



WORTHING BOROUGH
COUNCIL

31 May 2022

Worthing Licensing & Control Committee B

| | |
|---------------|--------------------------------|
| Date: | 8 June 2022 |
| Time: | 6.30 pm |
| Venue: | Remote Meeting via Zoom |

Committee Membership: Councillors Sally Smith (Chair), Rosey Whorlow (Vice-Chairman), Roy Barraclough, Mike Barrett, Russ Cochran, Cathy Glynn-Davies, Lionel Harman, Kevin Jenkins, Richard Mulholland, Richard Nowak, Jon Roser, Dawn Smith, Samuel Theodoridi, Hazel Thorpe and Andy Whight

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 an interest becomes apparent during the meeting.

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

2. 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.)

3. Licensing Act 2003 - Application for the Review of the Premises Licence under Section 51 - Om Food & Wine (also known as Clifton Food & Wine) (Pages 3 - 68)

To consider a report by the Interim Director for Communities, copy attached as item 3

| | |
|--|---|
| 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 | Shelley-Ann Flanagan Lawyer 01903 221095 Shelley-ann.flanagan@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 & Control Committee B

08 June 2022

Ward: Central

Licensing Act 2003

Application for the Review of the Premises Licence under Section 51

**Om Food & Wine (also known as Clifton Food & Wine)
123 Clifton Road, Worthing
West Sussex
BN11 4DP**

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's 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 [REDACTED] held by

[REDACTED]

has been received from Peter Aston, Operations Manager, on behalf of WSCC Trading Standards. Trading Standards being 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 this application.

3. Background

- 3.1 Premises Licence no. [REDACTED] authorises the sale of alcohol for consumption off the premises at the store. It has been held by [REDACTED] since October 2018.
- 3.2 Om Food & Wine is situated in a parade of terraced shops in a mixed commercial & residential area. The parade consists of various small retail units situated on the west side of Clifton Road. Opposite residential dwellings.
- 3.3 The area is densely populated with residential dwellings including flats above most of the shops.
- 3.4 Om Food & Wine occupies a ground floor mid terrace unit and has been used as a newsagents/convenience store both licensed and unlicensed for many years.
- 3.5 This Review application, made by WSCC Trading Standards, was received on 22 March 2022.
- 3.6 The current DPS of the venue is [REDACTED]. He has been in post since October 2019. He holds a Personal Licence issued by Worthing Borough Council.
- 3.7 A plan & photos of the area are attached. (Appendix A)
- 3.8 A plan of the premises is attached. (Appendix B)
- 3.9 The application is for a review of the licence due to representations made that the licence holder is undermining the licensing objectives. The application is attached. (Appendix C)
- 3.10 The current Premises Licence allows:
- Sale of alcohol between:
 - 08.00hrs and 23:00 hrs Monday - Saturday
 - 10:00 hrs and 22:30 hrs Sunday
 - Hours the premise can open to the public:
 - 06.00hrs and 01:00 hrs (of the following morning) Monday - Sunday

(Appendix D)

4. The Application

- 4.1 The Application for Review is attached at Appendix C.
- 4.2 The application is made on behalf of WSCC Trading Standards, a responsible authority as defined in 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
- Protection of Children from Harm

Following the failure of a test purchase operation involving the purchase of alcohol by a 15 year old trading standards volunteer.

4.4 Trading Standards are requesting that members consider the revocation of the premises 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

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

4.10 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.

- 4.11 *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.*
- 4.12 *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.*
- 4.15 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in para. 4.10, 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

- 4.18 *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.*
- 4.19 *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.*
- 4.23 *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

- 12.1 *Once licensed, it is essential that 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

- 12.5 *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.*
- 12.10 *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.*
- 12.11 *However, when considering applications for Review arising in connection with crime (this includes underage alcohol sales) deterrence is an appropriate objective. Whilst punishment may not strictly be a valid tool on an application for Review in cases where there has been activity in connection with crime, deterrence can be. The Licensing Authority will not confine its decision simply to considerations of remedying. To simply re-emphasise conditions which clearly have not been adhered to in the past will not in most cases prevent further breaches of the law in the future and consequently would not promote the Licensing Objectives.*

6. Consultation

- 6.1 The application has been subject to the statutory consultation and statutory public advertising arrangements in accordance with the provisions of the Act.

7. Relevant Representations

- 7.1 The application received 1 representation from a Responsible Authority - Sussex Police. There were no representations from the public.
- 7.2 Sussex Police have in their representation included details of their enforcement efforts regarding this premises. Highlighted the issues and failings they have witnessed and their attempts to help the premises comply with the terms of the licence. The Police contend that the premises licence should be revoked. (Appendix E)
- 7.3 Both the applicant and licence holder have been invited to provide any information supporting their cases and the applicant, licence holder and those that have made

relevant representation have been invited to attend the Committee meeting. All parties have the right to address members.

- 7.4 WSCC Trading Standards have supplied a number of documents supporting their application (Appendix F)

8. Mediation

- 8.1 As part of the review process the Licensing Act encourages, where possible, mediation.
- 8.2 Officers are unaware if any mediation has been conducted. Any developments will be reported as soon as received or at the hearing.

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'
 - The '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.
 - 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.

The committee could also issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

- 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 2018) 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.*

9.9 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:

- The applicant or licence holder may appeal against any decision to modify the conditions of the licence, suspend or revoke a licence.
- The applicant may appeal against a rejection in whole or part of an application to review.
- 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 the 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 WSCC Trading Standards for a Review of the Premises Licence, held by [REDACTED] [REDACTED] at the Om Food & Wine store situated in Clifton Road. Members are requested to give reasons for their determination.**

Tina Favier

Interim Director for Communities

Principal Author and Contact Officer:

Simon Jones

Public Health & Regulation – Team Leader Licensing

Telephone 01273 263191.

Background Papers:

- Licensing Act 2003
<https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
- Worthing Borough Council's Statement of Licensing Policy
<https://www.adur-worthing.gov.uk/media/Media.98561.smx.pdf>

Appendices:

- Appendix A - A plan & photos of the area.
- Appendix B - A plan of the premises.
- Appendix C – WSCC Trading Standard's Review Application
- Appendix D – Om Food & Wine Premises Licence.
- Appendices E – Sussex Police Representation
- Appendix F - Supporting Evidence supplied by Trading Standards

