendix A



Appendix B
Plan



KEY	
A:	Licensed activity area
B:	Cigarettes display
C:	General display areas Food stuff, cold drink, soft drink, etc
E:	Surveillance TV monitor and recorder
D:	Cashier station

Ground floor plan 1:100

Montague Stores : 128 Montague Street : Worthing
SALE OF GOODS UNDER LICENSING ACT OF 2003



Adur & Worthing Councils
Licensing Unit
RECEIVED
24 MAY 2016
..... Initials

Application for the review of a premises licence 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, <i>(insert name of applicant)</i>	Chief Inspector Howard Hodges for and on behalf of the Chief Constable of Sussex Police
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Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details	
Postal address of premises or, if none, ordnance survey map reference or description	
Montague Stores 128 Montague Street	
Post Town Worthing	Post code BN11 3HG

Name of premises licence holder or club holding club premises certificate (if known)
Mr Kanapathillai Vishnukanthan & Mrs Arshana Vishnukanthan

Number of premises licence or club premises certificate (if known)
LN/100001424

Part 2 – Applicant details	
I am,	
Please mark X for yes	
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) A responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)	
Please mark X for yes	
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>
Miss <input type="checkbox"/>	Ms <input type="checkbox"/>
Other title (for example, Rev)	<input type="checkbox"/>
Surname	First names
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Please mark X for yes	
I am 18 years old or over	<input type="checkbox"/>
Current postal address if different from premises address	<input style="width: 100%; height: 40px;" type="text"/>
Daytime contact telephone number	<input style="width: 100%; height: 30px;" type="text"/>
E-mail address (optional)	<input style="width: 100%; height: 30px;" type="text"/>

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

Email address (if any)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address:

Chief Inspector Hodges
Worthing Police Station
Centenary House
Durrington Lane
Worthing
West Sussex
BN13 2PQ

Telephone number (if any)
01273 404030

(Email address (if any))

WS_Licensing_Wor@sussex.pnn.police.uk

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

Please mark X for yes (one or more boxes)

1) The prevention of crime and disorder

X

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)

A Review application is sought by Sussex Police, of the premises licence LN/100001424 issued by Worthing Borough Council in relation to Montague Stores, 128 Montague Street, Worthing. The premises licence is held by Kanapathpillai Vishnukanthan and Arshana Vishnukanthan. This application follows the arrest on 25th April 2016, and subsequent charge, of Mr Kanapathpillai Vishnukanthan, on suspicion of handling stolen goods. Mr Vishnukanthan is the husband of the Designated Premises Supervisor Mrs Arshana Vishnukanthan. Both were present at the premises at the time of Mr Vishnukanthan's arrest. A second male was also arrested at the premises, on suspicion of theft.

Furthermore on 17th September 2015 Montague Stores failed a test purchase operation conducted by Sussex Police, whereby alcohol was sold to two 16 year old children.

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

1. The prevention of crime and disorder
2. The protection of children from harm

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

Montague Stores is a small convenience store located on a through road adjacent to Worthing's busy town centre. It sells a range of goods including food, drink and tobacco. It is licensed for the sale of alcohol for off-sales between 06:30 ~ 00:00 hours. The current premises licence was transferred to Mr Kanapathpillai Vishnukanthan & Mrs Arshana Vishnukanthan, as joint licence holders, in August 2012. Kanapathpillai Vishnukanthan was at this time specified as the Designated Premises Supervisor (DPS). In May 2014 Arshana Vishnukanthan was specified as the DPS.

25th April 2016

At approximately mid-day of 25th April 2016 a uniformed police officer attended Montague Stores Worthing in relation to an incidence of shoplifting from other premises in Worthing, by a male known to Sussex Police. The male, suspected of the theft of a number of items, had been tracked to Montague Stores. PC Oliver CO385 entered the premises and the male (CW) was arrested for theft.

The officers noted that Arshana Vishnukanthan the Designated Premises Supervisor (DPS) was in the public area of the shop when the male entered and proceeded to the back of the premises. Mrs Vishnukanthan was aware that he (CW) was in conversation with her husband, in relation to the items he had brought onto the premises. Both premises licence holders were present; PC Oliver CO385 proceeded to arrest Kanapathpillai Vishnukanthan on suspicion of handling stolen goods contrary to Section 22 (1) of the Theft Act 1968.

Plain clothed officers; PC Pickering CP581, PC Phelps CP491 & PS Hother CH683 then entered the premises where they conducted a search. They located a quantity of alcohol which, from the labelling, they identified as intended for on-sales (bottles for optics). These bottles matched the name and type stolen from an on-licensed premises in Worthing on 14th April 2016. They also seized a number of other items including bottles of alcohol, clothing, sundry comestibles and pharmaceutical products which they identified from the labelling and from security tags as coming from other premises in the Worthing area.

While at the premises PC Pickering requested a copy of the CCTV for the time period in question. Arshana Vishnukanthan stated she was unable to provide the location of the recording device for the shop and therefore did not provide the officers with a copy of the CCTV.

There is a condition attached to the premises licence that states:

- CCTV to be fitted and maintained to Sussex Police satisfaction with sufficient cameras to cover the alcohol display, shop entrance and till area – with image storage for a minimum of 28 days.

Mr Kanapathpillai Vishnukanthan was interviewed and charged with handling stolen goods. He was bailed to appear before Worthing Magistrates Court on 26th May 2016. At this stage the matter is sub-judice.

17th September 2015 18:36 hours

Following intelligence information received pertaining to Montague Stores, a test purchase operation was conducted by Sussex Police. Two volunteer children aged 16 years entered the premises where a plain clothed officer witnessed them purchase two 330ml bottles of Corona Extra 4.5% ABV. At no point did the male serving behind the counter make a challenge nor engage the children in conversation regarding their age. Uniform police officers entered the premises and requested that the training records be produced, along with the refusals log and a copy of the delegated authorisation to sell alcohol. None of these were available.

On 24th September 2015 Mr & Mrs Vishnukanthan attended Centenary House for a meeting with PS Balmer & Mrs Giddings of the Neighbourhood Licensing Team. The sale to children was discussed and it was explained that failure to promote the licensing objectives was a very serious matter. This not only

placed children at the risk of harm, but was a breach of the premises licence and an offence under Sections 146 and 147 of the licensing Act 2003. The records requested at the time of the test purchase were brought to the meeting. The refusals log pertained primarily to a small number of members of the street community. A formal warning letter was issued and a list of 'Actions to prevent further sales' provided by Sussex Police. It was made clear in the letter that the failure by the Designated Premises Supervisor to manage the premises appropriately would place the premises licence at risk. This was reiterated by PS Balmer, to both of the premises licence holders.

A further Test purchase operation was carried out in January 2016. On this occasion the premises did not sell alcohol to children.

PC King, formerly of the Neighbourhood Licensing Team, visited the premises in November 2015 and January 2016 in relation to the sale of high strength beer and cider. This was in relation to the 'Enough is Enough Campaign' to address incidents of anti-social behaviour caused by members of the street community in Worthing, accessing strong alcohol. On each visit the DPS was not present and despite the officer leaving messages Mrs Vishnukanthan failed to contact the licensing office. During his most recent visit PC King observed that the shelves stocked Oranjeboom at 8.5% ABV and White Star 7.5% ABV.

It should be noted that since Mr & Mrs Vishnukanthan have taken over the premises there have been a number of administrative offences committed under the Licensing Act 2003. On 3rd January 2014, following a joint agency visit, Worthing Borough Council Licensing Unit wrote to the premises licence holders advising them of the breaches in relation to notifying the Licensing Authority of any change of details pertaining to the DPS. It was also noted that the layout of the premises had been altered, however the premises licence holders had failed to meet the requirements of the Licensing Act by submitting a minor variation. It should be noted that, in her statement to police, Mrs Arshana Vishnukanthan stated that they have owned the premises since November 2011. However, the premises licence was only transferred to them in August 2012.

