



WORTHING BOROUGH
COUNCIL

1 December 2017

Licensing and Control Committee B

Date:	12 December 2017
Time:	6.30pm
Venue:	Gordon Room, Stoke Abbott Road

Committee Membership: Councillors Paul High (Chairman), Sean McDonald (Vice Chairman), Noel Atkins, Paul Baker, Keith Bickers, Callum Buxton, Rebecca Cooper, 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 meetings of held on the 2 November 2017 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. Licensing Act 2003 - Application for the Review of the Premises Licence under Section 51

To consider a report by the Director for Communities, copy attached as item 4

Part B - Not for publication - Exempt Information Reports

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	Ruth Pallister Solicitor 01903 221050 Ruth.pallister@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 under Section 51

Worthing News
25 Rowlands Road
Worthing, BN11 3JJ

Report by the Director for Communities

1. Recommendation

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

West Sussex County Council Trading Standards Service

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

2. Reasons for the Hearing

- 2.1 An application for a Review of premises licence No: LN/301100107, held by

Mr Rawa Kader Ahmed

has been received from Mr Philip Lipscombe on behalf of WSCC Trading Standards Service. A Responsible Authority as defined under the Act.

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

3. Background

- 3.1 Premises Licence no. LN/301100107 authorises the sale of alcohol for consumption off the premises at the above shop. It has been held by Mr Ahmed since March 2017.
- 3.2 Worthing News is situated in a parade of shops in a mixed commercial & residential area. The parade consists of various small retail units including public houses, restaurants, takeaways, a bingo hall, a small supermarket and various other independent outlets situated on both sides of Rowlands Road.

- 3.3 The area is densely populated with residential dwellings including flats above most of the shops.
- 3.4 Worthing News occupies a ground floor mid terrace unit and has been used as a newsagents/convenience store both licensed and licensed for many years.
- 3.5 Mr Ahmed has held the premises licence since March 2017 when the licence was transferred from the previous holder, Mrs Geetha Visvanathan, who was also named on the licence as DPS. However, when Mr Ahmed applied for the transfer he did not apply to change the DPS and therefore Mrs Visvanathan continued in that role taking legal responsibility for alcohol sales.
- 3.6 Following receipt of this review application licensing officers emailed Mrs Visvanathan, as DPS, with details of the application. No response was forthcoming but Sussex Police found an up to date address on their data base and wrote to her. On 24 November she served notice on the council under section 41 of the act to be removed as DPS. She states she had not been in post since Mr Ahmed's takeover of the shop and she had been led to believe that a change of DPS had been applied for by Mr Ahmed when he took over the business. She was unaware that she was still named as DPS on the licence but took immediate steps to rectify the situation.
- 3.7 As a result of Mrs Visvanathan removal as DPS an enforcement notice was served by council officers on the store later that afternoon of Friday 24 November 2017 confirming that the DPS, Mrs Visvanathan, had removed herself with immediate effect and that the store should stop alcohol sales immediately until such time as a new DPS had been nominated. Sussex Police attended the store on Saturday 25 November and confirmed that the store was closed with a notice in the window stating it would reopen as soon as possible.
- 3.8 On Monday 27 November Mr Ahmed attended the council offices with an application to vary a premises licence to specify himself as DPS with immediate effect. A copy was served on Sussex Police. It is confirmed that the application was properly made.
- 3.9 The store has re-commenced business with Mr Rawa Kader Ahmed now named as DPS. He holds a Personal Licence issued by Worthing Borough Council. The premises licence will be re-issued to reflect this change in due course.
- 3.10 This Review application made by WSCC Trading Standards was received on 25 October 2017.
- 3.11 A plan of the area is attached. (Appendix A)
- 3.12 A plan of the premises is attached. (Appendix B)
- 3.13 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)

- 3.13 A copy of the current Premises Licence is attached. It authorises:
- Sale of alcohol, for consumption off the premises, between: 06:00hrs and 23:00hrs, Monday to Sunday incl.
 - Hours the premise can open to the public: 06:00hrs and 23:00hrs, Monday to Sunday incl.

(Appendix D)

- 3.14 Copies of the representations received are attached (Appendix E 1 & 2)

4. The Application

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

- 4.2 The application is made on behalf of West Sussex County Council Trading Standards Service a responsible authority as defined in the Section 13 of the Act.

- 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
- Public Safety
- Protection of Children from Harm

- 4.4 The application requests that members consider revocation of the licence following the discovery of illicit tobacco at the store in July 2017 and a test purchase operation in August 2017 at which e-liquid was sold to an underage volunteer. Both of which are offences and are currently the subject of criminal investigation by Trading Standards.