Adur & Worthing Public Health & Regulation Licensing Unit

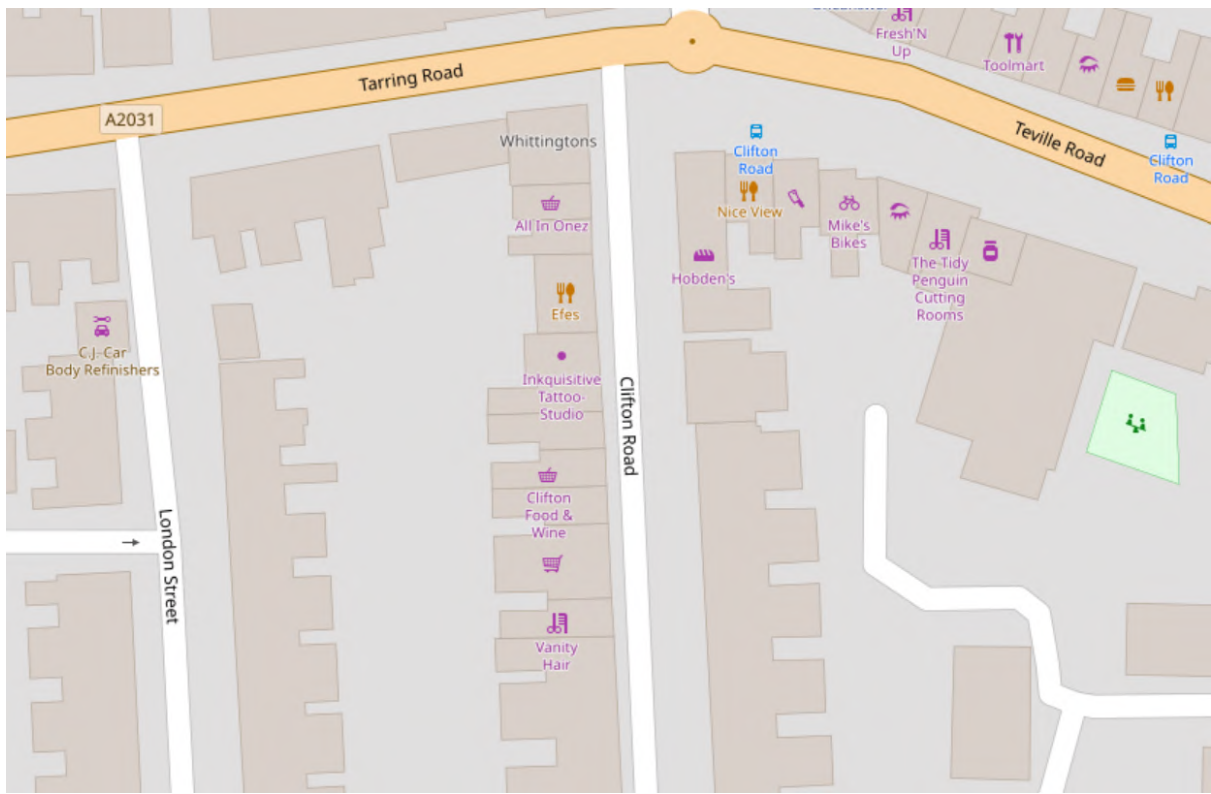
Portland House, Worthing

Ref: SJ/Lic.U/LA03/Review – Om Food & Wine

Date: 23 May 2022.

Appendix A

Plan of Area





Appendix B
Plan of Premises

Om Food & Wine
Premises Licence LN/1000001480 Plan



0 CCTV
Worthing
Licensing Unit

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WORTHING BOROUGH
COUNCIL

**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 Peter Aston, Trading Standards, Team Manager, West Sussex County Council Trading
Standards Service**

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 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 | |
| OM Food & Wine Ltd t/a Clifton Food & Wine, 123 Clifton Road | |
| Post town Worthing | Post code (if known) BN11 4DP |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| ████████████████████ |

| |
|---|
| Number of premises licence or club premises certificate (if known) |
| ██████████ |

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

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

✓

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address:

FOR & ON BEHALF OF THE RESPONSIBLE AUTHORITY APPLICANT:

Mr Peter Aston
Team Manager
West Sussex County Council Trading Standards Service
Parkside
Chart Way
Horsham
RH12 1XH

Telephone number (if any)

██████████

E-mail address (optional)

peter.aston@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 | ✓ |
| 2) public safety | |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | ✓ |

Please state the ground(s) for review (please read guidance note 2)

West Sussex County Council Trading Standards Service (the ‘responsible authority’) contends the following licensing objectives have been undermined by the carrying on of licensable activities at these premises:

- the prevention of crime and disorder and
- the protection of children from harm

Full particulars in support of the application are to be found in the next section, but in summary:

Prevention of crime and disorder

On 23rd February 2022, during a controlled Trading Standards test purchasing exercise, a staff member at Clifton Food & Wine sold alcohol to a Trading Standards volunteer who was under the age of 18.

The sale of alcohol to a person under the age of 18 is a criminal offence under the Licensing Act 2003.

Protection of children from harm

Despite Clifton Food and Wine displaying Challenge 25* signage around the premises and claiming to operate such policy, they did not follow the guidance of such policy, contrary to the Licence Condition:⁹

All staff will be trained and regularly refreshed in the ‘Challenge 21 Policy’. Persons looking under 21 will be required to produce recognised proof that they are over 18 before a sale of alcohol, tobacco or other controlled substance will be authorised. Signage informing staff and customers of the ‘Think 21’ policy will be displayed together with ‘No proof of age - no sale’ signage at the point of sale.

*While the Premises Licence discusses Challenge 21, the Responsible Authority always advise businesses to operate a Challenge 25 policy as it greater reduces the margin of error when determining a customer’s age.

Please provide as much information as possible to support the application (please read guidance note 3)

On 19th January 2022, the Responsible Authority received information from a West Sussex secondary school alleging that the business had sold age restricted products to children. The allegation suggested that a student under the age of 18, had informed the school that he regularly travels from outside of Worthing to Clifton Food and Wine to purchase vapes/nicotine inhaling products, as it is ‘the place to go’ as they do not ask any questions. The student had claimed to do this on more than one occasion.

Following receipt of this information, a Trading Standards Officer (TSO) from the Responsible Authority carried out an advice visit to the business on 25th January 2022 and spoke with the owner of the business, [REDACTED] was advised about the nature of the complaint, and he responded by saying that he always asks for identification. The refusals log was examined by the TSO and it was found the last entry into the refusals log was in October 2020. Advice in relation to the refusals log, Challenge 25 policy and asking customers to remove their COVID-19 masks for the purpose of ascertaining whether they appeared to be under the age of 25 or not, was discussed with [REDACTED]. During the visit there was also another male present on the premises who was explaining the advice given to [REDACTED] in another language to confirm that he understood. The advice given was documented on a visit form and a carbon copy of the form was left with [REDACTED] for future reference.

On 23rd February 2022, as part of a controlled test purchasing operation carried out by the Responsible Authority, a 15-year-old female Trading Standards volunteer purchased two bottles of WKD Blue (275ml ready to drink alcopop) from Clifton Food and Wine. The person who sold alcohol to the Trading Standards volunteer was [REDACTED].

During the test purchase, another TSO from the Responsible Authority witnessed the sale and witnessed [REDACTED] on a telephone call at the time he sold alcohol to the volunteer. This TSO, together with the TSO who had carried out the initial advice visit on 25th January 2022, returned to the premises to inform [REDACTED] of the test purchase of alcohol to a minor that had just taken place and to record any relevant information in order to instigate an investigation.

