



WORTHING BOROUGH  
C O U N C I L

10 October 2023

**Worthing Licensing and Control Sub-Committee B**

<b>Date:</b>	<b>18 October 2023</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Gordon Room, Worthing Town Hall</b>

**Committee Membership:** Councillors Henna Chowdhury (Chair), Charles James and Dale Overton

**Agenda**

**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.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the 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 **13 October 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](mailto: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 **13 October 2023** to Democratic Services, [democratic.services@adur-worthing.gov.uk](mailto: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 a Premises Licence under Section 51 (Pages 3 - 96)

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

<b>Recording of this meeting</b> 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 <a href="mailto:katy.mcmullan@adur-worthing.gov.uk">katy.mcmullan@adur-worthing.gov.uk</a>	Shelley-Ann Flanagan Lawyer 01903 221095 <a href="mailto:shelley-ann.flanagan@adur-worthing.gov.uk">shelley-ann.flanagan@adur-worthing.gov.uk</a>

**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

18 October 2023

Ward: Central

## Licensing Act 2003

### Application for the Review of the Premises Licence under Section 51

**Express Supermarket  
68-70 Newland Road  
Worthing, West Sussex, BN11 1JX**

#### 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:

#### **WSCC 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 LN/ [REDACTED] held by

#### **Mr Arumugam Balachandran**

has been received from Mr Peter Aston, Trading Standards Team Manager for and on behalf of West Sussex County Council's Trading Standards Service on 23 August 2023. 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. LN/[REDACTED] authorises the sale of alcohol for consumption off the premises at the above store. It has been held by Mr Balachandran since December 2018.
- 3.2 Express Supermarket is situated on the corner of Newlands Road and Upper High Street in a small parade of 3 shops in a predominantly residential area. The parade includes a restaurant/takeaway and an empty unit that was formerly a funeral directors.
- 3.3 The area is densely populated with residential terraced houses, flats and bedsits.
- 3.4 Express Supermarket occupies a ground floor end of terrace double unit and has been used as a convenience store for many years. (at least since 2005 when the licensing act was introduced).
- 3.5 The DPS of the store at the time of Trading Standards' Test Purchase was [REDACTED] and she had been in post since December 2018, She holds a Personal Licence issued by [REDACTED] Council.
- 3.6 On 20 September 2023 the Premises Licence was varied to nominate a new DPS. Mr Arumugam Balachandran, the premises licence holder, is now the DPS. He holds a Personal Licence issued by [REDACTED] Council.
- 3.7 The current Premises Licence allows:
- Sale of alcohol for consumption off the premises between:
    - 08.00hrs and 23:00 hrs Monday - Saturday
    - 10:00hrs and 22:30hrs Sunday
  - Opening Hours are not specified as this is an old converted licence.
- 3.8 Included in the report is
- A map & photos of the area (Appendix A)
  - A plan of the premises (Appendix B)
  - The current Premises Licence (Appendix C)
  - The Review Application (Appendix D)
  - The Responsible Authority Representations (Appendix E)
  - Supporting Evidence supplied by Trading Standards (Appendix F)
  - Supporting Documentation supplied by the Licence holder (Appendix G)

### **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 D)
- 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

Citing a number of breaches of licence conditions and despite guidance being given, the failure of a test purchase during an operation involving the purchase of alcohol by an under 18 years old child volunteer carried out on 24 May 2023.

4.4 Trading Standards have requested in the application that members consider:

- A three month suspension of the premises licence
- A change of the Designated Premises Supervisor at the store.

## 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 There were no representations from the public but the application received 2 representations from Responsible Authorities and these can be found at Appendix E:

- Sussex Police
- WSCC Public Health

7.2 Sussex Police have in their representation supported Trading Standards' application and given details of their own enforcement work. Sussex Police contend that in their opinion a comprehensive set of modern licence conditions are required to promote the licensing objectives at this store and that a suspension of the premises licence for three months, together with replacement of the Designated Premises Supervisor, is an appropriate and proportionate outcome in this case.