The male referred to as CW has since been charged with theft. He appeared at Magistrates Court the following day when he received a custodial sentence.

Mr Vishnukanthan, has been charged with handling stolen goods contrary to Section 22 (1) of the Theft Act 1968. This criminality is in contravention of both the Theft Act 1968 and the Licensing Act 2003, and vicariously supports and promotes criminal activity within the local community.

Sussex Police contend that Mr & Mrs Vishnukanthan, as both the Premises Licence Holder and Designated Premises Supervisor, have failed in their duty to promote the licensing objectives.

Sussex Police have considered requesting additional conditions be placed upon the premises licence, however clear evidence of criminality is linked to the premises and it is considered these will prove ineffective. Consideration has also been given to requesting a period of suspension. However, due to the very serious nature of the criminal activity orchestrated by the premises licence holder, it is contended that only revocation of the licence will prevent a further occurrence of this level of criminality.

Therefore Sussex Police request that the Licensing Committee seriously consider revocation of the Premises Licence.

[Empty rectangular box for text input]

Please mark X for yes	
Have you made an application for review relating to this premises before?	NO

If yes, please state the date of that application	<input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> / <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
---	---

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

[Empty box for additional information]

Please mark X for 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 (on behalf of the applicant)

M. Hodges

Date: 20th May 2016

Capacity: Chief Inspector District Commander

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

PS M Balmer
Centenary house
Durrington Lane

Post town

Worthing
West Sussex

Post code

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)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.



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

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

Premises Licence Number - LN/100001424

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
Montague Stores 128 Montague Street Worthing West Sussex BN11 3HG	
Telephone number	01903 206552

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 : Convenience Store		
Day	Start	Finish
Sunday	06:30	00:00
Monday	06:30	00:00
Tuesday	06:30	00:00
Wednesday	06:30	00:00
Thursday	06:30	00:00
Friday	06:30	00:00
Saturday	06:30	00:00
Non Standard Timings & Seasonal Variations		

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
OFF

Premises Licence Holder Details

Name
Mr Kanapathpillai Vishnukanthan & Mrs Arshana Vishnukanthan

Registered Address
Montague Stores 128 Montague Street Worthing West Sussex

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
Mrs Arshana Vishnukanthan

Personal licence of Designated Premises Supervisor
Personal Licence Number : LN/201400446
Licensing Authority : Worthing Borough Council

State whether access to the premises by children is restricted or prohibited
N/A

Schedule 1 – Licensable Activities authorised by this Licence**Times the licence authorises the carrying out of the licensable activities**

Location:	Convenience Store		
Activities:	Alcohol OFF Sales/Supply (M)		
	Day	Start	Finish
	Sunday	06:30	00:00
	Monday	06:30	00:00
	Tuesday	06:30	00:00
	Wednesday	06:30	00:00
	Thursday	06:30	00:00
	Friday	06:30	00:00
	Saturday	06:30	00:00
Non Standard Timings & Seasonal Variations			

Montague Stores

Annexe 1 : Mandatory Conditions

A. Mandatory conditions where 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

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.

D. Conditions consistent with the Embedded Restrictions of the Justices' 'Off' Licence (Licensing Act 1964)

1. Permitted Hours

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

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

Source Section 164 Licensing Act 1964

3. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

Annexe 2 : Conditions Consistent with the Operating Schedule

- 1 Management & staff trained in the details of the Licensing Act 2003 and particularly the Licensing Objectives.
- 2 Security Alarm and window shutters to be fitted and maintained.
- 3 There is to be full compliance with Health & Safety and Fire regulations.
- 4 Regular Fire Safety risk assessment carried out and recorded.
- 5 The premise is not to operate beyond midnight. The hours of opening and hours for the sale of alcohol to 06.30hrs to 00.00hrs (midnight) Monday to Sunday incl.
- 6 CCTV to be fitted and maintained to Sussex Police satisfaction with sufficient cameras to cover the alcohol display, shop entrance and till area – with image storage for a minimum of 28 days.
- 7 A refusals recording mechanism, book or computer, is maintained at the premises and records made available to police and licensing officers & PCSOs.
- 8 All staff are subjected to training and regular re training regarding the prevention of sales to or on behalf of under age persons and to drunk persons. That these training inputs are recorded and signed for by the trainee and records made available to police and licensing officers & PCSOs.
- 9 A personal licence holder is to be present at all times on the premise when alcohol is being offered for sale beyond 23.00 hours on any day.
- 10 Two members of staff are present all times on the premise when alcohol is being offered for sale beyond 23.00 hours on a Thursday, Friday and Saturday evening.
- 11 All staff to be trained to ask for evidence of age from any person seeking to buy alcohol and appearing to be under the age of 21. Such evidence is to be of a photographic nature such as a passport, age card or photographic driving licence.
- 12 Signs to be displayed at point of sale stating 'no proof of age - no sale'

Annexe 3 : Conditions attached after a Hearing by the Licensing Authority

Not applicable

Annexe 4 : Plans

See attached certified plan dated 7 February 2014.

Appendix E Representations Supporting Review

App. E1

Montague Stores, 128 Montague Street, Worthing

1 message

Paula Mitton <paula.mitton@adur-worthing.gov.uk>
To: Simon Jones <simon.jones@adur-worthing.gov.uk>
Cc: Cheryl Mainstone <cheryl.mainstone@adur-worthing.gov.uk>

20 June 2016 at 16:54

Dear Simon,

I wish to submit evidence to support the the Police application for review of the licence of the above premises and a recommendation to revoke it. This is because during my visit on 25th April 2016 I found that public safety had been undermined by poor management of the business, as detailed below.

1. Very poor stock rotation of high risk foods was found, with 5 items found to be out of date (meat balls, pastrami which is a meat product, 3 salads). Such items may cause food poisoning if they are eaten after their 'use by' date. These were voluntarily surrendered to me. There was no logical order to the way stock in the chiller was organised, with newer stock at the rear of the cabinet.
2. Puddings that were well beyond their 'best before' date were also found, with the containers covered in dirt, that could be transferred to the food when opened. They had not been marked down as is usually advised for such items and so could mislead the consumer as to their quality.
3. There was no evidence of temperature monitoring of high risk foods in the display chiller and milk and meat products were being stored right on the edge of the chiller, so that they were above the maximum legal temperature. This gives a risk of bacterial multiplication and food poisoning.

regards
Paula

Paula Mitton | Team Leader - Specialist Food and Health & Safety | Public Health & Regulation | Adur & Worthing Councils
01273 263367 | <http://www.adur-worthing.gov.uk>

App. E2

Dr Kate Bailey
Consultant in Public Health
Public Health Department
0330 222 8683
PublicHealth.Licensing@westsussex.gov.uk
www.westsussex.gov.uk

First Floor, The Grange
Tower Street
Chichester
West Sussex
PO19 1RQ



Mr S. Jones
Senior Licensing Officer
Licensing Unit
Adur & Worthing Councils
Portland House
Richmond Road
Worthing
BN11 1LF

13th June 2016

Dear Mr Jones,

Re: Application for Review of Premises Licence: Montague Stores, 128 Montague Street, Worthing.

West Sussex County Council (WSCC) Public Health Department wishes to support the application by Sussex Police to review the licence of Montague Stores, 128 Montague Street, Worthing, BN11 3HG

WSCC Public Health concurs that the licensing objectives of The Prevention of Crime and Disorder and The Protection of Children from Harm have been undermined.