[REDACTED] was cautioned and in response to questions put to him, his defence was that he thought the volunteer and the TSO were together. Initially [REDACTED] said that he thought the volunteer looked 16 years of age but later on during the discussion, he said that he thought she was 19 or 20 years of age. When asked why, if he thought the volunteer was 16 or even 19 or 20 years of age, he did not follow the Challenge 25 policy, when he had Challenge 25 posters displayed, by asking anybody who appears to be under the age of 25 for age identification, he said it was because she looked 19 or 20 years of age. When asked to inspect the refusals log, TSOs found that the last entry into the refusals log was on 12th February 2022. During the discussion, [REDACTED] was very apologetic.

Prior to the test purchase, West Sussex County Council had issued a press release on 1st October 2021 warning businesses that there would be a County wide crackdown on underage sales test purchasing operations by West Sussex Trading Standards following a previous testing purchasing operation where nine out of 16 shops that were tested, sold alcohol and cigarettes to children:

www.westsussex.gov.uk/news/countywide-crackdown-on-underage-alcohol-and-cigarette-sales/

During the test purchasing exercise on this date, COVID-19 masks were not compulsory and although West Sussex Trading Standards provided the volunteer with a face covering on the day of the operation, she chose not to wear it.

Under section 146 of the Licencing Act 2003, it is a criminal offence to sell alcohol to a child under the age of 18. Section 146 (4) contains a defence ‘that he believed the individual was 18 or over,

and he had either taken all reasonable steps to find out the individual's age or that no one could reasonably suspect from their appearance that they were under 18.'

It is contended that the sale of alcohol to a minor in the circumstances outlined above is a breach of the licencing objective 'the protection of children from harm' and that the licensee has failed in their responsibilities in promoting said licencing objectives.

In considering review of this premises licence, the committee are also reminded of a second licencing objective 'prevention of crime and disorder' which has been failed by commission of the criminal offence under the Licensing Act 2003, that took place on 23rd February 2022.

In view of the above, the Responsible Authority do not have confidence that the licensing objectives will be promoted by the carrying on of licensable activities at these premises and deem it both proportionate and necessary to invite the committee to consider a review of the premises licence, to limit further criminal activity by the licence holder and to act as a deterrent to other operators considering such illegal conduct.

As underage prevention advice had been provided before the sale of alcohol was made to a Trading Standards volunteer, the Responsible Authority suggest that an appropriate outcome of the review would be revocation of the alcohol licence.

Please tick ✓ yes

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

If yes please state the date of that application

| Day | Month | Year |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

.....

Date 21st March 2022

.....

Capacity Team Manager

.....

| | |
|---|------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) | |
| | |
| Post town | Post Code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) | |

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank



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

Premises Licence Number - [REDACTED]

Part 1 – Premises Details

| | |
|---|------------|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| Om Food & Wine 123 Clifton Road Worthing West Sussex BN11 4DP | |
| Telephone number | [REDACTED] |

| |
|--|
| Licensable activities authorised by the licence |
| See attached Schedule |

| |
|---|
| The times the licence authorises the carrying out of the licensable activities |
| See attached Schedule |

| | | |
|---|--------------|---------------|
| Opening hours of the premises | | |
| Location : Newsagents & Off Licence | | |
| Day | Start | Finish |
| Sunday | 06:00 | 01:00 |
| Monday | 06:00 | 01:00 |
| Tuesday | 06:00 | 01:00 |
| Wednesday | 06:00 | 01:00 |
| Thursday | 06:00 | 01:00 |
| Friday | 06:00 | 01:00 |
| Saturday | 06:00 | 01:00 |
| Non Standard Timings & Seasonal Variations | | |
| | | |

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

Part 2 – Premises Licence Holder Details

| |
|-------------|
| Name |
| [REDACTED] |

| |
|---|
| Registered Address |
| [REDACTED] [REDACTED] [REDACTED] |
| Telephone Numbers : [REDACTED] [REDACTED] |

| |
|------------------------------------|
| Registered number of holder |
| N/A |

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

| |
|-------------|
| Name |
| [REDACTED] |

| |
|--|
| Registered Address |
| [REDACTED] [REDACTED] [REDACTED] |
| [REDACTED] [REDACTED] |

| | |
|---|--------------------------|
| 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 : | [REDACTED] |
| Licensing Authority : | Worthing Borough Council |

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

| | | |
|---|------------------------------|---------------|
| Location : | Newsagents & Off Licence | |
| Activities : | Alcohol OFF Sales/Supply (M) | |
| Day | Start | Finish |
| Sunday | 10:00 | 22:30 |
| Monday | 08:00 | 23:00 |
| Tuesday | 08:00 | 23:00 |
| Wednesday | 08:00 | 23:00 |
| Thursday | 08:00 | 23:30 |
| Friday | 08:00 | 23:30 |
| Saturday | 08:00 | 23:30 |
| Non Standard Timings & Seasonal Variations | | |
| | | |

Signed :

Date : 9 January 2020

Authorised Officer (on behalf of the Licensing Authority)

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.

E. Restrictions

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. The premises will install digital CCTV cameras covering many areas of the shop including the entrance, those areas where alcohol is displayed and where it is sold (the tills). The images will be stored for 31 days and made available on Police and Licensing Authority request.
2. All staff will be trained and regularly refreshed in the 'Challenge 21' Policy. Persons looking under 21 will be required to produce recognised proof that they are over 18 before a sale of alcohol, tobacco or other controlled substance will be authorised. Signage informing staff and customers of the 'Think 21' policy will be displayed together with 'No proof of age – no sale' signage at the point of sale.
3. That a refusals recording mechanism, book or computer, is maintained at the premises. And that these records are made available for inspection by Police officers, PCSOs and the Police and Local Authority Licensing Officers.
4. That 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, PCSO's and licensing officers.
5. That at those times that the premise is operating beyond 23.00 hrs, there should be a personal licence holder present.
6. Fully Operational Alarm system to be maintained on the premises.
7. Staff to be trained to deal with outbreak of fire at the premises. All fire fighting equipment to be serviced by specialist contractor annually and/or when necessary. Fire risk assessment & Emergency Plan completed
8. A computerised ID prompt system and refusal log to be installed.
9. Anyone who is drunk, or appears to be buying alcohol for someone who is drunk, must be refused the sale of alcohol

Annexe 3 : Conditions attached after hearing by the Licensing Authority

With the exception of timings the amended application was granted as applied for.

Annexe 4 : Plans

See attached plan certified & dated 29 March 2006.