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 that a suspension of the premises licence for three months, together with replacement of the Designated Premises Supervisor would allow the retraining of staff and suggested two new conditions are imposed on the licence to promote the licensing objectives.

7.4 Both the applicant and licence holder have been invited to provide any information supporting their cases and both have. 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.

8.3 However, an application has been made by the licence holder to nominate himself as the new Designated Premises Supervisor which Sussex Police have not objected to so has gone ahead.

8.4 The licence holder has provided a representation and a copy of a letter of dismissal sent to [REDACTED], the employee who sold alcohol to the Trading Standards volunteer during the failed test purchase. (Appendix G)

## 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 grant or 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.*

9.7 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 Service for a Review of the Premises Licence held by Mr Arumugam Balachandran at the Express Supermarket store situated in Newlands Road, Worthing. 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](mailto: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](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 – Cost Less Express' Premises Licence.
- Appendix D – Sussex Police's Review Application
- Appendix E – Responsible Authority Representations
- Appendix F - Supporting Evidence supplied by Trading Standards
- Appendix G - Supporting Documentation supplied by the Licence holder.

Adur & Worthing Public Health & Regulation Licensing Unit

Town Hall, Worthing

Ref: SJ/Lic.U/LA03/Review – Express Supermarket

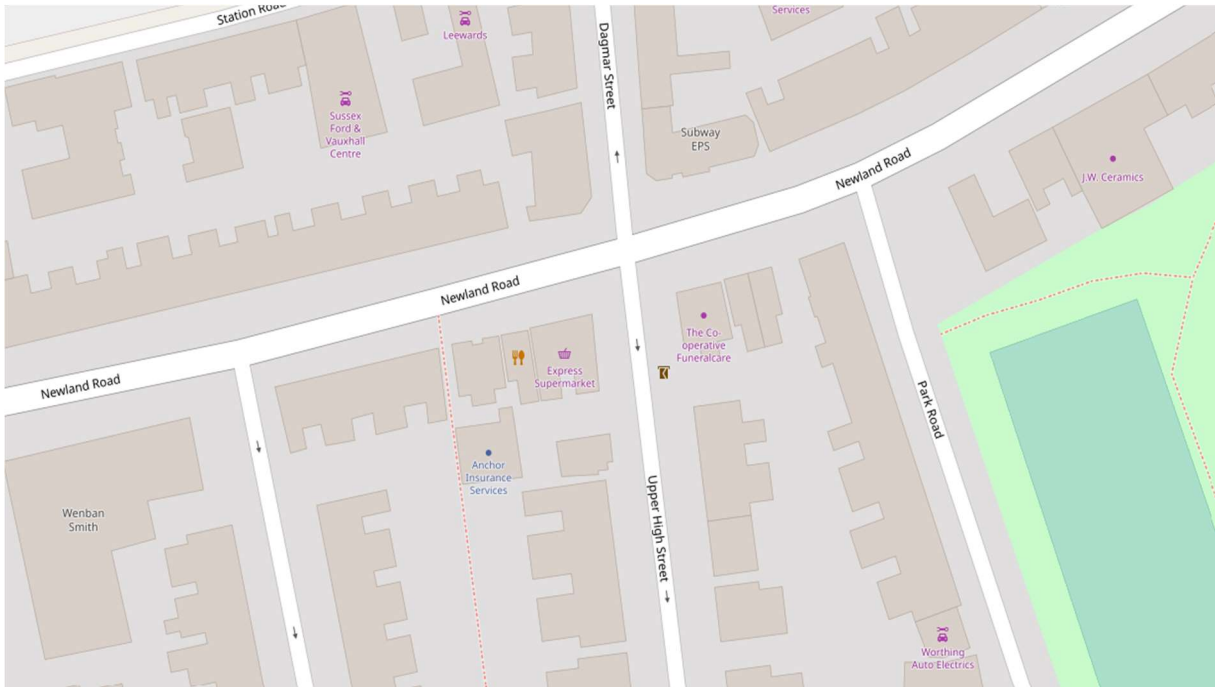
Date: 10 October 2023.

