



WORTHING BOROUGH
C O U N C I L

21 August 2023

Worthing Licensing and Control Sub-Committee B

Date:	30 August 2023
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

Committee Membership: Councillors Henna Chowdhury, Cathy Glynn-Davies and Richard Nowak

Agenda

Part A

1. Declarations of Interest / Substitute Members

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

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

2. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by **midday** on **Thursday 24 August 2023**.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services - democratic.services@adur-worthing.gov.uk

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

3. Members questions

Pre-submitted Members questions are pursuant to rule 12 of the Council & Committee Procedure Rules.

Questions should be submitted by **midday** on **Thursday 24 August 2023** to Democratic Services, democratic.services@adur-worthing.gov.uk

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

4. Licensing Act 2003 – Application for the Review of the Premises Licence under Section 51 (Pages 3 - 76)

To consider a report by the Director for Sustainability & Resources, copy attached as item 4.

Recording of this meeting Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will remain on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).	
For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221006 katy.mcmullan@adur-worthing.gov.uk	David Jones Lawyer 01903 221093 david.jones@adur-worthing.gov.uk

Duration of the Meeting: Three 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 Sub-Committee

30 August 2023

Ward: Tarring

Licensing Act 2003

Application for the Review of the Premises Licence under Section 51

**Tarring News & Wine
3-4 Market House
Church Road
Worthing, BN13 1HF**

Report by the Director for Sustainability & Resources

1. Recommendation

- 1.1 That a Sub-Committee of the Licensing & Control Committee 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

Mr. Gowriedas Kodeswaran

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 Mr. Kodeswaran since April 2006.
- 3.2 Tarring News & Wine is situated in a small parade of 3 terraced shops in a mixed commercial & residential area. In addition to the above store the parade consists of a barber shop and cafe. Opposite, to the north, are the George & Dragon public house and a cafe and across the road to the east is a performing arts studio.
- 3.3 The area is densely populated with residential dwellings including flats above most of the shops.
- 3.4 Tarring News & Wine occupies a ground floor end of 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 13 July 2023.
- 3.6 The current DPS of the venue is Mr. Gowriedas Kodeswaran, the licence holder, and he has been in post since the licence was first granted and he holds a Personal Licence issued by the [REDACTED]
- 3.7 Applications to transfer the premises licence and nominate a new DPS were received by the Licensing Unit on 15 August 2023. The proposed new licence holder is SJ Harish Ltd. and the proposed DPS is [REDACTED] who holds a Personal Licence issued by [REDACTED]
- 3.8 A map & photos of the area are attached. (Appendix A)
- 3.9 A plan of the premises is attached. (Appendix B)
- 3.10 The current Premises Licence is attached (Appendix C) and allows:
- Sale of alcohol for consumption off the premises between:
 - 07.00hrs and 23:00 hrs Monday - Sunday
 - Hours the premise can open to the public:
 - 07.00hrs and 23:00 hrs Monday - Sunday

4. The Application

- 4.1 The application for a review of the licence is due to representations made that the licence holder is undermining the licensing objectives. The application is attached. (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 16 year old trading standards volunteer carried out on 24 May 2023.

4.4

[REDACTED]

4.5

[REDACTED]

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 objective, 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."*

Protection of Children from Harm

- 4.31 *The wide range of premises that require licensing means that children can be expected to visit many of these, perhaps on their own, for food and/or entertainment.*
- 4.32 *While the 2003 Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm. In particular the following are examples of situations that will raise concern where:*

- *there have been previous convictions for serving alcohol to minors or with a reputation for underage drinking*
- *there is a known association with drug taking or dealing*
- *there is a strong element of gambling on the premises*
- *entertainment of an adult or sexual nature is commonly provided*
- *the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.*

4.33 *Following relevant representations the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:*

- *Limitations on the hours when children may be present*
- *Age limitations (below 18)*
- *Limitations or exclusion for all or part of the premises when certain activities are taking place*
- *Requirements for an accompanying adult*
- *Full exclusion of people under 18 from the premises when particular licensable activities are taking place*

4.34 *No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will remain a matter for the discretion of the individual licence holder. However, the Licensing Authority will liaise closely with West Sussex County Council Trading Standards and Sussex Police who monitor and prosecute the suppliers of alcohol to the “underage” population and will co-operate fully with the Adur & Worthing Safer Communities Partnership so that intelligence gathering exercise can inform strategic planning and action.*

4.35 *It is an offence to:*

- *Sell alcohol to someone under 18 years of age anywhere.*
- *For an adult to buy or attempt to buy alcohol on behalf of someone under 18. (Retailers can reserve the right to refuse the sale of alcohol to an adult if they’re accompanied by a child and think the alcohol is being bought for the child.)*
- *For someone under 18 to buy alcohol, attempt to buy alcohol or to be sold alcohol.*
- *For someone under 18 to drink alcohol in licensed premises, except where the child is 16 or 17 years old and accompanied by an adult. In this case it is legal for them to drink, but not buy, beer, wine and cider with a substantial table meal.*
- *For an adult to buy alcohol for someone under 18 for consumption on licensed premises, except as above.*
- *To give children alcohol if they are under five.*

It is not illegal:

- For someone over 18 to buy a child over 16 beer, wine or cider if they are eating a table meal together in licensed premises.
- For a child aged five to 16 to drink alcohol at home or on other private premises.

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

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 2 representations from Responsible Authorities:

- Sussex Police
- WSCC Public Health

There were no representations from the public.

- 7.2 Sussex Police have in their representation supported the Trading Standards application and given details of their own enforcement work. Based on the failed test purchases at two of Mr Kodeswaran's premises Sussex Police have shared their concerns regarding the operation of these premises. The Police contend that the premises licence should be revoked but if the decision of the committee was to allow the continued licensing of the premises have suggested a raft of new modernised conditions that could be imposed to ensure that the premises promotes the licensing objectives. (Appendix E)

- 7.3 West Sussex County Council's Public Health Dept. have in their representation expressed their support of the application and provided detailed information regarding the harm to children caused by underage alcohol sale. The Public Health Team states that in view of the information provided by the applicant they are supportive of the recommendations made by Trading Standards which seek to limit further criminal activity and to promote the licensing objectives.

- 7.4 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.

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 to members 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 holder, the applicant and the representors.

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 – July 2023) 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 drug 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 Mr Gowriedas Kodeswaran at the Tarring News & Wine store situated in Church Road, Tarring. Members are requested to give reasons for their determination.**

**Director for Sustainability & Resources
Paul Brewer**

Principal Author and Contact Officer:

Simon Jones

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

Background Papers:

- Licensing Act 2003
<https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Guidance issued under section 182 of the Licensing Act 2003 (revised 20 Dec 2022)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1174009/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_July_2023_.pdf
- Worthing Borough Council's Statement of Licensing Policy
<http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/policy-and-forum/>

Appendices:

- Appendix A - Map & photos of the area.
- Appendix B - Plan of the premises.
- Appendix C – Tarring Food & Wine's Premises Licence.
- Appendix D – WSCC Trading Standard's Review Application
- Appendix E – Responsible Authority Representations
- Appendix F - Trading Standards Supporting Evidence

