

**Minutes of a Meeting of the
WBC Licensing and Control Sub-Committee 'B' of
Worthing Borough Council**

The Gordon Room, Worthing Town Hall

18 October 2023, 6.30 pm

Councillor Henna Chowdhury (Chair)

Councillor Charles James

*Councillor Dale Overton

*Absent

LCSC/32/23-24 Declarations of Interest / Substitute Members

There were no declarations of interest.

Councillor Rosey Whorlow substituted for Councillor Dale Overton.

LCSC/33/23-24 Public Question Time

There were no questions from members of the public.

LCSC/34/23-24 Members Questions

There were no questions from members.

**LCSC/35/23-24 Licensing Act 2003 – Application for the Review of a Premises
Licence under Section 51**

Before the Sub-Committee was a report by the Director for Sustainability and Resources, which had been circulated to all Members, a copy of which is attached to the signed copy of these minutes as item 4. Members were requested to consider and determine an application for the Review of the Premises Licence under Section 51.

Presenting Officer outlined the application

The Licensing Officer outlined the report explaining that the application had been made by Trading Standards following a failed test purchase of alcohol sold to a child on 24th May 2023. Trading Standards were recommending a three month suspension and a change of DPS. In addition, a condition should be added stating that no more than two customers under the age of 18 be permitted in the shop at any time unless accompanied by an adult.

There were two other representations. Sussex Police had supported Trading Standards recommendations and had added a request that the existing conditions in Annexe 2 be updated to current modern standard.

West Sussex County Council's Public Health Department also supported Trading Standards recommendations and had recommended in addition that the premises staff

should receive refresher Challenge 25 training every three months and that a refusal log be reviewed and signed by the licence holder monthly.

The applicant confirmed that the Licensing Officer had provided an accurate outline of the application.

Questions from Members for the presenting Officer

There were none

Representation from Trading Standards

The Trading Standards Officer presented his report, explaining the circumstances leading to the review application.

Questions from Members to Trading Standards

Members asked if the complaint had come from a member of the public and how many complaints Trading Standards had received.

The Trading Standards Officer confirmed that they had received one complaint and that it had originated from a member of the public. The Officer also clarified that the premises had failed one test purchase and this was the first review of the premises on record.

Questions from the licence holder's representative to Trading Standards

The licence holder's representative asked the Trading Standards Officer if they usually make an appointment to visit a premises.

The Trading Standards Officer confirmed that they always attempt to make an appointment, but if that is not possible they will visit the premises without an appointment. The Officer was unsure which the case in this instance was.

Representation from the licence holder's representative

The licence holder's representative made a representation to the committee stating that the Licence holder had taken this situation very seriously and had immediately taken steps to remedy it. The member of staff who had sold the alcohol during the failed test purchase has had his employment terminated and the DPS had been changed. The licence holder had assured him that although the refusal log had not been correctly maintained in the past underage customers had been refused alcohol sales. He asked the Committee to consider that a review should be about putting things right, rather than dealing out punishment and to impose a three month suspension of the licence would seriously threaten the survival of the licence holder's business.

Representation from the licence holder

The licence holder addressed the committee to reaffirm how seriously he had taken this matter and reiterated the steps he had taken to resolve the situation.

Questions from Members to the licence holder's representative

Members asked the licence holder's representative to elucidate regarding the possession of illegal stock of alcohol with only polish labelling.

The licence holder explained that this particular alcohol was delivered from cash & carry along with replacement labels in English. There was one can without an English label and this was what the Sussex Police Licensing Officer had seen at the premises during their visit.

The licence holder also clarified that he did wish to perform a delivery service and was in full agreement of the conditions that Sussex Police had recommended regarding this service.

Questions from those who made representations to the licence holder

There were none.

Summing up of those who made representations and of the applicant

Both parties summed up reiterating aspects of their representations.

The licence holder confirmed again that he was in agreement and willing to comply with all the amendments and additional conditions suggested by Trading Standards, Sussex Police and West Sussex County Council's Public Health department.

The meeting adjourned to go into closed session at 7.33 pm and reconvened at 7.48 pm

In reaching its decision the Licensing Sub-Committee has given due regard to the following:

- The statutory licensing objectives
- Worthing Borough Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003.
- The application, written/oral representations made at the hearing and in writing.
- The Committee also gave regard to human rights legislation and the rules of natural justice.

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

Resolved: to impose all of the additional conditions on the licence that have been offered.

The reason for the decision is:

The Committee have listened carefully to all of the parties and feel that the premise licence holder has taken steps to ensure that the licence objectives will be promoted with all of the additional conditions that have been agreed. Although a deterrent to other business was considered it was not felt proportionate in these circumstances with the change of DPS, removal of the member of staff that had sold alcohol to the underage child and acceptance of the additional conditions which proved that the licence holder had taken this matter seriously.

The meeting ended at 7.50pm

Chair