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.*
- 4.5 *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 *The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, hotels, cafes/restaurants, shops and fast food outlets/takeaways.*
- 4.12 *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.*
- 4.13 *The Council also recognises that the provision of live music, discos and dancing within a premise can lead to potential flashpoints for violence and disorder. The Council would expect all entertainment to be properly risk assessed in the Operating Schedule to ensure public safety.*
- 4.14 *Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their Operating Schedule and Fire Risk Assessment the steps, which will be taken to ensure public safety.*
- 4.15 *The Council will expect Operating Schedules and Fire Risk Assessments to satisfactorily address these issues and new applicants are advised to seek advice, where necessary, from Council Licensing Officers and the West Sussex Fire & Rescue Service before preparing their plans and Schedules.*
- 4.16 *The Council will consider attaching conditions to licences and permissions to promote public safety. In attaching conditions the Council will seek to avoid duplication with the requirements of other regulatory regimes, for example legislation covering health and safety at work and fire safety.*

Enforcement

- 8.1 *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

- 9.6 *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.*
- 9.8 *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.*
- 9.9 *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-emphasis 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 No representations were received from the public but the application received two representations from responsible authorities:

- Sussex Police
- West Sussex County Council Public Health

Both representations support the application and are reproduced in full at Appendix E 1 & 2.

- 7.2 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 Officers have advised the licence holder to contact the other parties but at the time of drafting this report are unaware as to how mediation has progressed but members will be updated on any developments.

9. Consideration

- 9.1 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. These being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. 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 But members should note that the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- *Necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;*

- *Introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet customers' expectations;*
- *Greater choice for consumers, including tourists, about where, when and how they spend their leisure time;*
- *Encouragement of more family friendly premises where younger children can be free to go with the family;*
- *Further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities;*
- *Regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring.*

9.3 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
- The testimony and any relevant information supplied by the licence holders.

9.4 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.

9.5 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:

- To take no action.
- To issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.
- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).
- To exclude a licensable activity from the scope of the licence.
- To remove the designated premises supervisor because they consider the problems are the result of poor management.
- To suspend the licence for a period not exceeding three months
- To revoke the licence.

9.6 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 – April 2017) should be taken into account,

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting 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.

11.20 In deciding which of these powers to invoke (see section 9.5 of this report), it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

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 which 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 or preventing illegal working. 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 and for the prevention of illegal working in licensed premises. 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.

Reviews arising in connection with crime

- 11.24 *A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*
- 11.25 *Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.*
- 11.26 *Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.*
- 11.27 *There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*
- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
 - *for the sale and distribution of illegal firearms;*

- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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

9.7 Members should also have regard to relevant case law regarding deterrence.

Crown (Bassetlaw District Council) v Worksop Magistrates' Court – 2008

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

1. *The general approach of Licensing Authorities on a Review is to establish the cause or causes of the concerns and to take remedial action which is necessary and proportionate.*
2. *However, when considering Reviews arising in connection with crime (and underage sales are included) deterrence is an appropriate objective and one contemplated by the Secretary of State in the Guidance.*
3. *Whilst punishment may strictly not be a valid tool on a Review, in Reviews where there has been activity in connection with crime, deterrence could be.*
4. *The Licensing Authority and courts should not confine their decision simply to considerations of remedying. Deterrence can 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. Legal Implications

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

- (1) The applicant or licence holder may appeal against any decision to modify the conditions of the licence, suspend or revoke a licence.
- (2) The applicant may appeal against a rejection in whole or part of an application to review.
- (3) Those that have made relevant representations may appeal against a review being granted, rejected, or against the modification or lack of modification of any conditions.

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

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

At any stage, following the grant of a premises licence, a responsible authority, or 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.

10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.

10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

10.5 All applications before Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.

10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and

disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and the responsible authorities particularly the Police.

11. Other implications

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

12. Recommendation

- 12.1 Members are requested to determine the application by West Sussex County Council Trading Standards Service for a Review of the Premises Licence, held by Mr Rawa Kader Ahmed, at Worthing News situated in Rowlands Road. Members are requested to give reasons for their determination.**

**Mary D'Arcy
Director for Communities**

Principal Author and Contact Officer:

Simon Jones
Public Health & Regulation – Team Leader Licensing
Telephone 01273 263191.

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003 (April 2017)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627825/revised_182_guidance_05_04_17.pdf
- Worthing Borough Council's Statement of Licensing Policy
<http://www.adur-worthing.gov.uk/media/media,98561,en.pdf>

Appendices:

- Appendix A - A plan of the area.
- Appendix B - A plan of the premises.
- Appendix C – The Review Application.
- Appendix D – Worthing News' Premises Licence.
- Appendix E –Representations received from Responsible Authorities.