Adur & Worthing Public Health & Regulation Licensing Unit

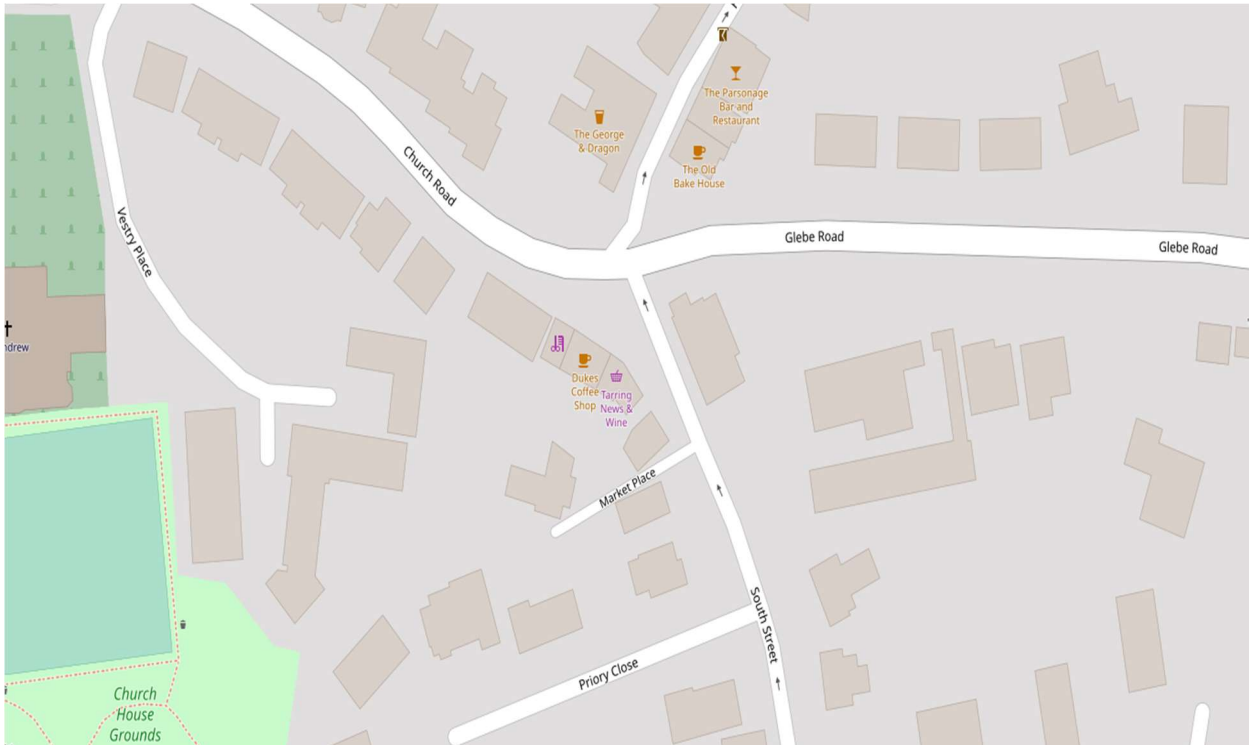
Town Hall, Worthing

Ref: SJ/Lic.U/LA03/Review – Tarring News & Wine

Date: 16 August 2023.

Appendix A – Map & Photos of Area

Appendix A – Map & Photos of Area

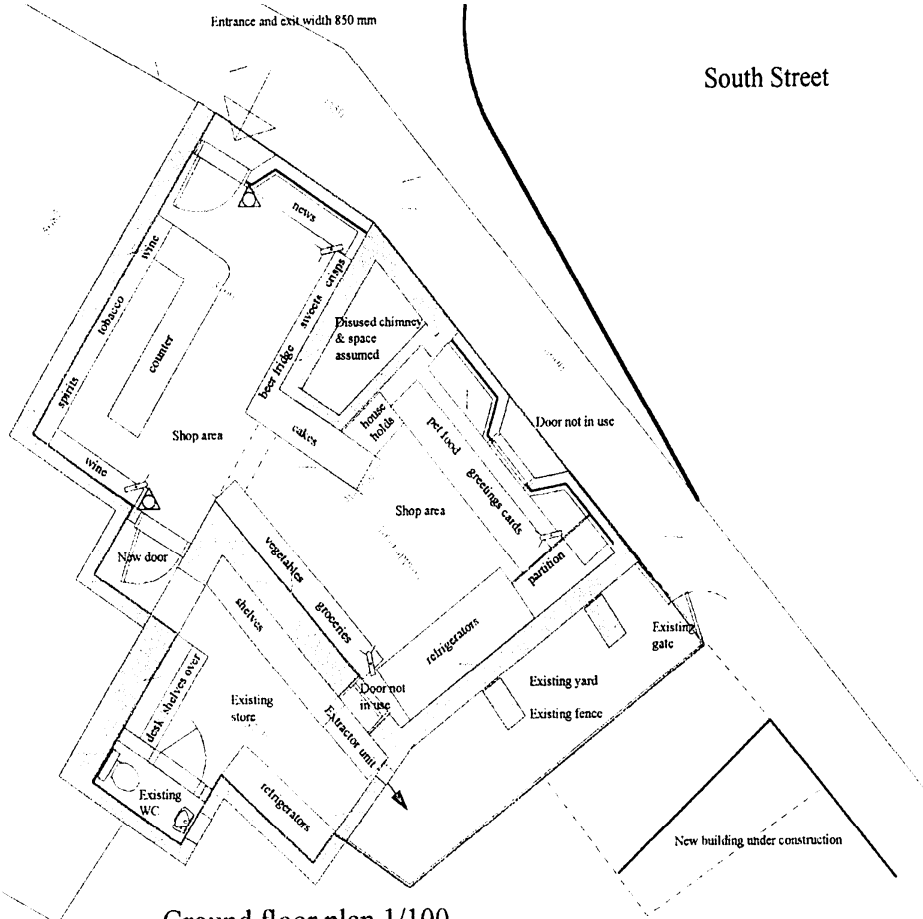




Appendix B – Plan of Premises





2 Market House
 Extent of neighboring properties is taken from OS map and is not guaranteed accurate

South Street



Ground floor plan 1/100

Key

-  Monitor
-  CCTV
-  Fire fighting equipment
Aqueous film forming foam extinguisher
-  Blue line shows perimeter of the premises, subject to this application (it is not intended to show a legal ownership boundary) on Location plan 1:1250 and floor plan 1:100

Note about this drawing.

The information used to produce this drawing has been surveyed to a limited extent.
 The dimensions measured include: the shop front, internal wall lengths and diagonals, where access was possible.
 The wall thicknesses are indicative and have not been measured.
 No responsibility can be accepted for inaccuracy where access for measurement was not possible.
 The purpose of this drawing is to show the internal layout of the shop for an application to the Licensing Authority under the Licensing Act 2003 only.

