

**Minutes of a Meeting of the  
Licensing and Control Sub-Committee 'B' of  
Adur District Council  
QE11 Room, Shoreham Centre  
25 April 2023 at 6.30 pm**

Councillor Vee Barton (Chair)

Councillor Tony Bellasis

Councillor Jude Harvey

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**LSC/1/22-23                      Declaration of Interests / Substitute Members**

There were no substitute members. There were no declarations of interest.

**LSC/2/22-23                      Exclusion of the Press and Public**

**Resolved:** that under section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A to the Act indicated against the item.

**LSC/3/22-23                      Licensing Act 2003 –    Review of a Premises Licence under section 51 of the Licensing Act 2003.**

Before the Committee was a report by the Director for Communities, a copy of which had been circulated to members. The report before Members detailed a request for a review of a premises licence. The review application had been made by West Sussex Trading Standards.

The Committee carried out the procedure laid before it.

*The meeting adjourned at 7:45pm for the members to go into closed session and consider their decision*

**Resolved:** Revoke the premise licence.

**The reason for the decision is:**

The Committee have carefully considered the written and oral evidence before them in reaching its decision.

The Committee were concerned that the premise licence had only been granted since September 2022 and only a month later on 14th October 2022 there was a complaint from a parent that their 14 year old child had been sold alcohol and vapes from this premise. The child alleged that it was widely known in Lancing that this premise sold age restricted products to children. The Licence holder asked for evidence his store had in

fact sold the alcohol to the 14 year old and the committee accept this however this report led to trading standards investigating the premise.

The Committee understood that on the 8th November 2022 trading standards visited and provided advice and a verbal warning was given to the licence holder's store. On the 11th November trading standards wrote to the store and reminded them of their obligations and provided further advice.

On the 23rd November alcohol was sold to a 17 year old Trading Standards test operative without any questions about their age.

The committee do not accept the licence holder's explanation that they had never worked in a shop and that accidents happen. The Licence holder is also the DPS and they had received training in order to be a DPS on what was required. It was their responsibility to ensure staff were trained and the licence conditions were being adhered to.

The Committee do not accept the licence holder explanation that a burglary had led to counterfeit tobacco products being found on the premises as the burglar had left these at the premise. It did not accept the explanation that the licence holder did not know it was an offence to then sell these products or that they were indeed counterfeit products.

The committee accepts the evidence that on the 9th December 2022 the sale of counterfeit cigarettes took place to an undercover Trading Standards Inspector and again on the 15th December and that on the 15th December 2022 illicit tobacco and illegal vapes were also seized. It also accepts that the sale of counterfeit cigarettes to an undercover Trading Standing Standards Officer also occurred on the 14th February 2023.

The Committee had regard to the Guidance from the Home Secretary issued under Section 182 of the Licensing Act 2003 (amended December 2022) under Section 11.18 which advises where a warning has already been issued that licensing authorities should not merely repeat that approach. A warning both verbal and in writing had been given in this case on the 8th and 11th November 2022.

The Committee also considered the Guidance from the Home Secretary issued under Section 182 of the Licensing Act 2003 (amended December 2022) under 11.21 to remove the DPS unless the cause of the problem was poor management. In this case the Committee found poor management as the management was the DPS.

The Committee finally considered the Guidance from the Home Secretary issued under Section 182 of the Licensing Act 2003 (amended December 2022) under 11.27 that criminal activity that may arise in connection with licensed premises should be treated particularly serious namely illegal purchase and consumption of alcohol by minors and sale or storage of smuggled tobacco as in this case.

Therefore the Licencing Committee believe it is proportionate and necessary to revoke the premise licence to ensure that the licensing objectives are upheld.

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The meeting ended at 9.00 pm

**Chair**