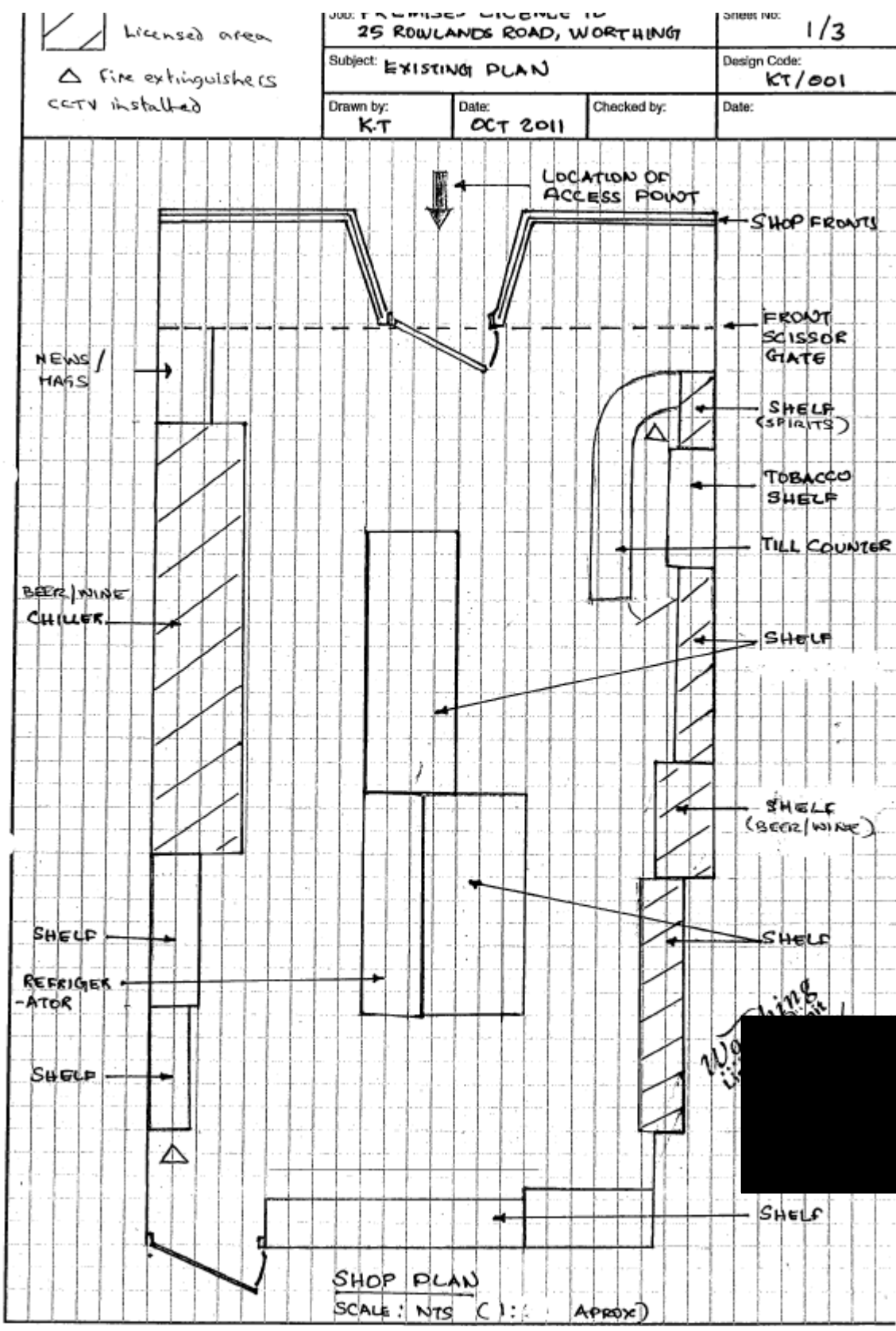
Adur & Worthing Public Health & Regulation - Licensing Unit
Portland House, Worthing

Ref: SJ/Lic.U/LA03/Review – Worthing News
Date: 29 Nov 2017.

Appendix A Plan of Area



Appendix B
Plan of Premises





Appendix C Review Application

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I PHILIP LIPSCOMB, TRADING STANDARDS OPERATIONS MANAGER, WEST SUSSEX COUNTY COUNCIL TRADING STANDARDS SERVICE

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Worthing News 25 Rowlands Road	
Post town Worthing	Post code (if known) BN11 3JJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Rawa Ahmed
--

Number of premises licence or club premises certificate (if known)



Part 2 - Applicant details

I am

Please tick yes

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

- 2) a responsible authority (please complete (C) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Richard Sargeant, Trading Standards Team Manager West Sussex County Council Parkside Chart Way Horsham West Sussex RH12 1XH FOR & ON BEHALF OF THE APPLICANT.
Telephone number (if any) 0330 222 7665
E-mail address (optional) richard.sargeant@westsussex.gov.uk

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

Please tick one or more boxes

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

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

West Sussex County Council contends that the above licensing objectives (the prevention of crime and disorder, public safety and the protection of children from harm) have been undermined. Full details can be found in the next section but a summary of events is as follows:

Trading Standards Officers accompanied by a sniffer dog found illicit tobacco behind the counter of the shop, contravening Regulation 20 of the General Product Safety Regulations 2005, as well as s 92 (1) of the Trade Marks Act 1994, Regulation 15 of the Standardised Packaging of Tobacco Products Regulations 2015 and Regulation 48 of the Tobacco and Related Products Regulations 2016.