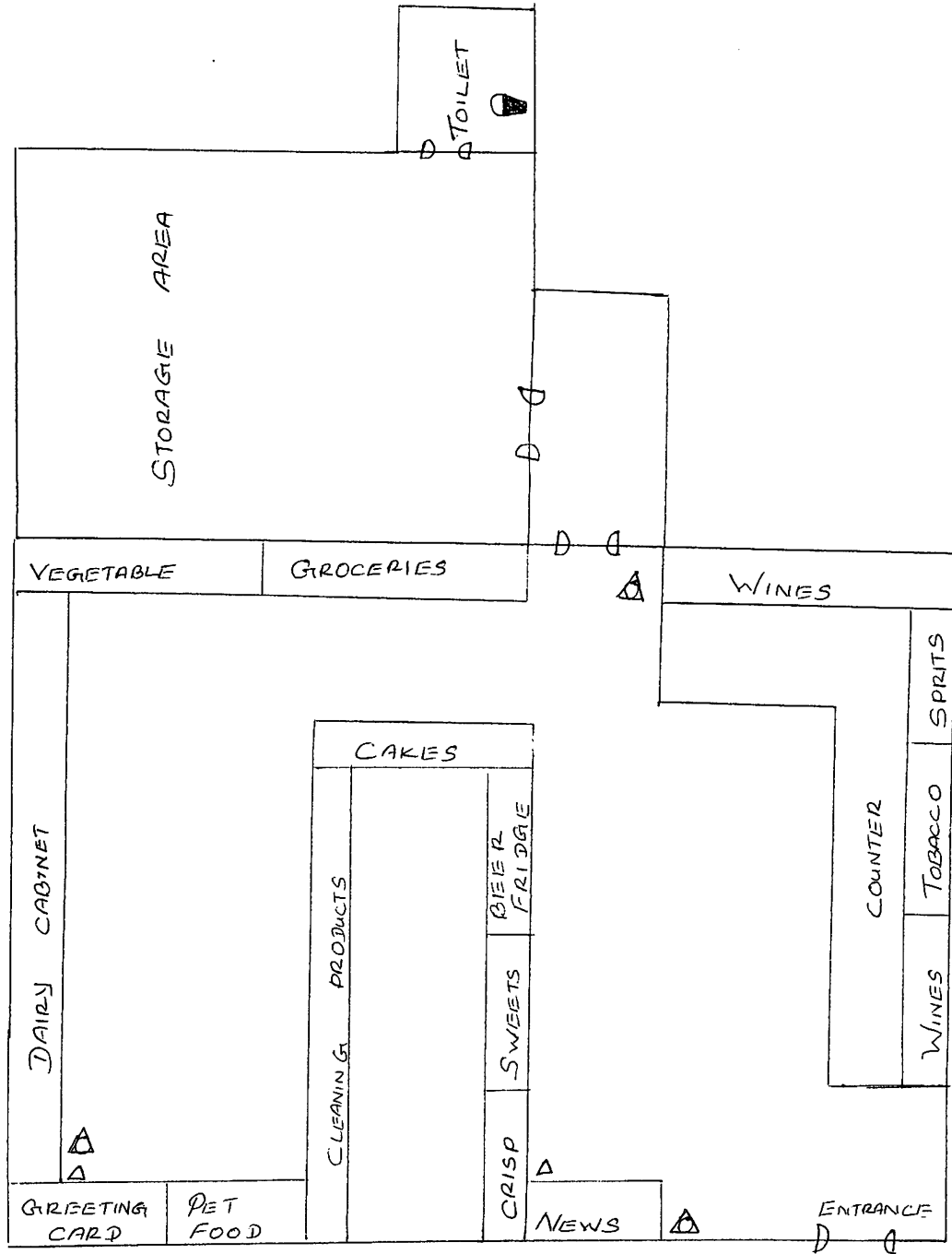
DRAWING ISSUED FOR Application under Licensing Act 2003 ONLY

Title of project: Application for a Premises Licence

2006/10/01, 1000 # 1/100, 30 # 1/100

1/100 1/1000

Title: Plans Drawing No: **2006/10/01**



Δ CCTV
 D O DOOR

TARRING NEWS & WINE
 3/4 MARKET HOUSE,
 CHURCH ROAD, TARRING
 WORTHING, WEST SUSSEX,
 BN13 1HF

Appendix C – Premises Licence



Health & Housing Services
 Portland House
 Richmond Road
 WORTHING
 West Sussex. BN11 1HS

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

Premises Licence Number - [REDACTED]

Part 1 – Premises Details

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

Tarring News & Wine
 3-4 Market House
 Church Road
 Worthing
 BN13 1HF

Telephone number 01903 201740

Licensable activities authorised by the licence

See attached Schedule

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

See attached Schedule

Opening hours of the premises

Location : Convenience Store

Day	Start	Finish
Sunday	07:00	23:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00

Non Standard Timings & Seasonal Variations

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

OFF

Part 2 – Premises Licence Holder Details

Name

Mr Gowriedas Kodeswaran

Registered Address

[Redacted Address]

Telephone Numbers :

Mobile [Redacted]

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

N/A

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

Name

Mr Gowriedas Kodeswaran

Registered Address

[Redacted Address]

Telephone Numbers :

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

Personal Licence Number : [Redacted]

Licensing Authority : [Redacted]

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location :	Convenience Store	
Activities :	Alcohol Sales	
Day	Start	Finish
Sunday	07:00	23:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00
Non Standard Timings & Seasonal Variations		

Signed : Date : 27th October 2010

Environmental Health Manager (on behalf of the Licensing Authority)

Annexe 1 : Mandatory Conditions

A. Mandatory conditions where licence authorises supply of alcohol

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

B. Mandatory conditions: door supervision

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.

Annexe 2 : Conditions consistent with the operating schedule

1. A CCTV system to be installed to the satisfaction of Sussex Police that has cameras covering the alcohol displays, the counter and the entrance. With image storage for at least 28 days.
2. That a refusals recording mechanism, book or computer, is maintained at the premises.
3. 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 drunken persons. That these training inputs are recorded and signed for by the trainee and records made available to police and licensing officers and Police Community Support Officers (PCSO's).
4. Management & staff trained in the details of the Licensing Act 2003 and particularly the Licensing Objectives.
5. Full compliance with Health & Safety & Fire regulations.
6. Signage to be publically displayed behind counter detailing prohibition of direct or indirect supply of alcohol to under 18 year olds.
7. A recognised 'Proof of Age' policy will be enforced. Persons that appear to be under 21 will be required to provide proof that they are over 18 to obtain alcohol.

Annexe 3 : Conditions attached after hearing by the Licensing Authority

Not applicable

Annexe 4 : Plans

See attached plan certified and dated 9 May 2006.



Health & Housing Services
 Portland House
 Richmond Road
 WORTHING
 West Sussex. BN11 1HS

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

Premises Licence Number - [REDACTED]

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Tarring News & Wine 3-4 Market House Church Road Worthing BN13 1HF
Telephone number 01903 201740

Licensable activities authorised by the licence
See attached Schedule

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

Opening hours of the premises		
Location : Convenience Store		
Day	Start	Finish
Sunday	07:00	23:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00
Non Standard Timings & Seasonal Variations		

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

Premises Licence Holder Details

Name

Mr Gowriedas <u>Kodeswaran</u>

Registered Address

████████████████████ ██████████ ██████████
--

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

N/A

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

Name

Mr Gowriedas <u>Kodeswaran</u>

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

Personal Licence Number :	██████████
---------------------------	------------

Licensing Authority :	████████████████████
-----------------------	----------------------

State whether access to the premises by children is restricted or prohibited
--

N/A

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location :	Convenience Store	
Activities :	Alcohol Sales	
Day	Start	Finish
Sunday	07:00	23:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00
Non Standard Timings & Seasonal Variations		

Signed : Date : 27th October 2010

Environmental Health Manager (on behalf of the Licensing Authority)

Appendix D – Review Application



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 [REDACTED], 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	
Tarring News & Wine 3-4 Market House Church Road Tarring	
Post town Worthing	Post code (if known) BN13 1HF

Name of premises licence holder or club holding club premises certificate (if known)
Mr Gowriedas Kodeswaran

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

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:

██████████
Team Manager
West Sussex County Council Trading Standards Service

██████████
██████████
██████████
██████████

Telephone number (if any)

██████████

E-mail address (optional)

██

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:

On 24th May 2023, during a controlled Trading Standards test purchasing exercise, a staff member at Tarring News and 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.

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

On 19th May 2023 intelligence was received that a 16 year old child purchased cigarettes from Tarring News & Wine 3-4 Market House, Church Road, Worthing. At the same time West Sussex Trading Standards were notified that Mr Gowriedas Kodeswaran was the Designated Premises Supervisor in relation to the alcohol licence. A Designated Premises Supervisor (DPS) is the person who is responsible for the day to day running of the business. The premises licence indicates that Mr Gowriedas Kodeswaran is the Designated Premises Supervisor and has been since 05 April 2006 when the licence was first granted. The new licence dated 27 October 2010 was a duplicate/copy licence issued at the request of the licence holder.