Serious questions have been raised over whether the Premises Licence Holder and Designated Premises Supervisor are fit and proper people to be trusted with the responsibility of selling alcohol.

Based on the information available and after much consideration, Public Health fully supports the request by Sussex Police for the Licensing Committee to revoke the Premises Licence, and feels that this course of action is both reasonable and necessary.

Supporting information

Prevention of Crime and Disorder

With regards to the Prevention of Crime and Disorder, the fact that the Premises Licence Holder (PLH) has been charged with handling stolen goods, and that the goods in question were seized from the licensed premises, clearly demonstrates that this licensing objective is not being promoted.

The Designated Premises Supervisor (DPS) was also on the premises at the time of the offence, and was unable to provide police with the CCTV (as required to do under the conditions of their licence).

Worthing has one of the largest street community populations in West Sussex (defined as people who are homeless, insecurely housed or spending a significant

amount of time on the streets). Many members of the street community are dependent on alcohol and/or drugs. This is a very vulnerable population who frequently resort to acquisitive crime (such as shoplifting and selling on stolen goods) to feed their addiction. Although the precise details of the handling of stolen goods by the PLH in this instance are not known, if the PLH of Montague Stores was known to be willing to purchase stolen property, the premises would undoubtedly be attractive to members of the street community looking sell-on stolen goods to fund an addiction. This would enable them to perpetuate their lifestyle and make it less likely that they would engage with the local treatment and support services.

The Worthing "Enough is Enough" sensible retailer scheme was established in response to a series of public nuisance incidents reported by both members of the public and traders, linked to the street drinking community. The scheme encourages retailers to sell low strength beers, ales and lagers (below 6.5%) and to sell cans in four packs rather than individual cans. Despite a number of approaches from local authorities, Montague Road Stores has not supported this scheme to reduce street drinking issues, and continues to sell super strength alcoholic products; it could be argued that the PLH and DPH have failed to actively promote the licensing objectives in relation to the Prevention of Crime and Disorder, when there is a known issue with street drinking (and associated crime, disorder and antisocial behaviour) and the consumption of these products in the area.

The Protection of Children from Harm

The sale of alcohol to children causes concern, particularly in light of the strong evidence demonstrating the harms caused by alcohol to children, and the fact that there are 7 schools within 1 mile of Montague Stores (see attached map).

The Chief Medical Officer (CMO) has provided guidance about alcohol consumption by under-18s, which highlights that they are at significant risk of experiencing alcohol-related harm:

'Binge drinking and heavy alcohol use in young people is associated with health risk behaviours including injury, sexual activity, fighting and drug use. Adolescents who use alcohol are more likely to have had sexual intercourse and multiple numbers of sexual partners. Young women who binge drink are more likely to have experienced regretted sex as well as forced, or attempted forced, sex. Alcohol use before sexual activity can result in condoms being used incorrectly or not used at all. Drinking is associated with violent behaviour in young people. Those who drink frequently or binge drink are more likely to be involved in fights, to be injured fighting, to commit violent offences and to carry weapons¹.

We know that binge drinking is a problem for some young people in West Sussex. Data shows that 10% of West Sussex young people aged 14/15 regularly drink alcohol². The Lifestyle Survey for 16-24 year olds in West Sussex showed that one in three males and one in four females regularly consume

¹ http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_110256.pdf

² WSCC (2014) West Sussex Joint Strategic Needs Assessment Summary.

alcohol and a quarter of young adults admit to regularly binge drinking (29.8% of males and 18.8% of females)³.

20,000 under-18s were admitted to hospital in England as a result of drinking alcohol, between 2007-2010⁴. The reasons for hospital attendance (although not included in the data collected) are likely to include alcohol poisoning, acute intoxication, injury and assault. The Local Alcohol Profile for West Sussex, shows that alcohol-related hospital admissions for under-18s occur at a similar rate to the England average, with 32.6 young people per 100,000 population being admitted to hospital due to alcohol between 2012/12 and 2014/15⁵. For these reasons, CMO Guidance recommends that young people aged under-15 should not drink alcohol at all and those aged 15-17 must be strongly regulated⁶. It is therefore important that those entrusted with the retailing of alcohol do so in a responsible manner and actively promote the licensing objective relating to the Protection of Children from Harm.

The sale of alcohol to children by Montague Stores, in November 2015, is evidence of the failure to promote the licensing objective in relation to the Protection of Children from Harm.

The issues and offences outlined above, combined with the fact that there have also been a number of administrative offences committed under the Licensing Act 2003, raise serious questions over whether Mr and Mrs Vishnukanthan are fit and proper people to be trusted with the responsibility of selling alcohol. Public Health therefore concurs with the view of Sussex Police that revoking the Premises Licence would be a reasonable and necessary course of action in this instance.

Yours sincerely,



Dr Kate Bailey
Consultant in Public Health

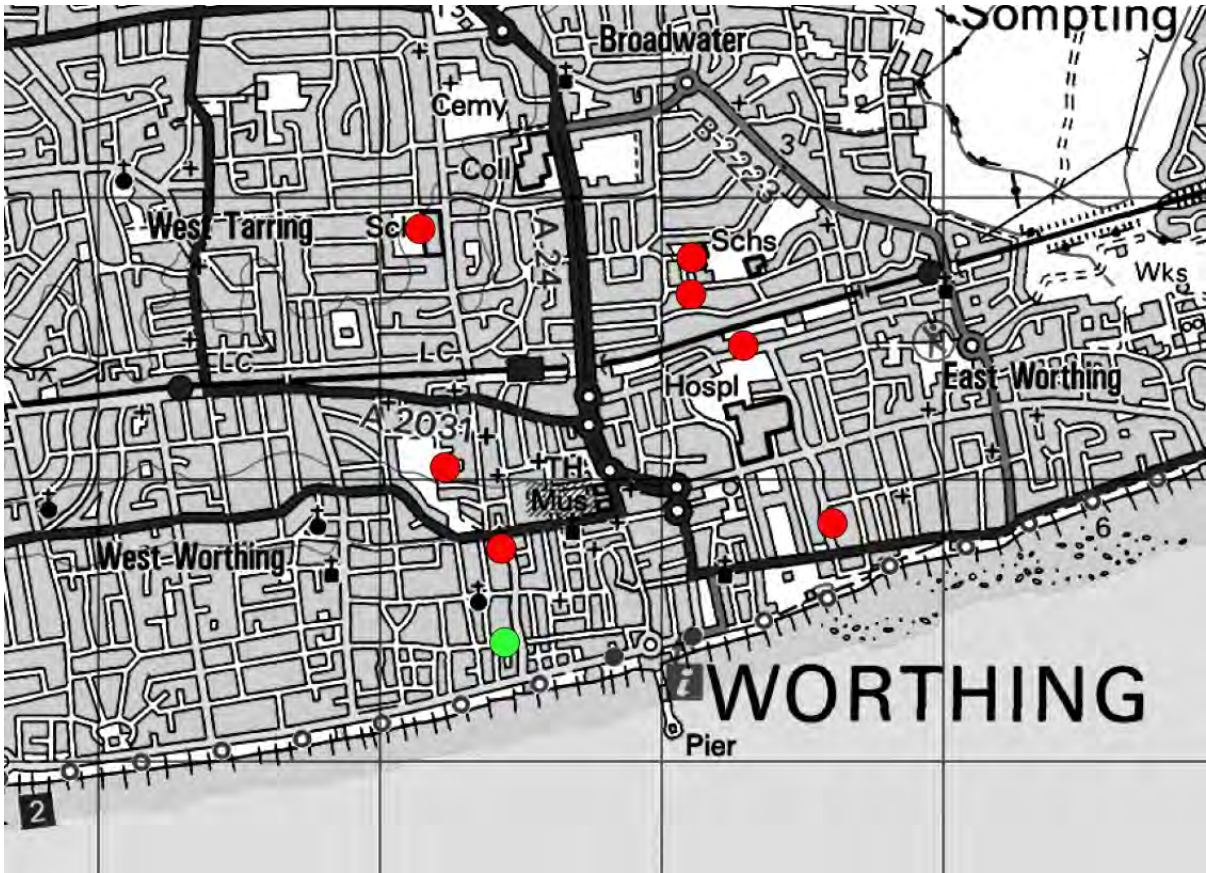
On behalf of the Director of Public Health

³ WSCC (2014) West Sussex Joint Strategic Needs Assessment Summary.