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

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

Premises Licence Number - LN/100001408

Premises Details

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

Om Food & Wine
123 Clifton Road
Worthing
West Sussex
BN11 4DP

Telephone number

Licensable activities authorised by the licence

See attached Schedule

The times the licence authorises the carrying out of the licensable activities

See attached Schedule

Opening hours of the premises

Location : Newsagents & Off Licence

| Day | Start | Finish |
|------------------|--------------|---------------|
| Sunday | 06:00 | 01:00 |
| Monday | 06:00 | 01:00 |
| Tuesday | 06:00 | 01:00 |
| Wednesday | 06:00 | 01:00 |
| Thursday | 06:00 | 01:00 |
| Friday | 06:00 | 01:00 |
| Saturday | 06:00 | 01:00 |

Non Standard Timings & Seasonal Variations

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

OFF

Premises Licence Holder Details

| |
|-------------|
| Name |
| [REDACTED] |

| |
|---------------------------|
| Registered Address |
| [REDACTED] |

| |
|------------------------------------|
| Registered number of holder |
| N/A |

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

| |
|-------------|
| Name |
| [REDACTED] |

| | |
|---|--------------------------|
| 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 : | [REDACTED] |
| 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 : Newsagents & Off Licence | | |
| Activities : Alcohol OFF Sales/Supply (M) | | |
| Day | Start | Finish |
| Sunday | 10:00 | 22:30 |
| Monday | 08:00 | 23:00 |
| Tuesday | 08:00 | 23:00 |
| Wednesday | 08:00 | 23:00 |
| Thursday | 08:00 | 23:30 |
| Friday | 08:00 | 23:30 |
| Saturday | 08:00 | 23:30 |
| Non Standard Timings & Seasonal Variations | | |
| | | |

Signed :

Date: 9 January 2020

Authorised Officer (on behalf of the Licensing Authority)



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

WS_Licensing_WOR@sussex.pnn.police.uk

14th April 2022

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 OM FOOD & WINE, 123 CLIFTON ROAD, WORTHING, BN11 4DP, PREMISES LICENCE NO. LN/100001408.

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 County Council Trading Standards have applied for a review of this premises licence, and are asking for revocation of the licence. Sussex police fully support the stance of Trading Standards and their request for revocation of the licence for OM Food & Wine. We set out below our evidence in support of our revocation request.

The Committee will note in the Trading Standards review application that the premises is stated as Clifton Food & Wine, which is a trading name of OM Food & Wine at 123 Clifton Road.

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

Telephone: 101 | 01273470101

The premises was visited by police licensing officers on the 21st February 2020 following reports of shoplifters by the Designated Premises Supervisor [DPS] [REDACTED]. The conditions in annexe 2 of the premises licence were checked, and it was confirmed that the CCTV hard drive only recorded footage for twelve days and not 31 days as per the condition. No refusals register which is also a condition was produced when requested. There was no incident log which whilst not an express condition on the licence is good practice, and words of advice were given to create and maintain an incident log. No challenge 21 posters were on display as per the conditions, so challenge 25 posters were provided to [REDACTED] at the time of the visit.

On the 20th June 2020, Police Community Support Officers in Worthing were called around lunchtime by Sussex Ambulance to attend Marine Parade, Goring seafront. Ambulance had been called to attend three children, a boy aged fourteen and two girls aged fourteen years of age, who were unwell due to consumption of alcohol. The officers who attended described the three children as "very drunk". The children had alcohol in their possession, and all three children were passed into the care of their parents after being medically assessed by paramedics.

The three children were questioned about the alcohol in their possession, and they stated that they had been supplied the alcohol (Glen Vodka, Echo Falls rose wine and a carton of pineapple juice) by OM Food & Wine earlier that morning. The three children then went to Goring seafront to consume the alcohol. The fourteen year old boy stated that he had not been asked for any age identification by the shop when purchasing the alcohol. What was particularly concerning was that the boy was clearly under 18, and the two girls with him looked at most their age of fourteen years and potentially even younger.

Officers immediately attended OM Food & Wine and asked to view the premises CCTV for that morning. The CCTV footage clearly showed at 11.38 the boy at the till purchasing the alcohol, with the two girls standing just behind him. It was noted that OM Food & Wine sold exactly the same brands of alcohol and pineapple juice as those taken from the three children on Goring seafront. The Designated Premises Supervisor for the shop, [REDACTED] was working in the shop at the time on his own. He admitted selling the alcohol to the fourteen year old boy. The attending officers asked to view the shop refusals book, and noted (remembering that this was the 20th June 2020) that the last entry in the refusals book was dated 31st May 2019, which was thirteen months earlier.

Sussex police subsequently liaised directly with the parents of the fourteen year old boy who had illegally been sold the alcohol by the premises. We have a copy of his passport which confirms his date of birth as 7th July 2005. So at the time of the sale the boy was aged fourteen and seventeen days before his fifteenth birthday. As the boy and the two girls are children we have a duty of care to protect them and their identity. It is not appropriate to either provide with this representation a copy of the birth certificate or still photographs of them inside taken from the CCTV inside OM Food & Wine at the time of the illegal sale of alcohol. We will however bring these pictures with us to the Committee hearing should members of the Committee wish to view them. We will also be happy for [REDACTED] [the Premises Licence Holder] to view the pictures by appointment at the police station prior to the Committee hearing should he wish to see them in advance. As already stated, Mr Patel has admitted selling the alcohol to the boy both to the officers who attended the shop on the 20th June 2020, and in

person to my police licensing team colleagues when he subsequently attended the police station with the Premises Licence Holder (PLH) [REDACTED]

Police licensing made contact with the PLH [REDACTED] on the 29th June 2020 in relation to the incident on the phone, and followed the call up with a letter (copy attached) the same day.

On Wednesday 19th August 2020 [REDACTED] attended our office at our request for a formal meeting to discuss the sale of alcohol to the children. [REDACTED] again admitted the sale of alcohol to the children and apologised for this action. It was explained that [REDACTED] (the PLH) owns the freehold of shop, and has given [REDACTED] a twenty year lease.

The conditions on the existing premises licence were discussed and it was pointed out by Sussex police that the existing conditions in annexe 2 of the premises licence are out of date by current accepted standards. [REDACTED] and [REDACTED] were presented by police with a pre prepared minor variation application form in the name of OM Food & Wine to remove the existing out of date conditions and replace them with new up to date conditions, including a modern CCTV condition, challenge 25 and staff training. In view of the recent serious failure to promote the licensing objectives when the DPS [REDACTED] sold alcohol to a fourteen year old boy without any age identification challenge, police requested that the PLH and DPS should themselves submit the completed minor variation form to Worthing Council with the accompanying £89 fee to update the licence conditions.

[REDACTED] was presented with a formal warning letter in relation to the sale to the fourteen year old boy, together with a list of recommendations to prevent further underage sales. [REDACTED] signed both documents (copies of which are attached to this representation), and copies were also given to [REDACTED] at the same time.