[REDACTED]

[REDACTED]

At Tarring News & Wine on 24th May 2023, during a test purchase exercise carried out under Section 154 of the Licencing Act 2003, alcohol was sold to a child by [REDACTED]. [REDACTED] is Director of S J Harish Ltd, which is trading as Tarring News & Wine. Companies House records confirm that SJ Harish Ltd's registered office address is 3-4 Market House, Church Road, Worthing.

Whilst being questioned under caution [REDACTED] stated that he had been working at Tarring News & Wine for a year and is the Director and Supervisor. [REDACTED] [REDACTED] stated that he completed a personal alcohol licence and that he is the DPS, however the Premises licence still lists Mr Gowriedas Kodeswaran as DPS. [REDACTED] [REDACTED] has provided his personal licence, issued by [REDACTED]

When requested [REDACTED] was able to show Trading Standards Officers a very prominent till prompt that has big buttons to press to say identification has been checked for the sale of age restricted products. Alongside this is the date to check that the buyer is over 18. [REDACTED] stated that the till system maintenance team provided him and his staff with age restricted sales training, however no training records were provided to show this. The only other staff member working at Tarring News & Wine is [REDACTED]

[REDACTED] arrived at the shop during our visit to assist our enquiries, which were asked under caution. [REDACTED] manages the shop and has been there for 10 months, he stated that he has a background of working in off licences. [REDACTED] stated that he had a personal licence, a photograph of this has been provided and was issued by [REDACTED]. [REDACTED] was able to download the refusals log from the till, which showed seven refusals of alcohol and tobacco products between 07/05/2023 and 24/05/2023. When asked about identification they accept to prevent underage sales, it was stated that they accept driving licences,

citizenship cards and passports. [REDACTED] did mention the challenge 25 policy, however the only challenge 25 poster in the shop was hidden under sweets at the end of the fridge.

Since our visit a further interview has taken place under caution. [REDACTED] has stated that they have “common refusals approaches and records”, challenge 25, till prompts and challenge 25 posters on display. Photographic evidence of the challenge 25 posters being on display has been provided. The photographs show small challenge 25 posters by the alcohol. A challenge 25 policy/training document has been provided, it is signed by [REDACTED] [REDACTED] [REDACTED] on 25/06/2023.

Another refusals log was provided, it shows 32 refusals between 01/04/2023 – 29/05/2023, all by [REDACTED]. A further refusals log appears to have been started to be used subsequent to 24/05/2023. Given the queue of children at the shop door when we visited on 24/05/2023 this seems like a very low number of refusals. No records have been provided to show this is being monitored by [REDACTED] who claims to be the DPS and certainly no documented checks appear to have taken place by the named DPS, Mr Gowriedas Kodeswaran .

Staff training logs have subsequently been provided, but are dated 25/05/2023, showing [REDACTED] [REDACTED] and [REDACTED] had training on alcohol sales after the sale that took place on 24/05/2023.

[REDACTED] confirmed that the annual turnover of the business just in relation to alcohol is £51,840.00, with the total business turnover being £304,220.00. With alcohol being a significant part of the business, it may be considered that the business is prioritising sales over the protection of children from harm. Despite [REDACTED] [REDACTED] being aware of the challenge 25 policy it does not appear to be used regularly, with the policy document not being signed until after our visit.

CCTV was present at Tarring News & Wine but [REDACTED] was unable to operate the CCTV. [REDACTED] was sorry for the sale and stated that due to it being busy he made an error in judging the age of our volunteer.

The sale by [REDACTED] on 24/05/2023 took place contrary to Section 146 (1) of the Licensing Act 2003, which carries a penalty of a fine up to £5000.00, as well as being contrary to the terms of the premises licence. [REDACTED] has admitted the offence has been committed by the company and himself.

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’.

Despite his awareness of the seriousness of this matter given his recent licence revocation it appears that neither the DPS, Mr Gowriedas Kodeswaran, nor the owner of the business [REDACTED] [REDACTED] have taken reasonable steps to ensure staff are trained or using the refusals logs regularly. In fact, there was no evidence to suggest Mr Gowriedas Kodeswaran had any day-to-day involvement in the business whatsoever.

It is the requirement of the Children and Young Persons (Protection from Tobacco) Act 1991 that a minimum A3 sized sign is prominently displayed, advising that tobacco cannot be sold to under 18s. During the inspection it was noted that the business failed to display a tobacco notice in the shop. The tobacco notice is also a condition of the premises licence, under Annexe 2. This lack of signage is a further offence and portrays a lack of seriousness taken by the business regarding the sales of age restricted products.

There is a clear lack of compliance with the conditions of the premises licence in that the business are not displaying a tobacco notice. The training records required by the licence were not in place at the time of our inspection and neither was the challenge 25 policy.

It is contended that the sale of alcohol to a child 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 objective.

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, which took place on 24/05/2023. Also, the offence of not displaying a tobacco notice is alleged to have occurred.

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.

The Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk) on protecting children from harm states that:

2.29 Licensing authorities should give considerable weight to representations about child protection matters.

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

It’s contended that the continued sale/supply of alcohol by this premises licence holder in the circumstances outlined above is a breach of the licencing objectives and the premises has failed in its responsibilities to protect children from harm. The Responsible Authority respectfully suggest an appropriate outcome of the review would be revocation of the premises 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

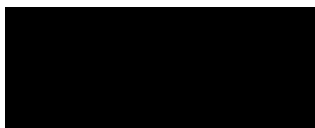
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 13th July 2023

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.

Appendix E – Responsible Authority Representations



Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division
Neighbourhood Licensing Team

West Sussex Licensing Team

[Redacted]

Tel: [Redacted]

[Redacted]

31st July 2023

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 TARRING NEWS & WINE, 3 – 4 MARKET HOUSE, CHURCH ROAD, TARRING, WORTHING, WEST SUSSEX, BN13 1HF. UNDER THE LICENSING ACT 2003.

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

This is an application for a review of the premises licence by West Sussex County Council Trading Standards following an intervention at the premises in May 2023.

Sussex Police share the concerns of Trading Standards about this premises and the promotion of the licensing objectives. We note that Mr Gowriedas Kodeswaran is both the Premises Licence Holder and Designated Premises Supervisor on the licence. As detailed in the Trading Standards representation, [Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

On the 20th July 2023 one week after the review application was served, Sussex Police conducted their own licensing visit to the shop following receipt of the review paperwork. In summary:

- The PLH and DPS Mr Kodeswaran was not on site.
- The store manager [REDACTED] was working at the shop.
- [REDACTED] is a personal licence holder.
- The premises licence was now on display.
- Six challenge 25 posters were on display spread between the alcohol shelves and the fridges.
- A refusals log has been purchased and contained many entries since May 2023.
- The CCTV system was checked which has twelve cameras of good quality, including an external camera. [REDACTED] was able to work the CCTV system, and demonstrated that it retains camera footage for up to four months.
- [REDACTED] stated that the premises is due to change hands and paperwork will be submitted in the coming weeks.

We note that the existing conditions on the premises licence are rather sparse and out of date by current modern standards. In view of the recent sale of alcohol to a child, we would like to see the entire existing annexe 2 conditions on the licence removed and replaced with the following replacement conditions:

The Prevention of Crime & Disorder

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including:

- outside of the premises;
- the entrance to the premises;
- The till and service desk area;

[REDACTED]

- All displays of alcohol.

The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends.

The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk. (or other electronic portable device acceptable to Sussex Police), or upload CCTV footage to Sussex Police Digital media systems via the internet for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police licensing team immediately (and a receipt or acknowledgement from police licensing obtained and retained) & remedied as soon as practicable.