⁴ North West Public Health Observatory, LAPE 2010:lape.org.uk

⁵ PHE. Local Alcohol profiles For England: West Sussex. 2016. <http://www.nepho.org.uk/pdfs/local-alcohol-profiles/E10000032.pdf>

⁶ Donaldson L, (2009) Chief Medical Officer for England, Guidance on the consumption of alcohol by children and young people,



Appendix F
F1

Mrs J.S. AUBON



TO WHOM IT MAY CONCERN.

Re:-

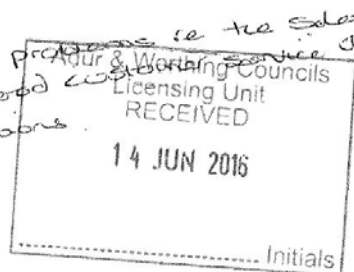
I am writing on behalf of the above establishment, (SHOP)
in respect of their licence renewal.

I have shopped there for at least the last 4 years +
always found them to be honest, polite + helpful in every
respect.

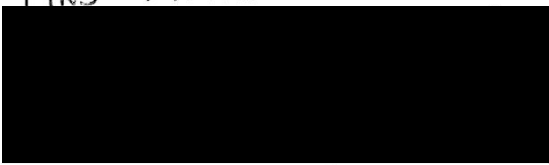
They are popular with a lot of local residents + always
cheerful + friendly on first name terms with a lot. In other
words we use it as our 'regular' corner shop, and would be
upset to find that we can no longer purchase alcohol etc
when + do we want to.

I've never been aware of any serious problems re the sales
+ hope it continues to provide the good customer service it
already does without any restrictions.

Yours faithfully



MRS MICHELE MIS



3RD JUNE 2016

DEAR SIRS / MADAM

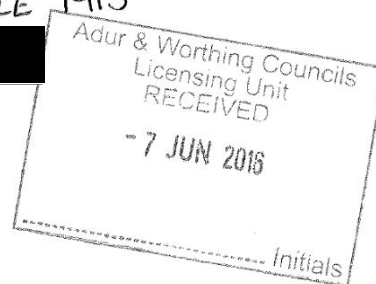
I HAVE BEEN A REGULAR CUSTOMER OF MONTAGUE STORES FOR OVER 10 YEARS, I HAVE NEVER HAD ANY PROBLEMS WITH THEM, THEY HAVE ALWAYS BEEN GENUINE AND VERY FRIENDLY.

THEY ALWAYS BUY THEIR ALCOMOL REGULARY AT THE CASH AND CARRY, THEY WILL NOT DEAL WITH STOLEN GOODS WHATSOEVER THEY ARE NOT THAT KIND OF PEOPLE.

THEY DO NOT DESERVE TO HAVE THEIR LICENCE TAKEN AWAY WHEN THEY ARE INNOCENT. PLEASE DO NOT DO THIS.

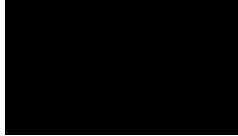
THANKYOU.

MICHELE MIS

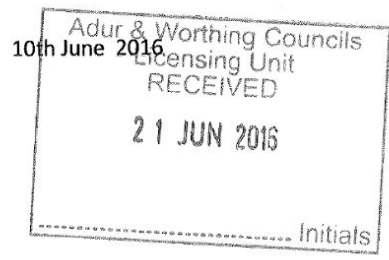


F3

Ellie & Adrian Purkis



The Licensing Unit
Adur & West Sussex Council
9 Commerce Way
Lancing
BN15 8TA



Dear Sirs

Re: Shop situated at 128 Montague Street, Worthing BN11

We are writing in regard to a Notice we saw in the Window of the above shop in Montague Street.

For over nine years we have both used this shop on a daily basis and also pass it several times a day. On many occasions we have seen the staff refusing to sell alcohol to the Street Drinkers and also to those who appear intoxicated. They have quite a lot of problem drinkers in the immediate area and yet they deal with them in a polite but positive refusal to serve them any alcohol. Until my retirement two years ago, I was employed with an Organisation that delivered Drug and Alcohol Substance misuse services throughout Sussex and therefore am aware of most of those in the area that are abusers of both drugs and alcohol and the manner in which they can behave and present.

Because the staff of the above mentioned shop do not permit any behaviour by a customer that may or does affect other customers both in their premises and on the immediate outside pavement areas, it makes us feel more than happy to use the shop both for its convenience and also the friendly yet competent manner in which the shop is run.

If it is proven that there has been any breach of the Licensing Regulations then such a breach would not have been with their knowledge or intent.

Yours faithfully,



Ellie Purkis(Coyle)



Adrian Purkis

RECEIVED
22 JUN 2016

Dear Sirs,

I wish to please ask to keep
the shop 'Montague Store'
open - It has great stuff that
I have got to know well.

It is a good convenient store
and serves our street well.

Please do not shut down this
good hearted store at 128 Montague
Street Worthy.

Thank you for your time

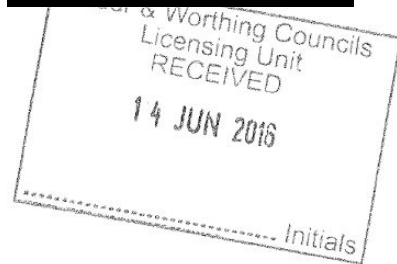
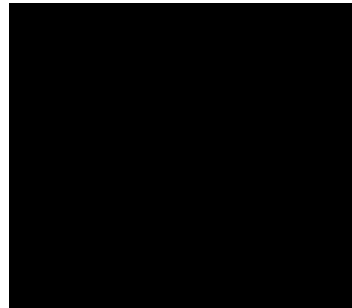
Kind Regards

JOANNA SEXTON

20.6.16.

F5

10th June 2016
The Licensing Unit
Adur & Worthing Councils
9, Commerce Way
Lancing
BN15 8TA



Dear Sir or Madam,

I was dismayed to see the notice on the window indicating that Sussex Police were seeking to revoke the alcohol licence For Montague Stores, Montague Street Worthing.

With certain issues of mobility I have come to rely on this establishment for many items including alcoholic beverages. They are, in fact the only local stockists of my preferred brands .

Providing their valuable service from the early morning until midnight, the owners and staff work tirelessly to provide for the needs of the local community.I am aware that certain other local businesses are resentful of the success their industry has brought them.

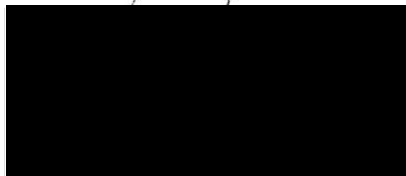
With admirable stoicism they have had to put up with abusive and troublesome customers, shoplifters and other miscreants. All the time remaining calm and courteous. I myself have witnessed the staff refusing to sell tobacco, alcoholic beverages and even cigarette lighters to younger people who are unable to provide evidence of age

I would urge the Licensing Unit to reject the application by Sussex Police for revocation in favour of negotiations aimed at tightening up the store's procedures.