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## Appendix A – Map & Photos of Area

## Appendix A – Map & Photos of Area



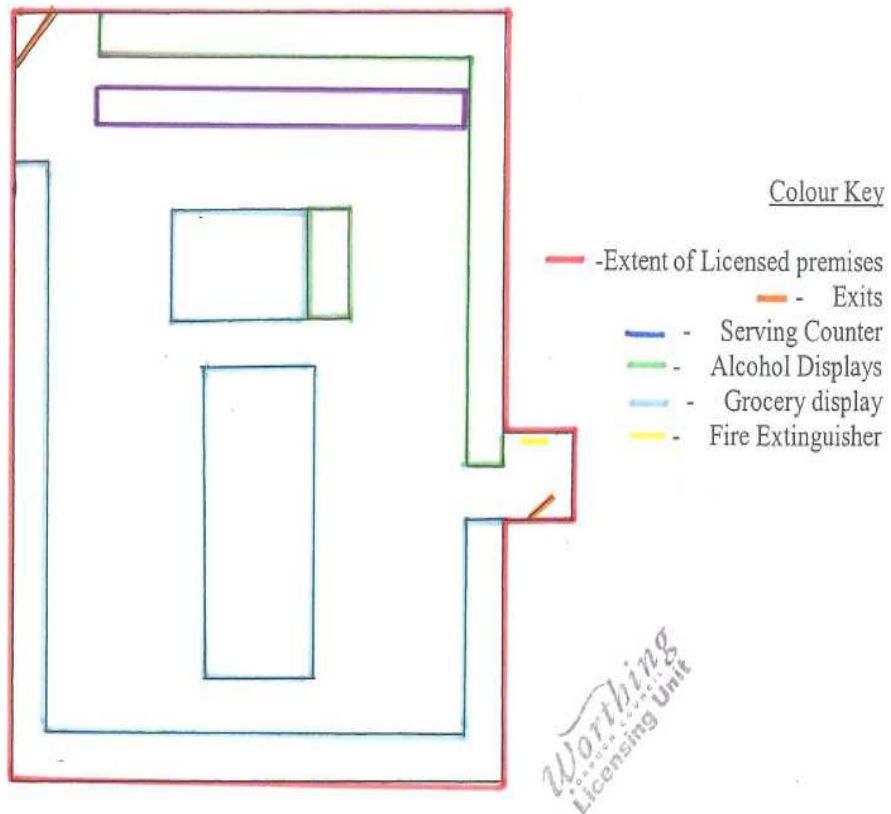


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## Appendix B – Plan of Premises

Express Supermarket  
68 Newland Road, Worthing

29 July 2005



Scale 1:100

## Appendix C – Premises Licence



WORTHING BOROUGH  
COUNCIL

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

**Public Health & Regulation  
Town Hall  
Chapel Road  
Worthing  
BN11 1HA**

**Premises Licence Number - LN/ [REDACTED]**



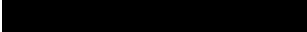
**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Express Supermarket 68-70 Newland Road Worthing West Sussex BN11 1JX	
<b>Telephone number</b>	01903 204604
<b>Licensable activities authorised by the licence</b>	
See attached Schedule	
<b>The times the licence authorises the carrying out of the licensable activities</b>	
See attached Schedule	
<b>Opening hours of the premises</b>	
<b>Location :</b>	Convenience Store
Conversion - No timings supplied.	
<b>Where the licence authorises alcohol whether these are on and/or off supplies</b>	
OFF	



**Part 2 – Premises Licence Holder Details**



<b>Name</b>
Mr Arumugam Balachandran



<b>Registered Address</b>

Telephone Number: 
E-mail: 

<b>Registered number of holder</b>
N/A

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

<b>Name</b>
Mr Arumugam Balachandran

<b>Registered Address</b>

Telephone Number: 