In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence. The log book will record the following:

- a. all crimes reported to the venue
- b. all ejections of patrons
- c. any complaints received
- d. any incidents of disorder
- e. any faults in the CCTV system

- f. any refusal of the sale of alcohol and the name of the member of staff
- g. who refused the sale.
- h. details of any officer of a responsible authority who visits the premises, including their name, job title and the responsible authority they represent.

The log will be kept for a minimum of twenty four (24) months.

All spirits will be kept behind the counter out of arms reach of the public.

Direct contact details for the Designated Premises Supervisor including their name, mobile phone number and email address will be kept at the premises and made available to officers of any responsible authority on request.

For the Protection of Children from Harm:

The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram, official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises, including the point of sale and the area where the alcohol is displayed.

The Premises Licence Holder shall ensure that all staff members (including family members and friends, people who have 'just popped in', persons who 'are passing by' or otherwise helping out on a casual or informal basis) engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:

- the lawful selling of age restricted products
- refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

At all times the premises is open and undertaking licensable activity, members of staff engaged in the sale of alcohol must be able to communicate sufficiently to enable them to promote the four licensing objectives and to make an effective challenge.

In the event that the shop is being run by persons who are not employees and are just helping out or passing by etc, all alcohol will be removed from retail display in the shop beforehand, and will not be sold.

Conditions for alcohol delivery service:

Alcohol deliveries will only be made to a residential or business address and not to a public place.

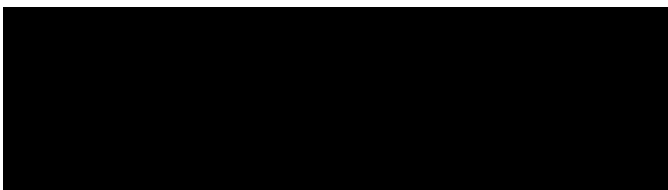
The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

At the time the order is placed a declaration will be required from the person placing the order that that person is aged 18 years or over, and that the intended recipient are over 18 years or over. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

1. For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
2. For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.
3. Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - only employs delivery employees or agents aged 18 and over;
 - is aware that alcohol is included in the delivery;
 - that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;
 - that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

NB: the alcohol delivery service conditions can be replaced in their entirety with the following sentence: There will be no alcohol delivery service.

Yours sincerely,



**West Sussex Licensing Inspector
Sussex Police**



Name [REDACTED]

Public Health Department

[REDACTED]

[REDACTED]

www.westsussex.gov.uk

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



Mr S Jones
Senior Licensing Officer
Licensing Unit
Adur & Worthing Councils
Portland House
Richmond Road
Worthing

14th July 2023

Dear Sir or Madam,

Re: Tarring News & Wine, 3-4 Market House, Church Road, Tarring, Worthing, BN13 1HF.

The West Sussex County Council (WSCC) Public Health Directorate wishes to support the application by Trading Standards to review the licence of: Tarring News & Wine, 3-4 Market House, Church Road, Tarring, Worthing, BN13 1HF.

The Public Health Directorate concurs that the Licensing Objectives of:

- (1) The Prevention of Crime and Disorder
- (4) The Protection of Children from Harm

are not being promoted, as demonstrated by the illegal sale of alcohol to a person under the age of 18, as part of a Trading Standards 'test purchase' operation. The sale of alcohol to children is of extreme concern, considering the strong evidence demonstrating the harms caused by alcohol to children and young people.

[REDACTED]

[REDACTED] West Sussex Public Health Directorate, therefore endorse the recommendations made in the review by Trading Standards.

Supporting Evidence

Harms, caused by alcohol, to children and young people

In 2009, the Chief Medical Officer of England published official guidance on alcohol focusing specifically on children and young people¹. It recommends that an alcohol-free

¹ [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

childhood is the healthiest and best option². The guidance is based on a body of evidence that alcohol consumption during any stage of childhood can have a harmful effect on a child's development. Furthermore, alcohol use during the teenage years is related to a wide range of health and social problems, and young people who begin drinking before the age of 15 are more likely to experience problems related to their alcohol use³. Drinking at a young age, and particularly heavy or regular drinking, can result in physical or mental health problems, impair brain development, and put children at risk of alcohol-related accident or injury. More broadly it is also associated with missing or falling behind at school, violent and antisocial behaviour, and unsafe sexual behaviour⁴.

According to guidance provided on NHS.UK, the health risks associated with drinking alcohol before the age of 18 are as follows:

- Drinking alcohol can affect the normal development of vital organs and functions in children under 18, including the brain, liver, bones and hormones.
- Beginning to drink before age 14 is associated with increased health risks, including alcohol-related injuries, involvement in violence, and suicidal thoughts and attempts.
- Drinking at an early age is also associated with risky behaviour, such as violence, having more sexual partners, pregnancy, using drugs, employment problems and drink driving⁵.

National prevalence of alcohol use by children and young people

National data indicates that alcohol remains the substance most commonly used by young people. In a 2021 national survey, 40% of school pupils said they had ever had an alcoholic drink⁶, a figure which may be broadly applied to the West Sussex population of young people.

Local alcohol-related hospital admissions among children and young people

Each year in West Sussex, there are more than 65 alcohol-specific hospital admissions (where the hospital admission is wholly attributable to alcohol) among under 18s. Since 2015/16 the rate of these admissions has increased, having previously followed a downward trend. The rate of these admissions in West Sussex (36.9 per 100,000 population, 2018/19-2020/21) is significantly higher than the rate for England overall (29.3 per 100,000)⁷.

In 2021/22, Worthing had the 5th highest rate of hospital admissions episodes for alcohol related conditions (narrow definition, directly standardised rate of 519 per 100,000) out of the 64 district and boroughs in the South East region. This was significantly higher than the West Sussex rate (415 per 100,000) and the South East regional rate (411 per 100,000).

² [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/alcohol-consumption-by-children-and-young-people)

³ [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/alcohol-consumption-by-children-and-young-people)

⁴ [Part 5: Alcohol drinking prevalence and consumption - NHS Digital](#)

⁵ <https://www.nhs.uk/common-health-questions/childrens-health/should-my-child-drink-alcohol/>

⁶ [Part 5: Alcohol drinking prevalence and consumption - NHS Digital](#)

⁷ [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](#)

Under 18s using specialist alcohol treatment services in West Sussex

The latest data for 2021/2022 shows that 62% of under 18s in the West Sussex specialist children and young people's drug and alcohol service were receiving treatment for alcohol-related substance misuse.

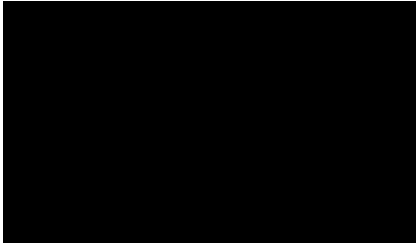
Given the harm caused to children and young people by alcohol in West Sussex and the high rate of alcohol harm in young people in the Worthing district, it is especially disappointing to note that staff Tarring News & Wine, sold alcohol to a child.

West Sussex Public Health note that despite the presence of obvious till prompts, the member of staff made a sale of alcohol to a person under 18. This suggests a lack of effective staff training, as evidenced by the inconsistent completion of a refusals log and absence of training records, at the time of the visit by Trading Standards on 24/5/23.

West Sussex Public Health are also concerned that the 'Challenge 25' policy is not being promoted within the premises and note that signage was not prominently displayed at the time of the Trading Standards visit. The 'Challenge 25' policy is an effective way to prevent underage sales and has been shown to encourage staff to verify the age of any individual who looks under the age of 25 when buying alcohol, so as to prevent the commission of an offence.