It would be a travesty for these hard-working people who have been through so much and who have made every effort to jump through the hoops of officialdom, have their business restricted and impeded this way

Regards

Evan Vaughan



F6

The Licensing
Worthing Council

Adur & Worthing Council
Licensing Unit
RECEIVED
JUN 2016

Initial

re
Montague Stores June 2nd.
128, Montague St, BN11 3H9.

Dear Sir,

With reference to the above store and removal of the alcohol licence, I have lived in the area for the last 12½ years with my wife. Throughout this time on a daily basis I visit this store. I have always found the family and their staff to present themselves in a most commendable manner,

to serve alcohol to customers who appear inebriated. I for one and my wife will be most dismayed if we cannot continue to use this store to buy our wine and beer.

Surely the store should not be penalised when customers become inebriated elsewhere. It is well known that there is a total lack of any Police presence both in this area and around the town other than during daylight hours.

Yours sincerely,

F7

Miss Jane Windsor



The Licencing Unit
Adur & West Sussex Council
9 Commerce Way
Lancing
BN15BT A

Dear Sir/Madam

Re Shop Situated at 128 Montague Street Worthing

We are writing to you regard to a notice we saw in the above shop window

For more about ten years we both use this shop on a Daily basis and often use it to buy alcohol and other shopping . We have noticed there are a few problems with drinkers which are seen to by the staff in a nice way .

We would very much like this shop to stay and we are sure that there are a lot of other nice people who feel the same way and be able to buy our alcohol from and everything from this shop.

It is a very friendly and inviting shop

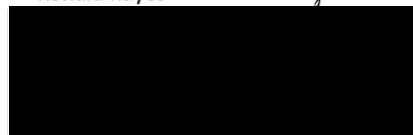
Thank you

Yours faithfully

Jane Windsor



Ronald Hayes





Sussex Police
Serving Sussex

www.sussex.police.uk

Neighbourhood Licensing Team

Licensing Unit,
Adur and Worthing Councils
Portland House,
Richmond Road,
Worthing,
BN11 1LF

23rd June 2016

Re: Application for Review of Premises Licence
Montague Stores,
128 Montague Street
Worthing BN11 3HG

Dear Mr Jones

Further to the Review application submitted by Sussex Police in relation to the above premises, please find enclosed the supporting evidence bundle. An additional copy has been forwarded to the Premises Licence Holders & Designated Premises Supervisor, Mr. & Mrs. Vishnukanthan

Should you wish to discuss this matter further please contact Jean Irving the Licensing and Public Safety Manager on 01273 550200

Yours sincerely

Pauline Giddings
Divisional Licensing Officer
Neighbourhood Licensing Team
West Sussex

Sussex Police
Centenary House, Durrington Lane, Worthing, West
Sussex, BN13 2PQ

Telephone: 01273 404030

Review of Premises Licence LN/100001424 Montague Stores Worthing

Statements:

Chief Inspector Hodges	Divisional Commander
PS Balmer	Neighbourhood Licensing Team
PC Oliver	Arresting officer
PC Phelps	Provides evidence of items located at the premises
PC Pickering	Attended the premises at time of incident
Ashana Vishnukanthan (DPS)	Designated Premises Supervisor of Montague Stores
PC Vasey	Evidence of failed test purchase
PC King	Visits to premises

Documents:

Letter dated 3rd January 2014 from Worthing Borough Council to Premises Licence holders.

Action Plan & Letter relating to failed Test Purchase on 17th September



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: Howard Hodges

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:  Date 20th June 2016

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Chief Inspector and as the District Commander for Adur, Worthing and Horsham am fully conversant with the crime patterns and issues facing policing across West Sussex.


I have overall responsibility for all aspects of policing within these areas. Since assuming this role part of my responsibility has been to work closely with our Neighbourhood Licensing Team, the Neighbourhood Policing Teams and the Local Authority; to reduce crime and antisocial behaviour, and promote public safety in these areas.

Across the district, Sussex Police are constantly dealing with a number of individuals who suffer from problems, which include addictions to drugs and/or other substances. Unable to fund their habit or to support themselves they have no option but to resort to crime. The criminality engaged upon ranges from shoplifting to burglary and robbery. This can cause direct and immediate distress to members of the public as well as increasing the hidden cost to the community. This behaviour can be directly linked to the people who, by handling the stolen property, vicariously promote and support this criminality. By facilitating these offences, for their own profit, this in turn supports and furthers the destructive behaviours of the individuals concerned. This undermines the interventions and safeguarding actions of multi-agency working, put in place to protect vulnerable people; which in turn results in members of the local community becoming victims of crime.

Further to this are incidents of anti-social behaviour from members of the street community which cause alarm and distress to members of the local community. This is a cause for concern to Sussex Police, to the Local Authority and to members of the town council, who have collaborated on the 'Enough is Enough' initiative to address this problem.

One of the principal factors for members of the street community congregating in an area, is the availability of super strength alcohol. While 'Enough is Enough' is a voluntary scheme, I am aware that the premises licence holders and the designated premises supervisor of Montague Stores have continued to sell super strength alcohol despite being made aware of the 'honeypot' effect this creates in this area.

Mr and Mrs Vishnukanthan, the premises licence holders are, I understand both, personal licence holders. The possession of a personal licence confers upon the holder, a position of responsibility which requires the ability to act, manage and maintain a premises responsibly. The ability to meet these responsibilities is

Signature:  Signature witnessed by: _____

MG11 5/2007





paramount to running a premises effectively, protecting members of the public from harm and preventing crime and disorder. I do not consider that these requirements have been met.

With the ever increasing demands being made of the police service and the challenges facing policing in adapting to austerity; the problems linked to this premises have a disproportionate impact on the community and upon stretched police resources.

As District Commander I have a responsibility to reduce crime and to support my officers in ensuring the District is a safe place for residents and visitors. As such, I consider it unacceptable that a premises should be allowed to operate under a premises licence permitting the sale of alcohol; while directly engaging in criminal activity, jeopardising the public and perpetuating crime across the district.



Series of horizontal lines for writing, with the first line partially obscured by a redaction.





WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: Michael David Balmer

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:  Date 09/06/2016

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Licensing Sergeant responsible for managing the Sussex Police Neighbourhood Licensing Team (NLT) in West Sussex Division. One of my roles is to ensure that licensed premises are operating within the licensing law and in accordance with their conditions. When there is evidence to show that such premises are in breach of the law or not promoting the licensing objectives, it is my duty to ensure that this is effectively addressed and remedied.

On Monday 25th April 2016, I was contacted by PC Pickering who informed me that he was at Montague Stores, Montague Street, Worthing. The premises is a convenience store with an off-licence. He had attended the store to assist PC Oliver in the arrest of two suspects. One male was arrested on suspicion of theft and a second male, Kanapathipally VISHNUKANTHAN was arrested on suspicion of receiving stolen goods. Mr VISHNUKANTHAN is the joint Premises Licence Holder (PLH) at the premises.


Mrs Arshana VISHNUKANTHAN who is the joint PLH and DPS was present at the time of the aforementioned arrests. In her statement she says she told her husband that she didn't want the t-shirts as they were the wrong size and were dirty. This would suggest she was complicit and aware of what her husband was doing.