We note subsequently however that the minor variation was not submitted by [REDACTED] and Mr [REDACTED]. We sent an email to [REDACTED] on the 2nd September 2020 reminding him about the minor variation application, and inviting him to contact us to confirm their intentions with reference to the minor variation. We did not receive any response to our request, which when viewed in the light of the subsequent test purchase failure when alcohol was again sold to a child, is most unfortunate.

The premises was the subject of an unannounced visit by police licensing officers on the 12th January 2021. [REDACTED] was working in the shop. There was no part B of the premises licence clearly on display. Again there were no challenge 21 posters (or the challenge 25 posters previously supplied by police...) on display. The CCTV was viewed and it was confirmed that 26 days footage was retained on the hard drive, and not 31 days as per the licence condition. [REDACTED] said he would need time to fix the CCTV as the business was not making any money. He was trying to sell the business and move away.

[REDACTED] was asked to produce his refusals register and he showed a refusals register with three entries dated May, September and October 2020. [REDACTED] was asked if he had an electronic till prompt (a condition in annex 2 of the licence) to immediately flag up age restricted products when they were scanned through the till. [REDACTED] replied that he did not. However when officers picked up a bottle of wine and scanned it through the till, an automatic age restricted sales warning came up on the till computer screen. It is a matter of concern that Mr

██████ was apparently oblivious to this till prompt on his on till, even though presumably it flashes up every time an age restricted product is scanned through the till and expressly requires the seller to confirm the buyer is aged 18 or over before the sale can continue?

A follow up visit was conducted on the 21st January 2021 to check that the issues identified during the previous visit on the 12th January 2021 had been rectified. There was still no part B of the licence on display, and it was pointed out to ████████ that having a copy of part B on the side of a door at right angles to the public so they cannot see it did not comply with the requirement. ████████ was given more challenge 25 posters. ████████ stated that he had contacted a CCTV engineer to increase the memory on the CCTV hard drive to retain 31 days footage (and thus comply with the licence condition), but the engineer could not visit due to Covid-19. A follow up letter to ████████ was sent on the 21st January 2021, a copy of which is attached.

Due to the time that has expired since then a further unannounced licensing visit was arranged for the 7th April 2022 so a fair and up to date situation can be reported to the Committee in this representation. Mr Patel was working at the shop, and all the conditions on the licence were gone through. We can confirm on this visit that all the conditions on the licence were being complied with, including the data retention of 31 days on the CCTV hard drive.

Whilst it was reassuring to confirm that this month all of the conditions on the licence are being adhered to, Sussex police are nevertheless concerned that there has been a second proven sale of alcohol to a child. This was after the sale to the child in June 2020, which was followed by ████████ as the DPS and ████████ as the PLH coming in for a formal meeting with us, and both gentlemen being issued with a formal written warning in relation to the incident. We view the June 2020 incident with particular seriousness due to the appearance of the three children as evidenced from stills taken from ████████ own CCTV system when the sale was made. We passed the pictures to colleagues in our office and everyone having studied the pictures said that they are quite clearly children aged only around fourteen years old, and it was appalling that they had been supplied alcohol.

A further aggravating factor in this case is that both ████████ and ████████ did not submit the minor variation to Worthing Council as per our request to update the licence conditions to current modern standards. When we enquired about why the minor variation had not been submitted, we did not even get the courtesy of a reply. Then there is a further sale of alcohol to a child.

Sussex police note on reading the review application from Mr Aston at Trading Standards that:

- There was intelligence in January 2022 from a local secondary school that OM Food & Wine was “the place to go” for children to purchase age restricted products;
- A Trading Standards Officer visited the shop on the 25th January 2022 and gave advice face to face to Mr Patel on age restricted products and challenge 25;
- On the 23rd February 2022 during a controlled test purchase operation, Mr Patel then sold alcohol to a fifteen year old child.

The revised S.182 Guidance to the Licensing Act 2003 (April 2018) issued by The Home Office states:

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

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 victim. 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.

There is also in breach of the S.182 Statutory Guidance as follows:

Age verification

10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to be responsible persons (see paragraph 10.39) to be under the age of 18 years of age to produce, on request, before being served alcohol, identification bearing their photograph, date of birth and either a biographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) logo as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.

10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.

10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy. 10.49 It is acceptable and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to be responsible persons to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.

Mr Patel has also clearly breached the conditions in annexe 2 of his own premises licence and has committed a criminal offence under S.146 of The Licensing Act 2003 by selling alcohol to a child. These points are all detailed in the review application from Trading Standards.

The concluding two paragraphs of the Trading Standards representation state:

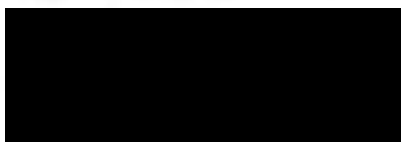
In view of the above, the Responsible Authority do not have confidence that the licensing objectives will be promoted by the carrying on of licensable activities at these premises and deem it both proportionate and necessary to invite the committee to consider a review of the premises licence, to limit further criminal activity by the licence holder and to act as a deterrent to other operators considering such illegal conduct.

As underage prevention advice had been provided before the sale of alcohol was made to a Trading Standards volunteer, the Responsible Authority suggest that an appropriate outcome of the review would be revocation of the alcohol licence.

If we add the sale of alcohol to the children in June 2020 which was followed by a formal warning to the DPS and PLH to the events in January and February 2022, then it is inevitable that Sussex police fully support the stance taken by Trading Standards in this case, and also invite the Committee to consider revoking the premises licence for the reasons stated above.

Unfortunately in the case of both sales to children, Trading Standards and police have attempted to work with and assist Mr Patel, and yet still alcohol is sold to children.

Yours sincerely,



Inspector David Derrick CD295
West Sussex Licensing Inspector
Sussex Police

Encs

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN

[Empty box for URN]

Occurrence Number: 47200101358

Statement of: [Redacted]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: POlice Community Support 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: [Redacted]

Date: 14/04/2022 09:31

Tick if witness evidence is visually recorded

This statement relates to an incident that occurred nearly 2 years ago. Luckily I used this incident as part of my One File Occupational Competency Portfolio for my Apprenticeship Diploma so I can recall it pretty well.

I am a serving Police Community Support Worker based in Worthing at Chatsworth Road Police Station and on Saturday 20th June 2020 I was working in full uniform and operating under the call sign WWJ09.

A report came in from the Ambulance service that some teenagers had been found extremely intoxicated and they were wandering dangerously around Goring Gap throwing up and collapsing and Police needed to attend.

I attended with a colleague and spoke to the Ambulance team to get the full details. Three youths, 2 females and a male all aged around 14 years old had been found staggering around being sick and a member of the public had called the Ambulance. I spoke to the 14 year old male who was stood with his mother while one of the females was being attended to in the Ambulance. He told me that he had met up with the two girls at Worthing Station and they had walked up Clifton Road to the shop called Clifton Food and Wine and bought a bottle of Vodka.