In view of the information provided by Trading Standards in the Application for Licence Review, West Sussex Public Health are supportive of the recommendations made by Trading Standards which seek to limit further criminal activity and to promote the licencing objectives.

Yours sincerely,



On behalf of the Director of Public Health

Appendix F – WSCC Trading Standards Supporting Evidence



WORTHING BOROUGH
COUNCIL

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

[REDACTED]
West Sussex County Council Trading Standards Service

[REDACTED]
Tel: 01273 263191 e-mail: simon.jones@adur-worthing.gov.uk

10 June 2022

Dear Sirs

Licensing Act 2003 - Section 51 Decision
Application for a Review of Premises Licence No: [REDACTED]

[REDACTED]

West Sussex Trading Standards Service made the above application to the licensing authority, Worthing Borough Council, on the 22 March 2022. The 'Review' sought the revocation of the licence due to their contention that the licence holder was undermining the following Licensing Objectives:

- Prevention of Crime & Disorder
- Protection of Children from Harm.

The application was correctly made as defined in the Act. One relevant representation was received during the statutory consultation period. This was made by Sussex Police.

As the issuing authority it fell to the Licensing & Control Committee to determine the application. Consideration of the application was delayed by the Local Government Elections and rescheduled in agreement with the Chair and all parties.

1. [REDACTED]
[REDACTED] on behalf of West Sussex County Council Trading Standards Service

2. LICENCE HOLDER / PREMISE

Mr Gowriedas Kodeswaran/ [REDACTED]

3. DATE OF HEARING

[REDACTED]

4. RESOLUTION

The Committee resolved that the premises licence should be revoked.

5. REASONS

In reaching its decision, the Licensing and Control Committee 'B' gave due regard to:

- LA 2003's statutory licensing objectives
- Worthing Borough Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003. Human Rights legislation and the rules of natural justice.
- The application and both written and oral relevant representations from WSCC Trading Standards and Sussex Police.
- The written and oral representations, testimony and relevant information supplied by the licence holder.

In discharging its functions the Committee did so with a view to promoting the Licensing objectives, the relevant objectives here were the prevention of crime & disorder and the protection of children from harm.

The Committee listened carefully to all written and oral evidence. They determined that the concerns raised by the responsible authorities namely Trading Standards and Sussex Police was that alcohol had been sold to children on two occasions and that it would continue to be so.

The Committee considered the evidence given by Sussex Police that on 20 June 2020 alcohol was sold to a child of 14 years old. This offence was admitted by the DPS, [REDACTED] who has been in post and held a Personal Licence since 2019. As a result, the Premise Licence Holder, Mr Kodeswaran, and the DPS, [REDACTED] attended the Police Station and received a formal warning and education regarding the existing conditions of licence.

The Committee were advised Sussex Police had already attended the premises on the 21 February 2020 and provided advice as to the licencing conditions. Evidence was given that the licence conditions were further breached on the 12 January 2021 when Sussex Police attended the premise and found no challenge 21 or 25 posters on display and the CCTV was still not compliant. The refusal log showed the last entry was October 2020.

The Licensing Committee was concerned to learn that [REDACTED] at this visit was asked whether there was an electronic till prompt (which is a condition of the licence) and that he stated there was not. Sussex Police gave evidence that there was a working electronic till prompt that expressly requires the seller to confirm the buyer is aged 18 every time an age restricted product is scanned through the till.

Sussex police confirmed that at the latest visit on the 07 April 2022 the licence conditions were being complied with.

In the evidence given by WSCC Trading Standards it was confirmed that as a result of intelligence received on the 23 February 2022 a controlled Trading Standards test purchasing exercise was carried out and ██████ sold alcohol to a 15 year old volunteer. The boy was asked no questions as to his age contrary to the licence condition. The refusal logs last entry was October 2020.

The Personal Licence Holder's representative addressed the Committee and acknowledged that there had been failings. He stated that there had been insufficient training and the DPS, ██████ had not understood the challenge 25 regime. ██████ had now undertaken training on age verification on the 28 March 2022. There was a training log and refusal log.

The Committee were invited to look at the last 2 years and that underage sales had only occurred twice. He urged the Committee not to look at punishment but to consider the additional conditions that had been offered. Trading Standards and Sussex Police had given evidence that in their opinion these would not be sufficient to uphold the licencing objectives.

From the supporting evidence supplied by Sussex Police, a witness statement by the Police Community Support Worker was referred to and the representative was asked about the allegation that ██████ had told the boy in 2020 to put the alcohol straight into his rucksack. No denial to this or explanation given only that this had been picked up from CCTV. This was viewed seriously by the Licencing Committee as it seemed a deliberate act by ██████ and by his actions acknowledgement that he should not have been selling alcohol to the boy. It was acknowledged that there had been poor management but that the business wanted to put things in place now.

The Committee considered the causes identified and what remedial action was needed to be directed at these causes. They viewed the protection of children from harm extremely seriously and were not persuaded that the licence holder had demonstrated putting in place anything to ensure that the licensing objectives of crime & disorder and the protection of children from harm would not continue to be undermined. There had been multiple failings of the licencing conditions and sufficient training and advice had been given, which had been ignored. The Committee had been given no assurances and clear demonstrations that this would not occur again. Offers of further conditions put forward by the licence holder such as an electronic till prompt, which was already a condition and explanation of failings such as the reasons for the challenge 21 or 25 posters not being up and present on the visit on the 21 January, because of cleaning of the shop, were seen as further examples of why the Committee found it proportionate and necessary, to uphold the licencing objectives, to revoke the licence.

6. ADDITIONAL COMMENTS

It should be noted that the licence holder, applicant and those making representation may appeal against this decision within 21 days by giving notice to the Magistrates' Court. Under Schedule 5 of the Licensing Act 2003 the licence holder has until Friday 1 July 2022 to appeal this decision.

If no appeal is lodged the revocation of the licence will come into effect at midnight on Friday 1 July 2022. At which time the sale of alcohol must cease and the shop's shelves cleared of all alcohol. At which point the current premises licence should be returned to this office.

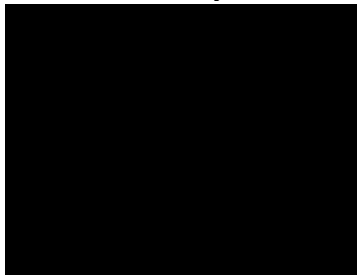
If an appeal is lodged then the committee's decision to revoke is suspended until such time as the appeal has been disposed of by the courts. Please inform this office if an appeal is lodged.

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

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

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

Yours faithfully



Simon Jones
Public Health & Regulation – Team Leader Licensing

Cc: Mr Gowriedas Kodeswaran
Sussex Police Licensing
A&W Councils' Legal Services

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 [REDACTED] 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 [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 [REDACTED], 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 [REDACTED] 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 [REDACTED]. 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 [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 [REDACTED] record the questions and answers in her note book.