On a separate occasion, Trading Standards Officers visited the shop with a volunteer under the age of 18. The volunteer was sold e-liquids by a staff member, contrary to Regulation 3 of the Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015.

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

On 31st July 2017 Officers from West Sussex County Council Trading Standards visited Worthing News, 25 Rowlands Road, Worthing, BN11 3JJ along with a sniffer dog handler who brought one sniffer dog into the shop.

The Trading Standards Officers present introduced themselves and requested that the shop is closed while a search for illicit tobacco is carried out. The member of staff present, Mr Javid Rizai, closed the shop and stood by the main store entrance while the search was carried out. The sniffer dog found 18 packets of 20 cigarettes (various brands) and four packets of 50g rolling tobacco (total 360 cigarettes and 200g rolling tobacco) in a jacket pocket behind the counter, and a further carrier bag containing 21 packets of 20 cigarettes (total 420 cigarettes), also found behind the counter. Total amount of cigarettes and rolling tobacco seized was 780 cigarettes and 200g rolling tobacco.

We sent samples of 'Business Royals' and 'NZ Black' cigarettes for safety testing and received confirmation that both samples had failed and therefore at least 240 of the cigarettes seized do not meet safety standards BS EN ISO 12863:2010 for Reduced Ignition Propensity and are therefore in breach of Regulation 20 of the General Product Safety Regulations 2005. Reduced Ignition Propensity means that cigarettes will self-extinguish if left unattended while lit so will therefore not burn all the way down, reducing the risk of fires. Cigarettes not meeting these standards pose a significantly higher risk of causing fires.

Upon examination of further samples of cigarettes, it has been confirmed that at least 100 of the cigarettes seized are counterfeit, contrary to s 92(1) of the Trade Marks Act 1994. Due to this it is unknown how and where the cigarettes were produced and therefore whether any safety standards were considered in production. These cigarettes were not sent for safety testing.

160 cigarettes and 200g of rolling tobacco seized were foreign labelled and in packaging which does not meet the colour and design requirements as set in ss 3-9 of the Standardised Packaging of Tobacco Products Regulations 2015. These sections require among other things that all cigarette packets are the same brown-green colour for the purpose of reducing appeal for people to start smoking. Foreign labelling contravenes the Tobacco and Related Products Regulations 2016 which require that all packets of cigarettes and rolling tobacco sold in the UK contain specific health warnings in English. All foreign labelled cigarettes and tobacco seized therefore did not contain sufficient health warnings.

These numerous contraventions of UK tobacco and safety legislation are clear and extremely worrying failures to promote the licensing objectives. Cigarettes sold which do not meet British safety standards pose a risk to public safety through potential for fire. Selling illicit tobacco fails to prevent further crime and disorder by funding those who illegally import and produce such products.

On 29th August 2017 Officers from West Sussex County Council Trading Standards Service visited the shop again with a volunteer aged under 18 to test the shop's practices relating to underage sales of e-cigarettes and e-liquids. The volunteer was sold a bottle of e-liquid by the same member of staff, Javid Rizai, who did not ask for identification, committing an offence under Regulation 3 of the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. This presents a serious concern for the impact which the shop has against the protection of children from harm.

West Sussex County Council Trading Standards Service is currently undertaking a criminal investigation into the commission of the abovementioned offences.

As a result of these events, West Sussex County Council Trading Standards no longer have confidence that the licensing objectives will be promoted by the carrying on of licensable activities at the premise and deem it both proportionate and necessary to invite the committee to seriously consider a revocation of the premise licence, in accordance with its obligations under the Licensing Act 2003, to act as a deterrent for further criminal activity by this licence holder and to other operators considering such legal conduct.

Please tick yes

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

If yes please state the date of that application

Day		Month		Year	
1	1	1	1	1	1

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

None

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Date 23.10.2017

Capacity Trading Standards Team Manager



WORTHING BOROUGH
COUNCIL

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

Public Health & Regulation
Portland House, Richmond Road
Worthing
BN11 1HS

Premises Licence Number - LN/301100107

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Worthing News
25 Rowlands Road
Worthing
BN11 3JJ

Telephone number 01903 209377

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	06:00	23:00
Monday	06:00	23:00
Tuesday	06:00	23:00
Wednesday	06:00	23:00
Thursday	06:00	23:00
Friday	06:00	23:00
Saturday	06:00	23:00

Non Standard Timings & Seasonal Variations

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

OFF

Part 2 – Premises Licence Holder Details

Name
Mr Rawa Kader Ahmed

Registered Address
██████████ ██████████ ██████████ ██████████
Telephone Numbers : ██████████

Registered number of holder
N/A

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

Name
Mrs Geetha Visvanathan

Registered Address
██████ ██████████ ██████ ██████████

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol
Personal Licence Number : ██████████
Licensing Authority : ██████████

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location :	Convenience Store	
Activities :	Alcohol Sales	
Day	Start	Finish
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Non Standard Timings & Seasonal Variations		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date : 23 March 2017

Annexe 1 : Mandatory Conditions

A. Mandatory conditions: Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

B. Mandatory conditions: Door Supervision

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

C. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- a holographic mark, or
- an ultraviolet feature.