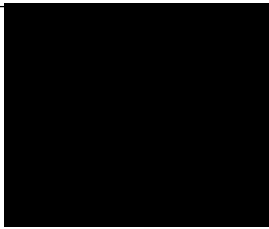
<b>Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol</b>
Personal Licence Number : 
Licensing Authority :  Council

**Schedule 1 – Licensable Activities authorised by this Licence**

**Times the licence authorises the carrying out of the licensable activities**

<b>Location :</b>	Convenience Store	
<b>Activities :</b>	Alcohol OFF Sales/Supply (M)	
<b>Day</b>	<b>Start</b>	<b>Finish</b>
<b>Sunday</b>	10:00	22:30
<b>Monday</b>	08:00	23:00
<b>Tuesday</b>	08:00	23:00
<b>Wednesday</b>	08:00	23:00
<b>Thursday</b>	08:00	23:00
<b>Friday</b>	08:00	23:00
<b>Saturday</b>	08:00	23:00
<b>Non Standard Timings &amp; Seasonal Variations</b>		
<ul style="list-style-type: none"><li>• Good Friday 08.00 to 22.30hrs.</li><li>• Christmas Day 12.00 to 15.00hrs &amp; 19.00 to 22.30hrs.</li></ul>		

Signed:



Date : 10 October 2023

**Authorised Officer (on behalf of the Licensing Authority)**

## **Annexe 1: Mandatory Conditions**

### **A. Mandatory conditions: Supply of Alcohol**

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

### **B. Mandatory conditions: Door Supervision**

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

### **C. Mandatory conditions: Age Verification**

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

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

- a holographic mark, or
- an ultraviolet feature.

### **D. Mandatory conditions : Permitted Price**

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

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

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

Where —

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

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

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

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

**E. Conditions consistent with the Embedded Restrictions of the Justices' 'Off' Licence (Licensing Act 1964)**

**1. Permitted Hours**

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

**Restrictions**

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

*Source Section 60,63,86 Licensing Act 1964*

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

*Source Section 164 Licensing Act 1964*

**3. Recorded Music**

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

*Source Section 182 Licensing Act 1964*

**Annexe 2: Conditions Consistent with the Operating Schedule**

1. Digital CCTV and appropriate recording equipment to be installed; operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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 the premises at all times.
  - CCTV footage will be stored for a minimum of 30 days in relation to interior front and back doors and 20 days at till points.
  - 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 member of staff must be present at all times who can operate the system and supply copies of these images on request to officers of any responsible authority.
  - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the

- CCTV, and be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately & 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 be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
2. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of cards bearing the 'PASS' mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
  3. The Premises Licence Holder shall ensure that all staff members [including family members] engaged or to be engaged, in selling alcohol at the premises shall receive the following 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 drunkFurther verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed eight weeks, with the date and time of the verbal reinforcement/refresher training documented.
  4. All such training undertaken by staff members shall be fully documented and recorded. All training records shall be retained at the premises, and made available to officers of any responsible authority immediately upon request.
  5. The premises shall at all times maintain and operate refusals recording system (either in book. or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be retained at the premises and made available upon request to officers of any responsible authority.

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

Not applicable

**Annexe 4: Plans**

See attached plan dated 25 July 2005



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

**Public Health & Regulation  
Town Hall  
Chapel Road  
Worthing  
BN11 1HA**

**Premises Licence Number - LN/ [REDACTED]**

**Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>
Express Supermarket 68-70 Newland Road Worthing West Sussex BN11 1JX
<b>Telephone number</b>
<b>Licensable activities authorised by the licence</b>
See attached Schedule
<b>The times the licence authorises the carrying out of the licensable activities</b>
See attached Schedule
<b>Opening hours of the premises</b>
<b>Location :</b> Convenience Store
Conversion - No timings supplied.
<b>Where the licence authorises alcohol whether these are on and/or off supplies</b>
OFF

**Premises Licence Holder Details**

<b>Name</b>
Mr Arumugam Balachandran

<b>Registered Address</b>
[REDACTED]