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 [REDACTED] 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 [REDACTED]

[REDACTED] 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:

[REDACTED] 2 x WKD Blue (275ml) – seal. [REDACTED]

At approximately 1505 hours [REDACTED] and I returned to [REDACTED] [REDACTED] 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] [REDACTED] and that he was the director of [REDACTED] [REDACTED]. I cautioned him at approximately 1507 hours and asked him some questions that were recorded in my pocket notebook. I asked [REDACTED] [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 [REDACTED]

6. If the business is a company, please confirm that you are authorised to answer these questions on behalf of the company.
I confirm that I am authorised to answer.
7. How many premises do you/the company have? (Please provide name and addresses.)
Only this one
8. What is the annual turnover of SJ Harish Ltd TA Tarring News & Wine?
[REDACTED]
9. What is the annual turnover of SJ Harish TA Tarring News & Wine in relation to the sale of alcohol?
[REDACTED]
10. Please confirm the name of the premises licence holder?
Mr.Gowriedas Kodeswaran
11. Please confirm who the designated premises supervisor (DPS) is?
[REDACTED]
12. Please provide evidence of the DPS giving authorisation of you to sell alcohol.
N/A
13. On the 24th of May 2023, West Sussex County Council Trading Standards carried out a test purchase of alcohol by a person under the age of 18 years old. The volunteer under our direction purchased a bottle of Blue WKD from SJ Harish TA Tarring News & Wine. Can you explain how a minor was able to purchase alcohol from your business?
Please see attached additional sheet.
14. What procedures do you have in place to prevent selling age restricted products to children? (Please provide copies of any written procedures.)
Please see attached additional sheet.
15. Who was responsible for drawing up these procedures? (Please state their role within the company.)
My self
16. What training have you had in relation to age restricted sales?
I learned before obtaining the personal licence and thereafter when installing the till system the maintenance team trained me.
17. Do you hold a Personal Licence, if so please provide written evidence of this?
Yes and a copy is attached
18. Please confirm what authority you received your personal licence from?
[REDACTED]
19. Are you licensed by the security industry authority, if so please provide written evidence of this?
NO
20. Please provide copies of any training records.
Attached
21. Do you use refusals register or log to keep a record of attempted underage sales at your shop? If so, please provide a copy of pages covering April and May 2023.
Please see attached additional sheet.
22. Is the refusals register / log used by all staff?
Yes
23. Do you monitor the refusals register /log to ensure that all staff are updating it? How often? Is this documented anywhere? Please provide evidence of these checks.
Please see attached additional sheet.

24. When were you trained in the use of a refusals log? Please provide evidence of this training. Before one year When I started this business. The system provider installed the till system and trained me.
25. Have all staff been trained in using the refusals log? Please provide evidence of this. Yes, the till system provider train whenever a new staff is taken.
26. Do you have a Challenge 25 policy in place at the store? Please provide evidence of this. Yes. Pictures are attached.
27. Do you have an age verification policy in place at Tarring News & Wine?
YES
28. If so, please explain your understanding of this policy?
Selling alcohol to an underage is an offence.
If it appears to the staff that the person might be under 25 to request for the valid and acceptable form of ID document.
29. Are staff trained in the Challenge 25 policy? Please provide evidence.
We have only 2 staff and periodically advised and trained, but not documented
30. Since the visit on 24th May 2023, when the sale of alcohol to an underage volunteer took place, what actions or changes have you made to your business to prevent the sale of age restricted products to minors?
Age verification policy more restricted and expanded, Challenge 25, Refusal book by hand writing and records of me checking them
31. Who instigated these changes?
My self
32. Are these actions or changes documented? If so, please provide me with a copy.
We have only 2 staffs and verbally advised. At present initiating to have everything documented in the future.
33. Does the store have CCTV, and if so do you review the CCTV to ensure that alcohol is not being sold to minors? If so how often is it monitored? Please provide evidence of these checks.
Yes and 3-4 times a week. We didn't know that that records should be kept and will document in the future
34. What areas of the shop does your CCTV cover?
Almost all the areas specially the alcohol section and till are fully covered
35. Do you have till prompts to remind staff to ask for ID when selling an age restricted product?
YES
36. What, if anything, do you feel SJ Harish Ltd TA Tarring News & Wine could have done to prevent the sale of alcohol to the underage volunteer on 24th May 2023?
Even if its a busy time should have paid more attention and should have asked for the ID.
37. Do you accept that SJ Harish Ltd TA Tarring News & Wine 3-4 Market House, Church Road, Worthing BN13 1HF sold alcohol to an individual under the age of 18, contrary to the Licensing Act 2003?
YES
38. Do you accept that you sold alcohol to an individual under the age of 18, contrary to the Licensing Act 2003?
YES
39. Do you wish to add or make any further other comments?

Please ensure that you answer all the questions or indicate no comment.

13. It was a busy time with school children and parents queuing up inside and outside, I made an error in judging her age and due to that didn't challenge her.
14. Common refusals approaches and records,
Challenge 25,
Till prompt,
Challenge 25 on shelf display
21. we use till system for age refusals records and all staff use this.
Records attached.
23. I do monitor the till system routinely 3 to 4 times a week if there are less or no refusals, I check the CCTV to make sure no underage sales took place.
39. As I have explained to you on the day of the incident, I am new to this business and didn't have much experience. I only manage the business and due to the staff shortage covered the till for few days. We didn't have any such mistake during the one year of my business period and I really regret for the mistake. I assure you that I will take all the initiatives to prevent such incidents in the future.

STATEMENT OF WITNESS

(Criminal Procedure Rules 2020, 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: 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 the 28th June 2023

Signed [REDACTED]

I am the above named person and I am employed as a Senior Trading Standards Officer within West Sussex County Council Trading Standards Service. I have held this post since [REDACTED]

This is further to my statement dated 27th June 2023 regarding an underage sale at Tarring News & Wine on 24th May 2023 due to receiving further documents from the trader.

On 27th June 2023 I received an email from [REDACTED] within the email were photos of the following:

- A personal licence card from [REDACTED]
I produce this card as [REDACTED]
- A refusals booklet showing 9 refusals between 26/05/2023 and 26/06/2023.
I produce these photos together as [REDACTED]

On 28th June 2023 I received an email from [REDACTED] within the email were four pictures of staff training on alcohol sales. I produce the

photographs together as [REDACTED] I also received an email from
[REDACTED] containing a photograph of [REDACTED] personal
licence from [REDACTED] I produce this photograph as [REDACTED]

[REDACTED]

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, 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: 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 the 27th June 2023

Signed [REDACTED]

I am the above named person and I am employed as a Senior Trading Standards Officer within West Sussex County Council Trading Standards Service. I have held this post since [REDACTED]

On 24th May 2023 I was involved in an underage sales test purchase operation with Senior Trading Standards Officers, [REDACTED] and Trainee Trading Standards Officers [REDACTED]

The purpose of this operation was to inspect West Sussex business' compliance with legislation that prevents the sale of age restricted products to children under 18.

A volunteer who is 17 years old participated in the Underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The volunteer was assigned a unique code [REDACTED] to protect their identity.

At approximately 14:45 [REDACTED] and I entered Tarring News and Wine, 3-4 Market House Church Road, Worthing, BN13 1HF. A few minutes later [REDACTED] entered. I witnessed [REDACTED] purchase a WKD blue bottle of alcohol from the seller, an [REDACTED] [REDACTED] was not asked anything by the seller, she then exited the premises. I purchased a sundry item before exiting the premises with [REDACTED] at approximately 14:50.

Outside [REDACTED] handed me the bottle of Blue WKD, I put the bottle in an evidence bag that I sealed. I now produce the bottle as [REDACTED]

At 14:57 I returned to Tarring News and Wine, 3-4 Market House Church Road, Worthing, BN13 1HF with [REDACTED] I asked the seller to shut the shop in order to discuss the age restricted sale. I showed my identification and explained that a test purchase had taken place and that he had sold alcohol to a child. The seller gave his name as [REDACTED] [REDACTED] He is the director of S J Harish Ltd, trading as Tarring News & Wine. The seller stated that for the last year he has worked at the shop for four days a week, [REDACTED]

I asked the seller a number of questions to which [REDACTED] was able to tell me what age restricted products are, but that he thought the volunteer looked 18. I noted that there was no tobacco notice displayed, that is required by The Children and Young Persons (Protection from Tobacco) Act 1991.