He had approached the till and asked for the Vodka which is kept behind the till and the male shopkeeper had not at any time asked him for any ID. He had been asked to move down towards the end of the till point before the Vodka was handed over to him and the shopkeeper told him to put it straight into his rucksack.

I went and found the empty vodka bottle to keep as evidence and then went straight to Clifton Food and Wine and spoke with the manager. He wasn't very helpful about me viewing the CCTV and was very dismissive about the fact he had sold alcohol to an underage child. I asked to see the Alcohol licence from the shop and the refusals book but the manager didn't seem to understand me very well as spoke very poor English. There was no refusal's book and he was reluctant to let me watch the CCTV claiming he wasn't sure how the system worked.

I viewed the CCTV and could clearly see the youths come into the shop, the male point to something on the shelf behind the manager and then the manager take a bottle off the shelf and then walk to the end of the counter and the male youth followed him. The CCTV then didn't cover the end of the counter which I believe is why the manager moved to that area to complete the transaction.

I took a few screenshot photographs of the youths in the shop for evidence and then went back to the station and I researched Innkeeper which is the Sussex Police system database which holds all premises licence details and found out the owner of the shop. I looked at his conditions and emailed the licensing Police Officer to inform him what had happened.

I arranged to take a statement from the youth at a later date and when I visited him to take this he stated once again that he was not asked for any ID at any time.

This statement has been written at Chatsworth Road Police Station on 14th April 2022 and recalls the incident to the best of my ability at this time.

Review application for OM Food & Wine

1 message

[Redacted]

Simon,

Please find attached **part** of our supporting representation and evidence documents for the above review application by Trading Standards.

I am having technical problems sending you the entire pack in one email. Therefore I will hand deliver through the council letter box at Portland House on Saturday the entire pack. Please can you make a diary note for Tuesday to ensure you have received it internally within your office as the deadline for reps is the following day.

[Redacted]

Thanks.

[Redacted]

David Bateup
Police Licensing Officer

Direct Dial: [Redacted]

Licensing office: 01273 40 40 30

david.bateup@sussex.pnn.police.uk

You can report crime and incidents online at

<https://www.sussex.police.uk/report-online>

We want to know your views - see what's new and give us your feedback and suggestions at www.sussex.police.uk

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Police supporting rep 14.04.22 part 1.pdf

9646K

----- Forwarded message -----

From: **Peter Aston** <peter.aston@westsussex.gov.uk>

Date: Tue, 19 Apr 2022 at 13:08

Subject: RE: LA 2003 Premises Licence Review Application - Om Food & Wine, Worthing

To: Simon Jones <simon.jones@adur-worthing.gov.uk>

Cc: A&W Licensing Unit <licensing.unit@adur-worthing.gov.uk>

Dear Simon,

Please find attached our evidence bundle for the licence review on the 8th June.

Regards

Peter

Peter Aston

Trading Standards Team Manager

Trading Standards, West Sussex County Council

4th Floor, Parkside, Chart Way, Horsham, West Sussex, RH12 1XH

Reception: 01243 642124

E-mail: peter.aston@westsussex.gov.uk | Web: www.westsussex.gov.uk

From: Simon Jones <simon.jones@adur-worthing.gov.uk>

Sent: 24 March 2022 15:32

To: [REDACTED]

Cc: A&W Licensing Unit <licensing.unit@adur-worthing.gov.uk>; Peter Aston <peter.aston@westsussex.gov.uk>

Subject: LA 2003 Premises Licence Review Application - Om Food & Wine, Worthing

****EXTERNAL****

Dear Mr Kodeswaran

Re: LA 2003 Premises Licence Review Application

Premises: Om Food & Wine, 123 Clifton Road, Worthing, West Sussex, BN11 4DP (formerly known as Clifton Food & Wine)

Premises Licence No: [REDACTED]

Licence Holder: [REDACTED]

Designated Premises Supervisor: [REDACTED]
Applicant: West Sussex Trading Standards Service

Please see attached an application from Trading Standards for a Review of the above Premises Licence. The application is seeking revocation of the licence. I've enclosed a copy of the application. The application contends that the licence holder has failed to promote the licensing objectives by selling alcohol to persons under 18 years of age in contravention of Section 146 of the Licensing Act 2003 during a test purchase operation.

When considering an application for a review the following options are available to the Licensing Authority:

- 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
- Revocation of the licence.

In this instance, as stated, Trading Standards are seeking the revocation of the licence.

The application will now be subject to a 28 day consultation period closing at midnight on 20 April 2022. During which time the Responsible Authorities and public can make written representation regarding the application.

A hearing has been pencilled in for the Licensing & Control Committee to consider this application for 18 May 2022 at 18.30 hrs though this is subject to confirmation. The Legal Notices confirming the hearing will be sent to you 10 working days prior to the hearing together with the committee papers & reports and will include all relevant representations, both for and against the application, received within the consultation period.

You are welcome to forward any written information to support your case you want presented to the Licensing & Control Committee at any time prior to the hearing date but I must stress any representations from the public must be made in writing directly to the Licensing Unit prior to the close of consultation on 20 April to be accepted.

In addition the Licensing Act 2003 encourages mediation and you, or your solicitor, might want to consider contacting Trading Standards to see if a mediated solution to this matter could be found though I should point out that a Licensing & Control Committee hearing must now take place even if a mediated agreement is reached but if a mutually agreeable solution can be found then the Licensing & Control Committee would be recommended to impose that agreement.

You will be expected to attend the hearing and will be given the opportunity to address the Committee. You can be represented at the hearing but if you do not attend, the hearing may go ahead without you. When dealing with a Licensing Act 2003 Review application I would always advise the Licence holder to take independent legal advice. Information regarding licence reviews can be found at: <https://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/reviews-and-hearings/>

Any queries please do not hesitate to contact me.

Regards

Team Leader - Licensing, Adur & Worthing Councils
Phone: 01273 263191
Email: simon.jones@adur-worthing.gov.uk
Website: <http://www.adur-worthing.gov.uk/licensing-and-permits/>
Address: Environmental Health, Public Health & Regulation
Portland House
Worthing
BN11 1HS



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This email and any attachments are confidential and intended solely for the persons addressed. If it has come to you in error please send it back to us, and immediately and permanently delete it. Do not use, copy or disclose the information contained in this message or in any attachment. Whilst every care has been taken to check this e-mail for viruses, it is your responsibility to carry out checks upon receipt.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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off duty
Wednesday 23rd Feb 22
on duty

Clifton Food + Wine,
123 Clifton Rd, Weaving
BN11 4SP
Entered @ 1450

no longer than
entered, + put a
x WKB blue on
counter, Mate behind
counter was on phone.

Stopped conversation
+ told person on
phone he had
customer. Served
volunteer, gave her
change + didn't
ask any Qs.

LD/CR/01 = 2 x WKB
Blue (275ml) ———
seal - MPO0110115. ———

Returned to premises

@ 1505 -- Advised
 male I had witnessed
 sale of alcohol to
 a minor. ABB present.