<b>Registered number of holder</b>
N/A

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

<b>Name</b>
Mr Arumugam Balachandran

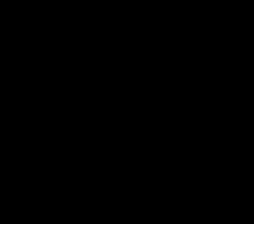
<b>Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol</b>	
<b>Personal Licence Number :</b>	[REDACTED]
<b>Licensing Authority :</b>	[REDACTED] Council

<b>State whether access to the premises by children is restricted or prohibited</b>
N/A

**Schedule 1 – Licensable Activities authorised by this Licence**

**Times the licence authorises the carrying out of the licensable activities**

<b>Location :</b>	Convenience Store	
<b>Activities :</b>	Alcohol OFF Sales/Supply (M)	
<b>Day</b>	<b>Start</b>	<b>Finish</b>
<b>Sunday</b>	10:00	22:30
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<b>Friday</b>	08:00	23:00
<b>Saturday</b>	08:00	23:00
<b>Non Standard Timings &amp; Seasonal Variations</b>		
<ul style="list-style-type: none"><li>• Good Friday 08.00 to 22.30hrs.</li><li>• Christmas Day 12.00 to 15.00hrs &amp; 19.00 to 22.30hrs.</li></ul>		

<p>Signed: </p> <p><b>Authorised Officer (on behalf of the Licensing Authority)</b></p>	<p>Date: 10 October 2023</p>
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## Appendix D – Review Application Form



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I Peter Aston

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Express Supermarket 68-70 Newland Road	
<b>Post town</b> Worthing	<b>Post code (if known)</b> BN11 1JX

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Express Supermarket
--

<b>Number of premises licence or club premises certificate (if known)</b> LN/████████
--

**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)

x

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 Peter Aston Trading Standards Team Manager Trading Standards West Sussex County Council 4th Floor, Parkside Chart Way Horsham West Sussex RH12 1XH
Telephone number (if any) 0330 222 7661
E-mail address (optional) peter.aston@westsussex.gov.uk

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

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder    X
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm    X

**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
- the protection of children from harm

Full particulars in support of the application are to be found in the next section.

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

On 23/06/2022 West Sussex Trading Standards Service received a report of an underage sale of alcohol from Express Supermarket 68-70 Newlands Road, Worthing. The Premises licence for Express Supermarket commenced on 04/12/2018. The licence holder is Mr Arumugam Balachandran and the designated premises supervisor is [REDACTED], who also holds a personal licence with [REDACTED]. The premises licence states that all alcohol sales need to be authorised by a person who holds a personal licence. . It also states that Express Supermarket must have an age verification policy, a challenge 25 policy, regular documented staff training and a refusals log.

On 16/02/2023 Trading Standards visited Express Supermarket 68-70 Newlands Road Worthing to provide advice on age restricted sale. The employee present gave the company name as Aji and Akash Ltd. They stated that they had been trading there for 4-5 years. A refusals log was seen, and the last entry was on 31/10/22. Identification to check for age verification was advised and a tobacco notice was given to the business to display clearly for customers to see. Till prompts were seen to be in place and challenge 25 posters were present in the store. Proxy sales were explained to the business, along with the importance of CCTV showing outside the shop, which is also a condition of the premises licence. Staff training was advised to be carried out regularly and logged, another licence condition.

On 20/02/2023 Trading Standards sent a follow up advice letter to Aji and Akash Limited, Express Supermarket 68-70 Newland Road, Worthing BN11 1JY. The letter explained that selling alcohol to anyone under 18 is an offence under the Licensing Act 2003. The letter detailed advice on the challenge 25 system, staff training, refusals logs, till prompts, signage and CCTV. The Business Companion website was provided, this website gives businesses advice on how to comply with consumer protection legislation. A Companies House check confirmed the company name to be Aji and Aksh Ltd.