D. Mandatory conditions : Permitted Price

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

For the purposes of the condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- I. *P is the permitted price*
- II. *D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*
- III. *V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

“relevant person” means, in relation to premises in respect of which there is in force a premises licence —

- I. *the holder of the premises licence*
- II. *the designated premises supervisor (if any) in respect of such a licence, or*
- III. *the personal licence holder who makes or authorises a supply of alcohol under such a licence;*

Full details regarding this condition can be found in the Home office Guidance on banning the sale of alcohol below the cost of duty plus VAT for suppliers of alcohol and enforcement authorities in England & Wales dated May 2014.

a. Permitted Hours

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

b. Off Sales

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

Annexe 2 : Conditions Consistent with the Operating Schedule

1. All spirits to be stored and displayed behind the counter/servery out of reach of the public.
2. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only form of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen card or validate proof of age cards bearing the "PASS" mark hologram.
3. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
4. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive the following training in age-restricted sales.
 - a) Induction training must be completed, and fully documented, prior to the sale of alcohol by the staff member and refresher training thereafter at intervals of no less than eight (8) weeks.
 - b) All age restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to the Sussex Police and the local Trading Standards service upon request.
5. The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant. The refusals book shall be available upon request to Police officers, Police Licensing Staff, PCSO, Local Authority Staff and Trading Standard.
6. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. It will be the responsibility of the DPS to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible

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

1. CCTV is to be installed outside the premises in accordance with the Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. This is to be installed before the licence is operative.
2. The sale of alcohol for consumption off the premises will be permitted between 0800 hours and 2300 hours daily.
3. The Licence holder or his representative will attend the Neighbourhood Panel Meetings regularly and join the West End Trading Association.
4. No beers or ciders will be sold which are above 6% ABV.

Annexe 4 : Plans

See attached plan KT/001 dated October 2011 and certified on 9 December 2011.



Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division
Neighbourhood Licensing Team

West Sussex Licensing Team
Centenary House
Durrington Lane
Worthing
West Sussex
BN13 2PQ

Tel: 01273 404 030

Email: david.bateup@sussex.pnn.police.uk

21st November 2017

Mr Simon Jones
Licensing Unit
Adur and Worthing Councils
Portland House
Richmond Road
Worthing
BN11 1LF

Dear Mr Jones,

**RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR WORTHING NEWS,
25 ROWLANDS ROAD, WORTHING, BN11 3JJ, UNDER THE LICENSING ACT 2003.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this review application on the grounds of the prevention of crime and disorder and the protection of children from harm.

West Sussex Trading Standards have applied for a review of the premises licence because the premises is allegedly selling illicit tobacco. The premises has also sold an age restricted product to a child aged under 18. Trading Standards conclude their review application by asking the licensing committee to revoke the premises licence for Worthing News. Sussex Police fully support Trading Standards and their conclusion, and also ask the committee to give serious consideration to revocation of the premises licence.

After the review application was received by Sussex Police, a police licensing visit was arranged to attend the premises unannounced to check that the conditions on the licence are being adhered to. Our experience in police licensing is that when a premises is selling illicit

Sussex Police Headquarters
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101

tobacco and/or alcohol, frequently other issues and licensing breaches immediately come to light when the premises is investigated.

There are a number of conditions on the premises licence as follows:

Annexe 2: Conditions Consistent with the Operating Schedule

1. All spirits to be stored and displayed behind the counter/servery out of reach of the public.
2. The premises will operate a “Challenge 25” policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only form of ID that will be accepted are passports, driving licenses with a photograph or Portman Group, Citizen card or validate proof of age cards bearing the “PASS” mark hologram.
3. Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises.
4. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive the following training in age-restricted sales.
 - Induction training must be completed, and fully documented, prior to the sale of alcohol by the staff member and refresher training thereafter at intervals of no less than eight (8) weeks.
 - All age restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to the Sussex Police and the local Trading Standards service upon request.
5. The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant. The refusals book shall be available upon request to Police officers, Police Licensing Staff, PCSO, Local Authority Staff and Trading Standard.
6. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. It will be the responsibility of the DPS to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible.

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

1. CCTV is to be installed outside the premises in accordance with the Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. This is to be installed before the licence is operative.

2. The sale of alcohol for consumption off the premises will be permitted between 0800 hours and 2300 hours daily.
3. The Licence holder or his representative will attend the Neighbourhood Panel Meetings regularly and join the West End Trading Association.
4. No beers or ciders will be sold which are above 6% ABV.