Both suspects have subsequently been convicted at court. The male selling the stolen items received a custodial sentence. Mr VISHNUKANTHAN was found guilty of receiving stolen goods and was fined a total of £850 which included costs. Items recovered by police included a quantity of alcohol, some of the alcohol had security tags on which are not used by Montague Stores. Other non-alcoholic items were also seized including clothing. The items had been stolen from three separate stores.

On 19th May 2016 I attended Montague Stores and spoke to Mr VISHNUKANTHAN requesting CCTV footage from 25th April 2016. He said he was unable to download it at that time and that an engineer was coming on Saturday 21st May. I said I would attend on 23rd May to collect the footage. On the 23rd May a call was received from the store informing the NLT that the CCTV only stored recordings for 16 days so therefore the required footage was no longer available. This failure to provide CCTV is a breach of condition 6 annex 2 of the premises licence.

On Thursday 17th September 2015 following intelligence received suggesting that children were purchasing alcohol from the premises I requested that the NLT organise and conduct a test purchase of the premises. At 18:36 hrs a member of staff sold alcohol to children and was issued with a fixed penalty notice. The staff at the premises were not able to locate the refusals register or training records.

On 24th September 2015 the joint PLH's Mr & Mrs VISHNUKANTHAN attended Centenary House, Worthing and met officers from the NLT who advised them of the problems relating to their premises and reminded them of their responsibilities under the Licensing Act 2003 and the conditions of the premises licence. A formal warning letter was issued and a list of 'actions to prevent further under age sales' was given to them. At this meeting it was established that the store was still selling super strength lager. The store said it would

Signature:  Signature witnessed by: _____



stop selling this type of lager when they had sold out of current stock to support the 'Enough is Enough' campaign. The store was visited by police just before Xmas and in the New Year and was told by Mr VISHNUKANTHAN that they would continue to sell super strength lager.

I am also aware that on 30th November 2013 a joint visit by police and the local authority licensing officer highlighted some issues, namely the Designated Premises Supervisor at the premises Mr VISHNUKANTHAN's address was incorrect and the layout of the store had been changed without authority. A minor variation was subsequently submitted to address these issues.

I contend that a premises linked directly to criminal activity and clearly undermining the licensing objectives should not be allowed to continue to have a licence to sell alcohol.



Lined area for additional text or notes.



WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

[Redacted]

Occurrence Number: 47 [Redacted]

Statement of: ANTHONY OLIVER

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  #CO385 OLIVER, A.

Date: 25/04/2016 14:05

Tick if witness evidence is visually recorded

At 114.45hrs on Monday 25th April 16 I was on uniformed mobile patrol. I was travelling east along Rowlands road Worthing. I was looking for a male believed to be wanted for shoplifting. He was described as riding a dark bike with straight silver handlebars. Officers had stated to me he was likely to make off and hence I had made to the area. I located a purple pushbike outside of paddy power on the north side of the road. The bike had been abandoned half in the road and half on the pavement. As I got out of my vehicle a male exited a convenience store to the west of paddy power. He was wearing a paddy power T shirt. I asked him if he knew where the owner of the bike was and he indicated over his shoulder and inside the convenience store. I entered the store. There was a female behind the counter and a couple of customers. I went to the rear of the store but there were no persons present to the back right hand side there was a door which was pulled to. I opened the door and was present with the rear of a male who fitted the description of the suspect I was looking for. He had a black holdall on his back. The other male an Asian male was facing him and looked shocked by my presence. I took hold of the suspect by his left hand and told him he was under arrest on suspicion of theft. I told the Asian male to stand still as he began to walk towards the rear of the store room, we were in.

In this store room there were numerous boxes of stock everywhere, to the left of my suspect, by his left hand was a stack of boxes and on top there were several new looking clothes which looked out of place to the rest of the stock which appeared to be Alcohol. I placed the suspects hands to the rear at this point I could see he had a wallet in his right hand. He was compliant at this stage but then tried to put the wallet in his pocket. I told him to keep his hands out of his pockets. He continued to keep reaching for his pockets. He was now resisting my attempts to verbally and physically restrain him. The wallet dropped to the floor. He was now trying to turn and face me. Due to the large holdall on his back and his effort I lost control of his right hand. We both fell forward onto the stock and I could hear the glass bottles underneath me. I told him several times to stop struggling and place his hands behind his back. We both got to our feet but I only had control of his

[REDACTED]

left hand. He began to move across the room towards the rear door. The floor was covered with tools at this point and various items of debris and boxes. I warned him he would be sprayed if he did not stop struggling. He continued and I formed the opinion he wanted to escape. I warned him again to comply he did not so I drew my Captor sprayed him. I held onto him due to the glass bottles but he was now clearly disorientated. He bent forward and natural went to the ground I got his left hand behind his back and then told him to place his other hand behind his back. Initially he did not but after a while of moving him to fee his arm he did and I cuffed him to the rear. I picked his wallet up, and got him to his feet.

I was joined by other officers and at this point I detained the Asian male on suspicion of handling stolen goods and cautioned him. He tried to pass his phone to his wife at this point but I prevented this and he was then cuffed to the rear too.

I now know the first male to be C [REDACTED]

I know the Asian male to be Vishnukanthan KANAPATHIPALLY [REDACTED] of 128 Montague Street, Worthing.

On closer examination of the clothes I saw in the store room I could see that they were from BHS with the tags still attached, along with some boxes of ibuprofen and boxes of condoms. I did not touch or move these items

When Mr KANAPATHIPALLY was transported to custody the officers were handed his phone. While Mr W [REDACTED] was waiting to be transported I gave the officer with him his wallet. The officer placed it in his holdall, I asked the officer if he had searched it. Mr W [REDACTED] stated at this point that there was nothing stolen in his bag it was all out the back.

[REDACTED]

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

[REDACTED]

Occurrence Number: 47 [REDACTED]

Statement of: MATTHEW PHELPS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable CP491

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [Signature] #CP491 PHELPS, M.

Date: 25/04/2016 17:16

Tick if witness evidence is visually recorded

At approximately 11:30 hours 25/04/2016 I was on plain clothed mobile duty in the company of PC Pickering CP581. We were on patrol in ERISWELL ROAD, WORTHING heading in a Northerly direction when I saw a male who I know to be C [REDACTED] DOB [REDACTED]. C [REDACTED] was wearing a black coat with the hood up, blue denim jeans and had a black hold all over his shoulder. He was riding a dark coloured mountain bike. He was travelling in a Southerly direction. I knew the male was C [REDACTED] as I have met him before when conducting my duties as a Police Constable.

PC Pickering and I both knew that C [REDACTED] was a suspect and was wanted for questioning by Police for a Theft Shoplifting that occurred at Clarkes Stationers in Rustington on 18/04/2016.

PC Pickering called up on his personal radio requesting for other unit to help assist with a search. The CCTV operator assisted by helping to search Montague Street, Worthing with the street cameras.

A few minutes later the CCTV operator called up on his radio informing PC Pickering and I that a male matching the description of C [REDACTED] was riding along Montague Street, Worthing in a Westerly direction just passing a shop called Paddy Power. He then went out of view to the CCTV camera.

The CCTV operative noted that the handle bar on C [REDACTED] bike was a straight bar, unlike many other bikes which have a curved or rounded handle bars.

A passing dog unit had seen a mountain bike fitting the description of the one that C [REDACTED] was seen riding. It was outside Montague Stores, 128 Montague Street, Worthing. The dog handler, PC Oliver CO385 had entered the store looking for the owner of the bike. He found C [REDACTED] in the rear of the shop and called up on his radio.

PC Pickering and I made for the shop and upon entry found that C [REDACTED] had been arrested on suspicion of Theft Shoplifting and sprayed with captor by PC Oliver CO385.