1507 - cautioned male +
 confirmed understood
 caution. Male said
 he understood that
 I was with volunteers.
 Seller - [REDACTED]

[REDACTED] DOB - [REDACTED]
 123 CLIFTON RD, WORTHING,
 BN11 6AP. Director of
 OM Food + Wine Limited,
 checked refusals log
 - last entry 12/2/22.

[REDACTED]
 just male + wife
 working. Fam - 11pm
 nearly every day.
 gave examples of
 age restricted products.
 Explained Challenge 25
 policy - posters, premises
 confirmed volunteer
 looked 16 - said it was
 his fault. Till prompt
 worked for volunteer
 inspected refusals log
 + checked till prompts
 lead back as with
 him + he said he

32

thought she looked 19/20
ADD mentioned challenge
as + why didn't ask
for ID - because she
~~she~~ looked 19/20,
left premises @ 15:01.

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Trading Standards Service
 Parkside
 Chart Way
 Horsham
 RH12 1XH
 Tel: (01243) 642124
 trading.standards@westsussex.gov.uk

Officer's Contact Details:

No. 3613

@westsussex.gov.uk

Proprietor: OM FOOD & WINE LTD
 Trading Name: CLIFTON FOOD & WINE
 Address: 123 Clifton Rd

Registered Office: _____
 Mobile: _____
 Email: _____
 Website: _____
 Type of Business: _____

BV11 4DP

- | | | |
|---|--|--|
| <input type="checkbox"/> Animal Health Act 1981 | <input type="checkbox"/> Consumer Protection from Unfair Trading Regulations 2008 | <input type="checkbox"/> Explosives Regulations 2014 |
| <input type="checkbox"/> Consumer Protection Act 1987 | <input type="checkbox"/> Dangerous Substances & Explosive Atmospheres Regulations 2002 | <input type="checkbox"/> Animal Feed (Hygiene, Sampling etc. & Enforcement) (England) Regulations 2015 |
| <input type="checkbox"/> Consumer Rights Act 2015 | <input type="checkbox"/> General Product Safety Regulations 2005 | <input checked="" type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Trade Marks Act 1994 | <input type="checkbox"/> Health & Safety at Work etc. Act 1974 | |
| <input type="checkbox"/> Weights & Measures Act 1985 | <input type="checkbox"/> Petroleum (Consolidation) Regulations 2014 | |

TOBACCO & Related Products

This report covers a summary of the inspection and does not indicate full compliance with any legislation. In case of dispute, contact the Service address above.

FOOD STANDARDS INSPECTION REPORT

Food Safety Act 1990 | Food Safety & Hygiene (England) Regulations 2013 | Food Information Regulations 2014

- | | | | | |
|---------------------------------------|---|---|---|---|
| <input type="checkbox"/> Records | <input type="checkbox"/> Specifications | <input type="checkbox"/> Production Process | <input type="checkbox"/> Composition, Labelling, Presentation | <input type="checkbox"/> Product Design & Recipe |
| <input type="checkbox"/> Traceability | <input type="checkbox"/> Stock Rotation | <input type="checkbox"/> Completed Product | <input type="checkbox"/> Quality / Management Systems | <input type="checkbox"/> Recall / Relabelling Systems |

Corrective actions & timescales (legal requirements)

Discussed Challenge 25. & keeping refusals last entry in Oct 20 advised to use regularly, everytime ask a person for ID. discussed Under ABE sales Test Purchase.

Failure to comply with legal requirements may constitute an offence and may lead to enforcement action.

Comments and recommendations

discussed FACE MASK - OK TO ASK PERSON TO REMOVE MASK.

Actions to be taken by Officer

Guidance to follow

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STATEMENT OF WITNESS

*(Criminal Procedure Rules 2015, Rule 16.2,
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: [REDACTED]

Age of Witness: Over 18

Occupation of Witness: Senior Trading Standards Officer

This statement (consisting of 3 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.

Dated: 03/03/2022

Signed [REDACTED]

I am a Senior Trading Standards Officer employed by West Sussex County Council.

On 23rd February 2022, I participated in an underage sales operation accompanied by my two colleagues [REDACTED] (Trading Standards Officer) and [REDACTED] (Trading Standards Officer). A 15-year-old female volunteer was also working under the instruction and supervision of Trading Standards. The purpose of the operation was to ensure West Sussex businesses were compliant in that they were not selling age restricted products to children under the age of 18.

Prior to visiting any of the premises, [REDACTED] and I collected the volunteer and briefed her, and took photographs of her appearance that day. The volunteer was assigned the unique code '6NB' to protect her identity. At the time of the operation, it was no longer mandatory to wear Covid-19 face coverings and the volunteer chose not to wear one for this operation.

At approximately 1450 hours, as part of the operation, I entered Clifton Food and Wine, 123 Clifton Road, Worthing, West Sussex, BN11 4DP. As I entered, I saw

and heard that the male working in the shop and who was behind the till area at the time, was on his mobile phone. I browsed around the shop acting as a normal customer would until a few moments later, when the volunteer entered the shop. At this point, I positioned myself near to the till area and I witnessed the volunteer take two bottles of WKD Blue to the till. I heard the male working behind the till advise the person he was on the phone to that he had a customer. I witnessed him sell the two bottles of WKD Blue to the volunteer without asking her any questions whatsoever. The volunteer exited the premises and I then paid for my products and left too. I returned to the support vehicle with my colleagues and the volunteer and [REDACTED] passed me the two bottles of WKD Blue that he had placed into an evidence bag. I completed the information on the evidence bag and gave it the following reference which I now produce as evidence:

LD/CR/01 – 2 x WKD Blue (275ml) – seal. MC00110115

At approximately 1505 hours David Dutton and I returned to Clifton Food and Wine, 123 Clifton Road, Worthing, West Sussex, BN11 4DP and I introduced us both to the male working behind the till counter and explained the reason for the visit. The male informed me that his name was [REDACTED] (dob 09/06/1971) and that he was the director of OM Food and Wine Ltd t/a Clifton Food and Wine. I cautioned him at approximately 1507 hours and asked him some questions that were recorded in my pocket notebook. I asked [REDACTED] if he remembered selling the alcohol to the volunteer and he said that he did but he thought that the volunteer was with me in the shop. He initially told me that he thought the volunteer looked 16, but further into the conversation, said that he thought she looked 19 or 20.

I checked the systems the shop had in place to prevent the sale of an age restricted product taking place and noted these in my pocket notebook.

[REDACTED] and I left the premises at approximately 1521 hours.

I now produce as evidence a photocopy of my pocket notebook for the incident as exhibit **LD/CR/02**.