I attach a witness statement from PC Warren Jones which gives a detailed account of his subsequent licensing visit to Worthing News. PC Jones is a dedicated police licensing officer with a detailed knowledge and high level of expertise in alcohol licensing. In summary the issues at the premises revealed during his visit include:

- No documentation of staff training – breach of condition 4 of annexe 2.
- No refusals book – breach of condition 5 of annexe 2.
- Spirits on retail display on the shop floor and not behind the counter – breach of condition 1 of annexe 2.
- Issues with the CCTV – breach of condition 6 of annexe 2 and condition 1 of annexe 3.

PC Jones says in the concluding sentence in his witness statement: “It is my distinct impression that AHMED was not at all familiar with any of the premises licence conditions, and had I not conducted my visit, these breaches would have continued.”

Sussex Police invite the Committee to consider if it would be appropriate to put further conditions on the premises licence in view of the fact that there have already been multiple licence breaches at the premises.

Sussex police are also concerned because it would appear that the premises may have been trading without a designated premises supervisor [DPS], as the previous premises licence holder and DPS Mrs Visvanathan is still shown as the DPS on the licence for Worthing News. It is not entirely clear if Mrs Visvanathan has ceased to have any involvement in the premises. However the premises licence was passed from Mrs Visvanathan to Mr Ahmed on 23rd March 2017. At the time of writing this representation Sussex Police are trying to make contact with Mrs Visvanathan to confirm if she is under the impression that she is still the DPS, or whether she effectively ceased to have any control of the premises when the licence was transferred to Mr Ahmed in March 2017.

When Mr Ahmed was questioned by PC Jones about this, Mr Ahmed said that he did not understand what a DPS was. This leads us to suspect that Mrs Visvanathan no longer has any dealings with the premises. We are concerned about this as Mr Ahmed has a personal licence, and all competent personal licence holders should have a full working knowledge of the role of a DPS and their responsibilities. As a qualified personal licence holder Mr Ahmed should be competent and fully aware of the mandatory requirement for a DPS, and the duty of the DPS to be in day to day control of the premises.

In the attached witness statement from PC Jones, the DPS issue is addressed and PC Jones states that on the 26th October (which at the time of writing this representation is 26 days ago) “I advised AHMED to contact the Licensing Authority as soon as possible to vary the DPS to

himself". Mr Bateup at West Sussex Police Licensing contacted Theresa Cuerva (Licensing Officer) at Adur & Worthing Council earlier today to enquire whether Mr Ahmed had acted upon the advice from PC Jones to contact the council to have the DPS position at Worthing News transferred into his name. Theresa Cuerva replied:

"The licence was transferred from Mrs Visvanathan to Mr Ahmed on 23/3/17. We only received a PLH transfer at the time, and to date we have never received a DPS transfer, or any other correspondence from either Mrs Visvanathan or Mr Ahmed regarding the DPS position. So, in effect Mrs Visvanathan is still the DPS".

Sussex Police are therefore concerned that Mr Ahmed has failed to act upon our request. It is also unfortunate that Mr Ahmed has failed to act on this matter considering that at the time of PC Jones's visit, Mr Ahmed was already aware that a review application had been submitted in respect of Worthing News (asking for revocation of the premises licence). In the circumstances one would have thought that Mr Ahmed would have taken expeditious steps to resolve the situation.

Further to the review application by West Sussex Trading Standards following the discovery of illicit tobacco, Sussex Police would like to draw the licensing committee's attention to the S.182 Guidance issued in accordance with the Licensing Act 2003, and specifically paragraph 11.27 which states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of licensed premises:

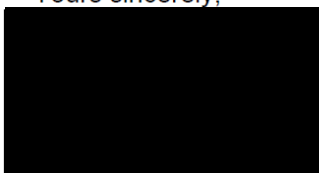
- For the sale or storage of smuggled tobacco and alcohol.

Paragraph 11:28 of the S.182 Guidance says:

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

Sussex Police having considered the options available, invite the Committee to consider revocation of the premises licence.

Yours sincerely,



Chief Inspector Ockwell
District Commander

Enc

RESTRICTED (when complete)

WITNESS STATEMENT

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

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Statement of: Warren Matthew JONES

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable CJ903

This statement (consisting of 4 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:

[Redacted Signature]

Date 15th November 2017

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

At approximately 1415 hours on Thursday 26th October 2017, I was on duty in full uniform when I attended Worthing News, 25 Rowlands Road, WORTHING BN11 3JJ, to conduct a licensing visit, and to check for compliance with the premises licence.

I am aware that premises licence LN/301100107 was issued by Worthing Borough Council in respect of the premises and authorises the licensable activity of Alcohol Sales. Attached to the premises licence are a number of Conditions which must be adhered to when undertaking licensable activity.