On 24/05/2023 alcohol was sold to a child by [REDACTED] an employee of Aji and Aksh Ltd trading as Express Supermarket. This sale took place at Express Supermarket 68-70 Newlands Road, Worthing during a test purchase exercise that was carried out under Section 154 of the Licencing Act 2003. [REDACTED] stated he had been working at Express Supermarket for 2 years. [REDACTED] demonstrated that the till prompt makes an alarm sound when he scanned an age restricted product. [REDACTED] knew what age restricted products were, but thought the volunteer was 19 or 20 years old. [REDACTED] was not sure what the challenge 25 policy was, but there were challenge 25 posters displayed in the shop. [REDACTED] stated he had received verbal training 6-7 months ago. He was able to provide the refusals log, the latest entry was 23/05/2023. He was not able to access the CCTV. No training log was provided despite being requested and it is a condition of the premises licence.

This sale took place contrary to Section 146 (1) of the Licensing Act 2003, which carries a penalty of a fine, as well as being contrary to the terms of the premises alcohol licence. The challenge 25 policy has not been followed by [REDACTED], which is a breach of a condition of the premises licence. Training records were not provided upon request, which is a breach of the premises licence condition to keep training records and further Trading Standards had provided advice on these matters on 16/02/2023 and 20/02/2023.

The Responsible Authority do not have confidence the licensing objectives are or will be promoted by the continuation of licensable activities at these premises and deem it both proportionate and necessary to invite the committee to consider a review of the premises alcohol licence, to limit further criminal activity by the licence holder and to act as a deterrent against such illegal conduct.

Home office guide (Revised Guidance issued under section 182 of the Licensing Act 2003 ([publishing.service.gov.uk](https://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 are the use of the licensed premises:

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

11.28 It is envisaged that....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 sale/supply of alcohol in the circumstances outlined above is a breach of the licencing objectives and the licensee has failed in their responsibilities to protect children from harm. The Responsible Authority respectfully suggest an appropriate outcome of the review would be a three month suspension of the premises licence along with a change in the DPS.

**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

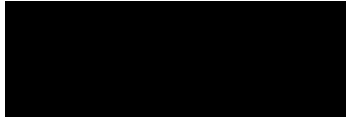
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**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 23/08/23

Capacity Trading Standards 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.

Adur & Worthing Councils  
Public Health & Regulation – Licensing  
Town Hall, Chapel Road  
Worthing  
West Sussex  
BN11 1 HA

Email: [licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk)

Telephone: 01273 263331

## Appendix E – Responsible Authority Representations



**Sussex Police**  
Serving Sussex

[www.sussex.police.uk](http://www.sussex.police.uk)

**West Sussex Division**  
Neighbourhood Licensing Team

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

Tel: 01273 404 030

[WS\\_Licensing\\_WOR@sussex.pnn.police.uk](mailto:WS_Licensing_WOR@sussex.pnn.police.uk)

20th September 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 EXPRESS SUPERMARKET, 68 – 70 NEWLAND ROAD, WORTHING, WEST SUSSEX, BN11 1JX. 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.

A review application has been submitted by West Sussex Trading Standards in respect of this premises licence, following the sale of alcohol to a child by a member of staff on the 24<sup>th</sup> May 2023, in conjunction with a number of matters of concern in relation to the promotion of the four licensing objectives.

Upon receipt of the review application, Sussex Police conducted an unannounced licensing visit to the shop on the morning of the 19<sup>th</sup> September 2023. Our findings are as follows:

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

Telephone: 101 | 01273470101

The CCTV system was good quality and recorded in high definition. However staff could only demonstrate that twenty four days footage was retained. The existing licence condition stipulates that recordings should be retained for a minimum of thirty days. The date on the recordings was correct, but the clock was thirty minutes out. Hours of time is spent in court and other judicial hearings arguing about the admissibility of CCTV evidence because the date and/or the time clock is incorrect. Staff were instructed to contact their CCTV service engineer to rectify these issues, which are also clear breaches of the premises licence.