PC Oliver also arrested the shop owner, Vishnukanthan KANAPATHIPALLY on suspicion of Handling Stolen Goods.

A section 32 search of the shop premises was conducted by myself, PC Pickering, PS Hother CH863 and PC Stoner DS696.

I searched the rear store room of the Montague Stores. This search started at 14:00 hours. During the search I found 4 x 1.5 Litre bottle of Bacardi Rum which I can exhibit as MP/250416/1420, 2 x 1.5 Litre bottles of Malibu Rum which I can exhibit as MP/250416/1421, 2 x 1.5 Lire bottles of Smirnoff Vodka which I can exhibit as MP/250416/1422 and 1 x 1.5 Litre bottle of Jack Daniels Whiskey which I can exhibit as MP/250416/1423. All of these bottle contained upside down labels designed for pub use on optics. These bottles are not for resale but for use on commercial licenced premises for the sale of measures of spirits. I thought these bottles strange and extremely out of place in a small convenience store. I was also aware that there had been a recent Burglary Other Than Dwelling at Liming's Restaurant, Worthing where bottles of Jack Daniels, Smirnoff Vodka, Bacardi Rum and Malibu Rum had been stolen from the cellar. This offence occurred on 14/04/2016. Owing to these circumstances I seized the items listed above. I seized all items between 14:20 and 14:23 hours on 25/04/2016.

This statement forms my original notes in relation to this matter and was made at Centenary House Police Station.





WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

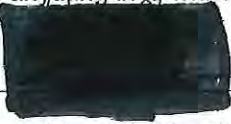

URN

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Statement of: Darren John PICKERING

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:   Date 18/05/2016

Tick if witness evidence is visually recorded (supply witness details on rear)




Further to the statement that I made on the 25th of April 2016 when I attended Montague Stores Montague Street Worthing with PC PHELPS to assist PC OLIVER, I would like to add that when I dealt with the female who I now know to be Arshana VISHNUKANTHAN, she seemed to be very vague and unsure of what was occurring in relation to the running of the shop. Arshana was looking after her small child and serving customers whilst her husband was dealing with the other officers there. When I first spoke with her she did not know who the male was in the stock room or why he was there.

I later heard Arshana discuss with PC PHELPS the fact that she saw the male who was arrested in their stock room, bring in products to sell to her husband, which she stated that she did not particularly want.

With other colleagues the premises was fully searched and although Arshana was asked she could not provide the location of the recording device for the shops CCTV and she did not provide us with a copy of the footage from that day. Arshana was also talking with the officer from Environmental Health and products that had passed their best before & use by dates were taken from the store.

I asked Arshana about the flat upstairs and if it was their premises and she stated that she did not have keys for the flat upstairs.

This statement was made by PC PICKERING on the 18/05/16 at 1530hrs.



(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: ARSHANA VISHNUKANTHAN

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Self EMPLOYED SHOP OWNER

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature: Date: 25-04-2016

Tick if witness evidence is visually recorded (supply witness details on rear)

At approximately 11:00 hours on 25-04-2016, I attended my shop called Montague Stores @ 128 Montague Street, Northey. My husband and I have owned the shop since November 2014. My husband's name is Vishnukanthan KANAPATHIPILLAI

When I arrived at work my husband was talking to the electrician at the rear of the shop as we are in the process of having some electrical work completed in the rear store of our shop.

The electrician left the shop to buy some equipment and bits that he needed to complete the work. I went to the till to serve customers. As I was serving the customers I was aware of a white male wearing a dark coloured coat entering the store and going to the rear of the store to stand by the beer. I just thought he was a customer so didn't take much notice of him.

This male then started to engage in conversation with my husband who was still at the back of the shop. I think the male gave my husband something which he later brought up to the till area of the shop. I think it was coffee, maybe coffee pouches, but am not sure as I didn't take too much notice. * My husband came to the till with an invoice from

Signature: Signature witnessed by:

PTO

Continuation of statement of:

ARSHANA VISHNUKANDIAN

on eaches shop delivery.

The male that gave my husband the coffee then left the shop I carried on serving customers on the till.

A short time later a person who I think was the same male that came in before and gave my husband coffee came in with some t-shirts.

He went to the back of the shop again and started getting t-shirts out of his bag. I said to the male "No I Don't Want THEM". I then said to my husband tell the man "THEY ARE DIRTY AND SIZED ARE TO BIG WE DON'T WANT THEM".

My husband was out the rear of the shop with the male and I had returned to the till to serve customers.

As I was serving customers a Police Officer in full uniform walked into the shop and walked straight to the rear store room. The officer came in at about 11:30 on 25/4/16.

The next thing I know was that the male that had come into our shop and that was speaking to my husband had been arrested. I was then aware that plain clothed police officers attended and a short time later my husband was also arrested.

I'm still not sure that it was the same male on both occasions.

The male that brought in the t-shirts had on a dark coat and a big bag over his shoulder and waste. He had a beard. I don't recall much else about him as I didn't really take much notice of him.

I am happy to support the Police as much as I can in relation to the matter.

I have no knowledge of any stolen items that are on our property or in our shop. I have never purchased stolen items. I do not know the males that came into our shop.


* In addition to my statement it was the second male the male with the beard that got arrested brought in the coffee sachets. Not the first male. But I'm still not sure that they

Signature: [REDACTED]

Signature witnessed by:

Continuation of statement of: ARSHANA VISHNUKANTHAN

are not the same people x 

Signature:  Signature witnessed by:



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules, 1981, r.70)

URN

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Statement of: Ian David VASEY

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable CV053

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date 18.09.2015

Tick if witness evidence is visually recorded (supply witness details on rear)

At approximately 1730 hours I was on duty in the briefing room at CENTENARY HOUSE where I was briefed by PS BALMER CB158 in relation to Operation Tee Pee. This is an operation where young volunteers are used to purchase alcohol from license premises. During the briefing the two volunteers were introduced. I now know the volunteers to be aged 16 years and 8 months and 16 years and 4 months.

I was in plain clothes and was to be used to gather the evidence of any offences committed and also to look after the welfare of the cadets whilst inside the premises.

At 1836 hrs I entered MONTAGUE STORES, 128 MONTAGUE STREET, WORTHING, WEST SUSSEX BN11 3HG. I carried out a spontaneous risk assessment and felt it was safe for the volunteers to enter the shop. There were two members of the public present and 4 members of staff, 1 member of staff was behind the serving counter and the other three were handling stock at the rear of the shop. I then saw the volunteers enter the shop. They selected two bottles of Corona Extra with a 4.5% abv. from the a refrigeration cabinet. They took them to the till counter and waited for the two other customers to be served and leave they then approached the member of staff behind the counter and were served straight away. At no point did the member of staff selling ask how old they were or for any proof of ID. I observed the cadets leave the shop with the alcohol and I then waited for PS BALMER CB158 and PC KING CK171 to enter the shop. When they entered the shop PC KING handed me the bottles of Corona Extra with a 4.5% abv. I pointed out the member of staff to PS BALMER and PC KING and in the presence and hearing of the member of staff, I identified myself as a Police Constable and described what I had seen. At 1840 hours I left the premises with the two bottles of Corona Extra 330ml 4.5%abv which I produce as Exhibit IDV/2 ().

This statement was made at 0822 hours on Friday 18th September 2015 at CENTENARY HOUSE, DURREINGTON.



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: Philip Charles KING

Age if under 18: OV18

(if over 18 insert 'over 18')

Occupation: Police Constable CK171

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature



Date:

09/06/16

Tick if witness evidence is visually recorded (supply witness details on rear

I was previously posted to the Neighbourhood Licensing Team based at Horsham Police Station until the 11th April 2016. During this period I was responsible for monitoring licensed premises within the Mid Sussex and Worthing Districts.