On arrival at the premises there was only one male present on the premises who identified himself as Jawad RIZAI born [Redacted]

RIZAI appeared to be an employee as he was in sole charge of the premises, and was serving customers and operating the till from behind the servery counter. RIZAI informed me that he was not an employee, but was helping out the owner who had popped out and hour ago. I asked RIZAI if he had ever been trained by the owner, and he stated that he had been trained on subjects such as underage sales, but could not recall having written anything down. He told me that he had been shown some papers on the subject about 5-6 weeks ago.

I asked RIZAI about sales refusals, and after some prompting, stated that he had refused service about two weeks ago to a male who looked under 21 and had no identification on them. I asked him if he had written that sales refusal down in a sales refusals book, and he confirmed he hadn't, and didn't know where to find one.

I asked RIZAI if he was able to contact the owner, and he obliged by making a telephone call to him.

Shortly afterwards, the owner attended the premises, and I know now him to be Rawa AHMED of [Redacted]
[Redacted]

MG11(t) 9/2007

Continuation of statement of Warren Matthew JONES
AHMED is the premises licence holder for Worthing News, and was able to produce the premises licence for inspection. He also produced his personal licence [REDACTED] for inspection.

Referring to the above premises licence, I referred to Annexe 2 which were Conditions Consistent with the Operating Schedule, and Annexe 3 which were Conditions attached after a hearing by the Licensing Authority. I worked through the conditions with AHMED, checking that they were being complied with.

Condition 1 of Annexe 2 states – “All spirits to be stored and displayed behind the counter/servery out of reach of the public.”

As I looked at the counter/servery, there were two full display units situated to the right of the counter, and in the public area of the shop, that were dedicated to bottles of alcoholic spirits. I pointed this out to AHMED, and he subsequently instructed RIZAI to re-site all of the spirits to behind the counter.

Condition 4 of Annexe 2 states - “All staff members engaged or to be engaged, in selling alcohol on the premises shall receive the following training in age restricted sales.

- a) Induction training must be completed, and fully documented, prior to the sale of alcohol by the staff member and refresher training thereafter at intervals of no less than eight (8) weeks.
- b) All age restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to the Sussex Police and the local Trading Standards service upon request.”

I asked AHMED to produce the training records for inspection, and he advised me that they were at his home address. I offered to wait at the store while he went and retrieved them, but after a few moments he conceded that he did not have any training records. He stated that all of the training he had provided to his one member of staff had been completed verbally. Whilst telling me this he indicated towards RIZAI being that sole member of staff. I asked him why it was that RIZAI had initially told me that he wasn't an employee, but he could not give me an answer. I was satisfied that RIZAI was acting as a member of staff at the premises, and that there were no training records in existence for him.

Condition 6 of Annexe 2 states - “CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. It will be the responsibility of the DPS to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible.”

Signature [REDACTED] Signature witnessed by: _____ PTO

Continuation of statement of Warren Matthew JONES

Condition 1 of Annexe 3 states – "CCTV is to be installed outside the premises in accordance with the Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. This is to be installed before the licence is operative."

I asked AHMED to demonstrate the CCTV system was operating as required by these two conditions. He indicated to me the CCTV monitor that was suspended from the ceiling, and told me that it had stopped working earlier that day. I could see that the screen was blank, with no images displayed, and checking the cameras situated around the premises I could not see any indication that they were operating. I asked AHMED where the control unit and DVR were located, and after some effort, he showed me a unit that was located in the suspended ceiling void, above the servery. It was unclear how it was to be operated from that location, but I could see that a light on the front of it indicated that it had power. I suspected that the CCTV system was not operating as required by the conditions attached to the premises licence, so I requested AHMED provide me evidence to the contrary, in the form of samples of footage from the system to cover my visit that day, and also of footage recorded 28 days previous. I requested that this be provided within 24 hours.

I asked AHMED about the DPS (Designated Premises Supervisor), and how often they attended the premises. AHMED appeared not to understand what a DPS was, and was unable to answer me. I referred to the premises licence, explaining what a DPS was, and indicating that the DPS for the premises was shown as Mrs Geetha VISVANATHAN. AHMED advised me that Mrs VISVANATHAN was the previous Premises Licence Holder (PLH) and no longer had any involvement with the premises. He stated that he was now the DPS and PLH. I advised him that the Premises Licence has been transferred into his name, but it appeared that no DPS Variation had been applied for, and as such Mrs VISVANATHAN remained as the DPS. I advised AHMED to contact the Licensing Authority as soon as possible to vary the DPS to himself.

At 1415 hours on Friday 27th October 2017, I was on duty in full uniform, when I re-attended Worthing News. AHMED was present in the premises, sat behind the servery counter.

I asked AHMED to demonstrate the CCTV system, and I could see that there was a new CCTV monitor suspended from the ceiling, with 4 images displayed. AHMED advised me that the DVR he had shown me yesterday had also broken, and as such he did not have any images retained as I had requested. He showed me a temporary DVR system that had been installed in the ceiling void, whilst a new system was on order. The temporary system was only recording 4 channels, so not all cameras were connected. The two outside cameras were connected and images were being displayed.