Challenge 25 posters were displayed at the point of sale and by a soft drinks fridge. Staff were recommended to put additional challenge 25 posters at the beer fridge.

The store sells a large number of superstrength beers, many with an ABV % strength above 6%. Many of them are displayed on the lower shelves. Staff were recommended to move them to the top shelves to discourage children from shoplifting, and to make it easier to identify shoplifters who often target high strength beers and ciders.

The shop floor was blocked by crates of beers, including broken boxes containing loose cans, as well as other stock items on the floor. Staff were requested to remove these items from the shop floor and store them appropriately in a storeroom both to aide with preventing shoplifting, and as a health and safety measure to avoid customers tripping on them.

The refusals book was checked which contained regular maintenance/monitoring signatures from the Designated Premises Supervisor. However written descriptions need to be more descriptive than just “boy” or “girl” in order to provide more information to the entire shop staff to enable them to prevent further age restricted products sales to children.

Staff training records indicated recent training to one member of staff.

It was noted that cans of Polish Perla Mocna 7.6% lager were on display. The labelling on the cans was in Polish with no English translation describing the ingredients, the number of units of alcohol or UK medical council health warnings. This is an offence, and the staff were instructed to immediately remove these items from sale.

Immediately next to the till was a display of low alcohol wines, which it was suggested should be moved and super strength ciders put in their place so staff can monitor them whilst working on the till.

With reference to the narrative provided by Trading Standards in their review application, Sussex Police are concerned that:

The member of staff who sold alcohol to a child on the test purchase operation was oblivious to challenge 25, despite this being a condition of the licence.

No training log or documentation could be provided by the premises despite being requested, and this being a condition of the licence. This is also despite this subject being expressly brought up by Trading Standards visit to the shop on the 16<sup>th</sup> February 2023, and their subsequent letter of the 20<sup>th</sup> February 2023.

The staff member who sold to the child on the test purchase stated afterwards when questioned that he had received training six or seven months previously. The licence conditions clearly state that:

The Premises Licence Holder shall ensure that all staff members [including family members] engaged or to be engaged, in selling alcohol at the premises shall receive the following 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 eight weeks, with the date and time of the verbal reinforcement/refresher training documented.**

With reference to the premises being unable to provide documented staff training after the sale of alcohol to the child, the conditions also state that:

All such training undertaken by staff members shall be fully documented and recorded. All training records shall be retained at the premises, and made available to officers of any responsible authority immediately upon request.

Sussex Police support the recommendation by Trading Standards in their review application that a suspension of the premises licence for three months, together with replacement of the Designated Premises Supervisor, is an appropriate and proportionate outcome in this case.

Further Sussex Police request that the existing conditions in annexe 2 of the premises licence are updated to current modern standards as follows:

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;
- 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 who refused the sale.
- g) 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.

An EPOS type till system will be used to warn of all age restricted sales and an alarm will remind staff to apply Challenge 25 and check proof of age where necessary.

### **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:** [NB: These conditions can be replaced by the following sentence: There will be no 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 is 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.

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.

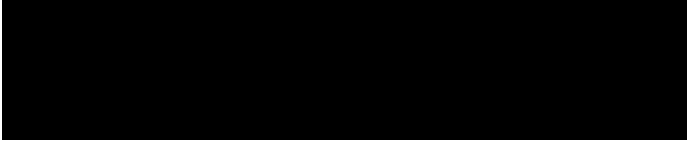
For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.

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.

Thank you.

Yours sincerely,



**Inspector Mike Butler** [Redacted]  
**West Sussex Licensing Inspector**  
**Sussex Police**

Licensing Unit  
Adur & Worthing Councils  
Portland House  
Richmond Road  
Worthing  
BN11 1LF

30<sup>th</sup> August 2023

Dear Sir or Madam,

**Re: Express Supermarket, 68-70 Newland Road, Worthing, BN11 1JX.**

The West Sussex County Council (WSSC) Public Health Directorate wishes to support the application by Sussex Police to review the licence of: Express Supermarket, 68-70 Newland Road, Worthing, BN11 1JX.