As part of my duties I would visit premises to ensure that they were complying with their premises license conditions and general visits when in the area.

"17/11/2015 18:41 ATTENDED PREMISES IN RELATION TO THE SELLING OF SINGLE CANS OF HIGH STRENGTH BEER OR CIDER. DPS NOT PRESENT SPOKE WITH N [REDACTED] R [REDACTED] WHO WAS WORKING IN THE PREMISES.

CHECKED STOCK ON SHELF AND OBSERVED ORANJEBOOM AT 8.5% AND WHITE STAR 7.5% APPROX 12 OF EACH ON DISPLAY ASKED N [REDACTED] HOW MUCH MORE STOCK THEY HAD AND STATED HE WAS UNSURE.

LEFT MESSAGE FOR DPS TO CONTACT ME"



Continuation of statement of

"06/01/2016 20:15 ATTENDED PREMISES IN RELATION TO HIGH STRENGTH BEER CIDER ON SALE TO SEE IF THEY WOULD JOIN UP TO "ENOUGH IS ENOUGH".

MANAGER NOT PRESENT AND HIGH STRENGTH BEER CIDER STILL DISPLAYED FOR SALE.

LEFT MESSAGE FOR DPS TO RING ME"

The "Enough Is Enough Campaign" is a Local Council initiative supported by a number of partner agencies to combat alcohol related anti-social behaviour in Worthing Town Centre. Part of campaign is for off licenses in the identified areas not to sell high percentage ABV (alcohol by volume) beer and cider which is associated with problem drinkers.

On my visits to the premises comments were made by staff implying that the shop would lose money as everywhere else could sell it.; this was despite being told that new premises in the area had a condition to prohibit the sale of high strength beer and cider on their premises licenses.



Signature

Signature witnessed by:



Housing, Health and Community Safety
Licensing Unit

Mr & Mrs K. Vishnukanthan
Montague Stores
128 Montague Street
Worthing
West Sussex

COPY

3 January 2014

Our Ref: Licences/LA2003/Worthing Montague Stores/SJ/Enforcement

Dear Mr & Mrs Vishnukanthan

Re: Licensing Act 2003 - Premises Licence: LN/000001424

Premises: Montague Stores

Licence Holder: Mr Kanapathpillai & Mrs Arshana Vishnukanthan

On the 30 November, whilst engaged in routine licensed premises inspections I visited your shop with my colleague from Sussex Police, PC Juliette Swietlik. Among other issues it came to my attention that there were a number of inaccuracies on the above premises licence.

The Designated Premises Supervisor (DPS), Mr Kanapathpillai Vishnukanthan, is shown on the licence as residing at 56 [REDACTED] Road, London, E6 [REDACTED]. During the course of our conversation I was given the impression that this was no longer the case.

Section 33(6) of the Licensing Act 2003 makes failure to notify the licensing authority of a change in name or address of the premises licence holder or the DPS, without reasonable excuse, an offence subject to a fine of up to £500.

I have enclosed the relevant forms to amend the address of the DPS. A fee of £10.50 and the return of the premises licence to this office together with this form is required within 14 days.

In addition looking at the plans of the building attached to the premises licence it appears that the layout of the shop has been changed with the most obvious discrepancy being the counter and spirit display shelves having been moved from one side of the shop to the other. This is a serious matter as an inaccurate plan could render the premises licence invalid.

To authorise minor changes to the structure or layout of a premise an application for a minor variation to the premises licence is required. I will either require such an application or the layout of the shop returned to that shown on the certified plan.

I have enclosed an application form for a minor variation for you. If you decide to make the application I will require a new plan of the premise to be submitted together with a cheque for £89.00 made payable to Worthing Borough Council. If instead you decide to return the shop to the old layout I will require notification when the changes have been completed.

Any plan provided with an application should be to scale and show:

- Premise and building boundaries and walls (internal and external)
- Access and egress points
- Additional escape routes, if applicable
- Defined areas according to licensable activity

- Locations used for display of alcohol
- Fixed structures which may impact on the use of escape routes
- Location of steps, stairs, elevators and lifts, if applicable
- Location of room(s) containing public conveniences
- Location(s) and type(s) of fire safety equipment and of any other safety equipment
- Location of any kitchen on the premises, if applicable

I have enclosed a guide to minor variation applications for your reference.

It is essential that the premises licence is brought up to date for it to be valid and it is my duty to remind you that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premise in breach of a premises licence. The maximum penalty on conviction being six months imprisonment and a fine of £20,000.

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

Yours sincerely



P.P. Simon Jones
Senior Licensing Officer
Tel: 01273 263191
Email: simon.jones@adur-worthing.gov.uk

cc. Pc Juliette Swietlik, Worthing & Adur Licensing Team, Sussex Police



MRS ARSHANA VISHNUKANTHAN
130A Montague Street
Worthing
West Sussex
BN11 3HG

24th September 2015

**UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS
MONTAGUE STORES BN11 3HG**

Dear MRS ARSHANA VISHNUKANTHAN

On the evening of 17th September 2015 a Police operation relating to the sale of alcohol to under aged persons took place in the Worthing District.

The above premises, of which you are the Designated Premises Supervisor was one of those premises visited by a 15 or 16 year old young person, who successfully made a purchase of alcohol from you or a member of your staff.

It is an offence under Section 146 of the Licensing Act 2003 to sell, and Section 147 of the Licensing Act 2003 to allow the sale of alcohol to persons under the age of 18 years.

This letter is served upon you and acts as a **formal written warning** relating to this incident.

A record has been kept by the West Sussex Division Neighbourhood Licensing Team and this matter may be brought to the attention of the Magistrates, Senior Police Officers or Adur & Worthing District Council. Should incidents of a similar nature re-occur, this may jeopardise your licence.

It is advised that you take every effort and train staff accordingly to ensure that such instances do not re-occur in the future.

PS Balmer CM158
West Sussex Division
Neighbourhood Licensing Team

Record of Service / Receipt	
Served upon the addressee	
On date: -	24.9.15
By: -	PS BALMER CM158
Signed in receipt of a copy by: -	



Actions to Prevent Further Sales of Alcohol to Under Age Persons (Off-licence)

Actions for the Premises/ Staff to address:

- Formal staff training by a Personal Licence Holder or the Designated Premises Supervisor for all sales staff, properly recorded and signed off after training. Regular (every 4 weeks) refresher training.
- Staff selling alcohol to be a minimum age of 21.
- If it is necessary for sales staff to be under 18, staff authorising their sales should be minimum age of 21.
- Signs clearly displaying a lack of tolerance towards underage drinking e.g. 'challenge 25'.
- Consider appointing additional Personal Licence Holders (PLH) or putting existing staff on the PLH course.
- Ensure refusals register is maintained & checked by DPS (This applies especially where it is electronically recorded via the till as it requires a concerted effort being made to check the print out). DPS should check each member of staff is refusing sales and not just the number of sales being refused by the store.
- If the company does not feel confident that the DPS is capable of meeting the requirements of the job they should consider replacing him / her with a more competent person. **Further sales of alcohol to U18 year olds may result in a review of the premises licence or of the DPS' personal licence.**
- Address possible intimidation of staff by introducing new procedures for them to summon help & by looking at staffing levels (numbers/age) at peak times. i.e. Thursday, Friday, Saturday 5pm to close.
- Conduct internal test purchases & reminders re under age sales & proxy sales should be undertaken
- Positive reinforcement of good practice to all staff.

Signed



Designated Premises Supervisor

Date: 24/9/15