Signature



Signature witnessed by:

PTO

Continuation of statement of Warren Matthew JONES

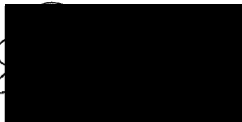
AHMED advised me that the new system on order would be installed by the weekend, and I asked him to email me once this had been completed. To date I have not received that confirmation from AHMED.

I noted that all spirits were now on display behind the counter/servery.

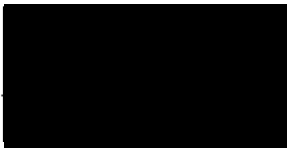
Referring to the above premises licence again, Condition 5 of Annex 2 states – "The premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals if no less than four (4) weeks and feedback given to staff as relevant. The refusals book shall be available upon request to Police officers, Police Licensing Staff, PCSO, Local Authority Staff and Trading Standard."

Recalling that RIZAI had not been aware of the location of a sales refusals book, I asked AHMED to produce it for inspection. AHMED confirmed that he did not have one in the premises, and he had not recorded any sales refusals anywhere. I advised him to obtain one as soon as possible, and gave him advice about suitable documents to use, and what details should be recorded.

The premises licence for Worthing News contains 10 (ten) conditions, and I am concerned that 4 of the more significant conditions were not being adhered to by AHMED, the PLH. As the PLH I would expect him to have a full understanding of the premises licence and the conditions attached to it. It was my distinct impression that AHMED was not at all familiar with any of the premises licence conditions, and had I not conducted my visit, these breaches would have continued.



Signature



Signature witnessed by:

.....

PTO

Dr Kate Bailey
Consultant in Public Health
Directorate of Public Health
Kate.bailey@westsussex.gov.uk



First Floor The Grange
 West Sussex County Council
 Chichester

PO19 1RQ

Licensing Team
 Public Health & Regulation
 Licensing Department
 Portland House
 Richmond Road
 Worthing
 BN11 1HS

9th November 2017

Dear Sir/Madam,

Ref: Worthing News, 25 Rowlands Road, Worthing, BN11 3JJ

West Sussex County Council (Directorate of Public Health, Health and Social Care Commissioning) wishes to support the application by Trading Standards to review the licence of: Worthing News, 25 Rowlands Road, Worthing, BN11 3JJ

West Sussex County Council (Directorate of Public Health, Health and Social Care Commissioning) concurs that the Licensing Objectives of:

- (1) The Prevention of Crime and Disorder;
- (2) Public safety
- (4) The Protection of children from harm

are not being promoted, as demonstrated by the possession of illicit tobacco products found on the licensed premises contravening regulation 20 of the General Product Safety Regulations 2005, as well as s 92 (1) of the Trade Marks Act 1994, Regulation 15 of the Standardised Packaging of Tobacco Products Regulations 2015 and Regulation 48 of the Tobacco and Related Products Regulations 2016.

West Sussex County Council (Directorate of Public Health, Health and Social Care Commissioning) are disappointed to learn about the underage sales of e-liquids and concur with the request from Trading Standards to the licensing committee to seriously consider revocation of the premises licence.

The illicit tobacco market may account for 10% of cigarettes consumed in the UK¹. The sale of illicit tobacco is a concern because:

- Illicit tobacco trade reduces the public health impact on tobacco tax rises and increases demand for tobacco products.
- Illicit tobacco products hook our young people into tobacco experimentation and use because they are more affordable. Such illicit products also mislead young tobacco users by not displaying health warnings and sometimes involving children in illegal selling activities.
- Illicit trade takes tax revenue away from the Government, which could have otherwise been spent on the provision of public services, instead directing such funds into the hands of criminals.
- Illicit trade strengthens corruption and weakens good governance.

- Tobacco companies have been known to use loopholes in tobacco control government systems and indulge in the illicit trade of tobacco products.

In West Sussex 10.6% of 15 year olds are regular smokers. This is significantly above the England figure of 8.7%. One of the biggest influencing factors for young people is parental smoking. Smoking prevalence in over 18s in Worthing Borough is 13.3% (27.5% in routine and manual workers) ^{2, 3}

In summary, West Sussex County Council (Directorate of Public Health, Health and Social Care Commissioning) fully support the suggestions made by Trading Standards for the Licensing Committee to seriously consider a revocation of the premises license and believe them to be necessary, proportionate and reasonable in order to prevent further criminal activity by this license holder and to others considering such illegal conduct.

Yours faithfully,



Dr Kate Bailey

Consultant in Public Health
West Sussex County Council

¹ Action on Smoking and Health, (2017),
http://ash.org.uk/files/documents/ASH_122.pdf, last accessed 9 November 2017.

² <http://fingertipsreports.phe.org.uk/tobacco-control/e10000032.pdf> last accessed 10 November 2017

³ <http://fingertipsreports.phe.org.uk/tobacco-control/e07000229.pdf> last accessed 10 November 2017