Till prompts were seen on the till, where there is a big red button for an underage sale to be declined alongside the date to check on identification. [REDACTED] stated that he had completed a personal licence and trained his staff but did not have access to any paperwork. [REDACTED]

[REDACTED] Under caution he stated that he had been working at the shop for 10 months and had previous experience in off licences.

[REDACTED] confirmed that identification checked for age restricted products were driving licence, citizenship cards and passports. No age restricted sales training records were provided but [REDACTED] stated he also had a personal licence. I provided advice that they need to put due diligence procedures in place by training staff and keeping records of it.

On 15th June 2023 I sent an interview by letter under the Police and Criminal Evidence Act 1984 to [REDACTED] Director, S J Harish Ltd TA, Tarring News & Wine, 3-4 Market House, Church Road, Worthing BN13 1HF. On 21st June 2023 I received a response to those interview questions from

[REDACTED] Attached to the email were the following documents titled as follow;

- Interview 23rd June 2023, that I now produce as [REDACTED]
- Challenge 25 shelf labels, that I now produce as [REDACTED]
- Refusals April and may, that I now produce as [REDACTED]

On 27th June 2023 I received the same interview response from [REDACTED] by letter, with the attachments and an additional document titled "Challenge 25 policy". I produce this document as [REDACTED]

[REDACTED]

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, Rule 16.2,
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: [REDACTED]

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

Occupation of Witness: Trainee 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 the 14th day of June 2023

Signe [REDACTED]

I am currently employed as a Trainee Trading Standards Officer within West Sussex County Council Trading Standards Service.

On 24th May 2023, I participated in an Underage sales test purchase day, with three colleagues, [REDACTED] (Senior Trading Standards Officer) and [REDACTED] (Senior Trading Standards Officer) and [REDACTED] (Trainee Enforcement Officer). A volunteer who is a 17-year-old female participated in the Underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The purpose of this operation is to make sure that that West Sussex businesses are compliant with the procedures set out for age restricted products to children under the age of 18.

Prior to visiting the businesses, we collected the volunteer, and we briefed her and took photographs of her appearance that day. The volunteer is assigned a unique code [REDACTED] to protect her identity.

At approximately 1446 hours, I saw [REDACTED] and [REDACTED] enter SJ Harish Ltd t/a Tarring News & Wine, 3-4 Market House, Church Road, Worthing, BN13 1HF.

[REDACTED] and I waited further down the road from Tarring News & Wine. I saw the volunteer enter Tarring News & Wine a few seconds after.

At approximately 1450 hours I witnessed the volunteer coming out of SJ Harish Ltd t/a Tarring News & Wine, 3-4 Market House, Church Road, Worthing, BN13 1HF with one bottle of WKD Blue (700 ml). The volunteer handed the alcohol bottle to me. [REDACTED] and I return to the operational car with the volunteer. The bottle of WKD Blue (700ml) is placed into an evidence bag and referenced by [REDACTED]

At approximately 14:57 [REDACTED] and I enter SJ Harish Ltd t/a Tarring News & Wine, 3-4 Market House, Church Road, Worthing, BN13 1HF. I heard [REDACTED] explain to the seller about the failed underage sales test purchase that took place and showed the evidence bag containing the alcohol bottle of WKD Blue that was purchased by the underage volunteer.

At approximately 1501 hours I heard [REDACTED] caution the seller and proceeded to ask a set of questions.

At approximately 1513 hours the manager of Tarring News & Wine entered the premises. I heard [REDACTED] explain to the manager about the failed underage sales test purchase. I heard [REDACTED] caution the manager, [REDACTED] [REDACTED] at approximately 1515 hours and proceed to ask a set of questions.

I heard [REDACTED] explain at the end that we will be in touch, and we exited the shop at approximately 1529 hours.

I produce images, which I took with my work issued phone at the time of the interview.

The first, second and third image showed a document that was put up near a drinks fridge and showed timings for licensable activities. This is exhibited as [REDACTED]
[REDACTED]

The fourth image showed Tarring News & Wines refusal log, which is dated from the 1st of May 2023 up till the 24th of May 2023. This is exhibited as [REDACTED] The fifth image showed Tarring News & Wines staff training log. This is exhibited as [REDACTED]

On the 14th of June 2023, I printed the pictures I took with my work issued phone and exhibited them as evidence.



STATEMENT OF WITNESS

(Criminal Procedure Rules 2020, 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: Trading Standards Trainee 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 25th day of May 2023

Signed

I am the above named person and I am employed as a Trading Standards Trainee Officer within West Sussex County Council Trading Standards Service. I have held this post since 18th April 2023.

On 24th May 2023 I was involved in an underage sales test purchase operation with Senior Trading Standards Officers [REDACTED], [REDACTED] and Trainee Trading Standards Officers [REDACTED].

The purpose of this operation was to inspect West Sussex business' compliance with legislation that prevents the sale of age restricted products to children under 18.

A volunteer who is 17 years old participated in the Underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The volunteer was assigned a unique code [REDACTED] to protect their identity.

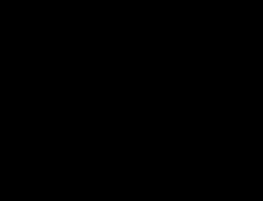

At approximately 14:45 myself and [REDACTED] entered Tarring News and Wine, 3-4 Market House Church Road, Worthing, BN13 1HF. A Few minutes later [REDACTED] entered. I witnessed [REDACTED] purchase a WKD blue bottle of alcohol from the seller,

[REDACTED] exited the premises . [REDACTED]
[REDACTED] made a purchase before we both exited the premises at approximately
14:50.I had no further dealings with this matter.

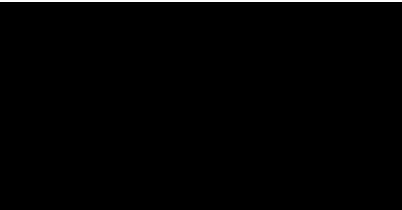
WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates’ Courts Act 1980, s.5B)

Statement of: Simon Jones	
Age if under 18: over 18 Occupation	Licensing Officer - Team Leader
This statement consisting of 1 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.	
Signature: 	Date: 20/06/2023
I am the Public Health & Regulation Team Leader – Licensing. I have worked at Adur & Worthing Councils for 18 years in the Licensing Unit.	
Officers of West Sussex County Council’s Trading Standards Service, approached me asking for details regarding the Premises Licence at Tarring News & Wine, 3-4 Market House, Church Road, Worthing, BN13 1HF.	
Records held by Worthing Borough Council show that Mr Gowriedas Kodeswaran is the Premises Licence holder and Designated Premises Supervisor (DPS) at the store. He lodged his application, which included a plan of the premises, with the licensing authority on 09 February 2006. The application under the Licensing Act 2003 was for a Premises licence to authorise the sale and supply of alcohol, for consumption off the premises, at the Tarring News & Wine store. The licence (Premises Licence ) was granted on 05 April 2006 by a WBC Licensing & Control Sub-Committee at hearing.	
A copy of the current premises licence issued on 27 October 2010 and the licence plan of the premises are attached as exhibits SJ/1 & SJ/2 respectively.	
The records to which I have referred form part of the records relating to the company business of Worthing Borough Council and have been compiled in the course of the business by a person acting under a duty, namely as an employee, from information supplied by a person who had, or may reasonably be supposed to have had, a personal knowledge of the matters dealt with in the information supplied and cannot reasonably be expected (having regard to the time which has elapsed since they supplied or acquired the information and to all the circumstances) to have any recollection of the matters dealt with in that information.	

Date: 20/06/2023



Simon Jones

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