Address: WSCC, Parkside, Chart Way, Horsham, RH12 1XH

Email address: [REDACTED]

Mobile number: [REDACTED]

Other number(s): [REDACTED]

Date and place of birth: [REDACTED]

Married name: [REDACTED]

Female

Dates to be avoided. Delete dates of non-availability of witness:

| Month of : January | | | | | | | Month of : February | | | | | | | Month of : March | | | | | | |
|--------------------|----|----|----|----|----|----|---------------------|----|----|----|----|----|----|------------------|----|----|----|----|----|----|
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| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | |
| Month of : April | | | | | | | Month of : May | | | | | | | Month of : June | | | | | | |
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| 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | |

Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated: 03/03/2022

Signed [REDACTED]

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2015, Rule 16.2,
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF:

[REDACTED]

Age of Witness: Over 18

(If over 18 enter "over 18")

Occupation of Witness: TRADING STANDARDS OFFICER

This statement (consisting of one page 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.

Dated the 3rd day of March 2022

Signed

[REDACTED]

I am a Trading Standards Officer employed by West Sussex County Council

On 23 February 2022, I participated in an underage sales operation accompanied by my two colleagues [REDACTED], a Trading Standards Officer and [REDACTED] a Senior Trading Standards Officer. A 15-year-old female volunteer was also working under the instruction and supervision of Trading Standards. The purpose of the operation was to ensure West Sussex businesses were compliant in that they were not selling age restricted products to children under the age of 18.

At approximately 14.50 hours, as part of the operation, I witnessed [REDACTED] enter Clifton Food And Wine, 123 Clifton Road, Worthing, West Sussex, BN11 4DP. Shortly after, the volunteer also entered the shop. Approximately a few minutes later, the volunteer exited the shop carrying two bottles of Blue WKD Vodka which she passed straight to [REDACTED] who placed both bottles into an Evidence Bag. [REDACTED] then exited the premises and we all returned to the support vehicle.

[REDACTED]

Address: West Sussex County Council
 Trading Standards Service
 County Hall North
 Parkside, Chartway
 Horsham, West Sussex RH12 1XH

Email address: [REDACTED]

Mobile number: [REDACTED]

Other number(s): [REDACTED]

Date and place of birth: [REDACTED]

Maiden name:

~~Male~~ / Female

Dates to be avoided. Delete dates of non-availability of witness:

| | | | | | | | | | | | | | | | | | | | | |
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Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 3rd day of March 2022

Signed [REDACTED]

STATEMENT OF WITNESS

(Criminal Procedure Rules, Rule 16.2,
Criminal Justice Act 1967, s. 9)

STATEMENT OF: [REDACTED]

Age of witness (if over 18, enter "over 18"):

Occupation of Witness: Trading Standards 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.

Dated the 3rd day of March 2022

Signed [REDACTED]

I am a Trading Standards Officer employed by West Sussex County Council. On the 25th January 2022 I visited Clifton Food and Wine, 123 Clifton Road, Worthing, West Sussex following a complaint that the shop was selling e-cigarettes to children. I spoke to the shop owner, [REDACTED]. I told [REDACTED] that we had received a complaint about the sale of disposable e-cigarettes to children. [REDACTED] disputed this and said he always asks for ID. I asked to see the refusals register and saw that the most recent entry was October 2020. I advised [REDACTED] to ensure that he checks ID when he suspects customers are under 18 and attempting to purchase age restricted products and to keep a record of such challenges in the refusal register. I spoke to [REDACTED] about the challenge 25 policy. I advised that [REDACTED] could ask customers to remove their face masks if he needed to verify their age and ID. There was another man with [REDACTED] in the shop who was explaining to Mr [REDACTED] the advice I had given to him, in another language. I left a visit form confirming the advice. On the 23rd February 2022, I took part in an underage sales operation accompanied by my two colleagues Dawn Dowling, a Trading Standards Officer and [REDACTED] a Senior Trading Standards Officer. An underage volunteer was also present during the operation and worked under the guidance of Trading Standards Officers. The purpose of the operation was to ensure West Sussex businesses were

compliant in that they were not selling age restricted products to children under the age of 18.

At approximately 2.50pm, I witnessed [REDACTED] enter Clifton Food and Wine, shortly after, the volunteer also entered the shop. A few minutes later, I saw the volunteer come out of the shop holding two bottles of Blue WKD. The volunteer passed the two bottles to me, which I placed in an evidence bag with the reference number MC00110115. I then saw [REDACTED] come out of the shop and we all returned to the car. I handed the evidence bag with the alcohol to [REDACTED]. I returned to the shop with Ms [REDACTED], and I saw her explain the reason for our visit. I saw that [REDACTED] was working behind the counter, I then saw [REDACTED] caution [REDACTED] and proceeded to ask a number of questions about the sale of alcohol. I also saw Ms [REDACTED] record the questions and answers in her note book.

Statement obtained by (print name):

Witness details

Address: Trading Standards, Parkside, Chart Way, Horsham, West Sussex, RH12 1XH

Email address: [REDACTED]

Mobile number:

Other number(s): [REDACTED]

Date and place of birth: [REDACTED]

Maiden name:

Dates to be avoided. Delete dates of non-availability of witness:

| | | | | | | | | | | | | | | | | | | | | |
|------------|----|----|----|----|----|----|------------|----|----|----|----|----|----|------------|----|----|----|----|----|----|
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| 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | |

Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 3rd day of March 2022

Signed [REDACTED]

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STATEMENT OF WITNESS

*(Criminal Procedure Rules, Rule 16.2,
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

Occupation of Witness: Teacher

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 in it anything which I know to be false or do not believe to be true.

Dated: [REDACTED]

Signed [REDACTED]

I am a teacher at Steyning Grammar School, Shooting Field, Steyning, West Sussex, BN44.

In January 2022, a student at Steyning Grammar School who was under the age of 18, was found in possession of a vape. The vape was confiscated and disposed of and the student was questioned. The student informed me that he had purchased the vape from Clifton Food and Wine, 123 Clifton Road, Worthing, BN11 4DP and that this shop regularly sold vapes to underage customers. The student told me that this was 'the place to go' as they do not ask questions. The student advised me that he had travelled to the shop from outside of Worthing to purchase the vape and had purchased vapes on a number of occasions from this premises, with the most recent purchase on 8th January 2022.

Statement obtained by (print name): [REDACTED] (Senior Trading Standards Officer)

Witness details

Address: Steyning Grammar School, Shooting Field, Steyning, West Sussex, BN44 3RX

Email address: [REDACTED]

Mobile number: n/a

Other number(s): [REDACTED]

Date and place of birth: [REDACTED].

Maiden name: n/a

Dates to be avoided. Delete dates of non-availability of witness:

| Month of : April | | | | | | | Month of : May | | | | | | | Month of : June | | | | | | |
|------------------|----|----|----|----|----|----|-------------------|----|----|----|----|----|----|----------------------|----|----|----|----|----|----|
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| 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | |
| Month of : July | | | | | | | Month of : August | | | | | | | Month of : September | | | | | | |
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| 8 | 9 | 10 | 11 | 12 | 13 | 14 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | |

Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated:

Signed