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 'test purchase' operation on 24<sup>th</sup> May 2023. 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.

It is noted that on 16<sup>th</sup> February 2023, an advice visit was made to Express Supermarket by a Trading Standards Officer who provided information to employees on age restricted sales. This was followed up with a letter to the company, detailing amongst other information, the 'Challenge 25' policy and staff training. The WSSC Public Health Directorate is disappointed to learn that despite this recent advice, alcohol was sold to a child and endorse the recommendations made in the review application 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 people<sup>1</sup>. It recommends that an alcohol-free childhood is the healthiest and best option<sup>2</sup>. The guidance is based on a body of evidence that alcohol consumption during any stage of childhood can have a harmful effect on a

<sup>1</sup> [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214242/Alcohol_consumption_by_children_and_young_people_-_GOV.UK.pdf)

<sup>2</sup> [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214242/Alcohol_consumption_by_children_and_young_people_-_GOV.UK.pdf)

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 use<sup>3</sup>. 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 behaviour<sup>4</sup>.

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 driving<sup>5</sup>.

### **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 drink<sup>6</sup>, 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)<sup>7</sup>.

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).

### **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.

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

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

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

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

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

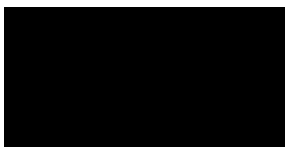
Given the harm caused to children and young people by alcohol in West Sussex and the high rate of alcohol harm in young people in the Worthing district, it is especially disappointing to note that staff at Express Supermarket, sold alcohol to a child.

It is noted that a staff training log was not provided to Trading Standards, despite it being a condition of the premises licence. The ineffective and inconsistent application of processes to protect children from harm suggests that Express Supermarket is not taking seriously their responsibility to uphold the Licencing Objectives. From a public health perspective these failures are of serious concern and put children at risk from alcohol harm.

Having considered the information provided in the review, West Sussex Public Health are supportive of the recommendation of Trading Standards to suspend the premises alcohol licence for 3 months, with a change in DPS, as this will provide sufficient time for staff retraining. We respectfully recommend that the committee consider applying the following conditions to promote the licensing objectives:

- i) Individual members of staff should receive refresher training on the Challenge 25 policy every 3 months, with written documentation signed by the employee and countersigned by the licence holder
- ii) A refusals log should be reviewed and signed by the licence holder, monthly.

Yours sincerely,



Sophie Krousti  
Public Health Lead for Alcohol

**On behalf of the Director of Public Health**

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## Appendix F – Trading Standards Supporting Evidence

## STATEMENT OF WITNESS

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

STATEMENT OF: Elaine Sarah Lucas

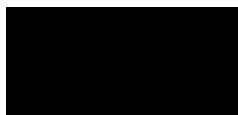
Age of witness (if over 18, enter "over 18"): OVER 18

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 1<sup>st</sup> Day of August 2023

Signe



---

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 20<sup>th</sup> February 2023 and previously worked within Hampshire and Southampton Trading Standards since 2008.

On 24<sup>th</sup> May 2023 I was involved in an underage sales test purchase operation with Senior Trading Standards Officer, Laura SANDERS and Trainee Trading Standards Officers Natasha ALI and Peter LEGGETT.

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 "NZA1" to protect their identity.

At approximately 15:48 I entered Express Supermarket 68-70 Newland Road BN11 1JX with Laura Sanders, Laura informed me that they had sold a bottle of WKD Blue to NZA1. At 15:54 Laura cautioned the male behind the counter, he was a slim built Asian male, around 60 years old. Laura then questioned the male. The male gave his name as [REDACTED] and confirmed he was a sales assistant. [REDACTED] stated that he did not think NZA1 looked under 18. [REDACTED] stated that for the last 2 years he worked at the shop 3 days a week, for 7 hours a day and he works alone. [REDACTED] gave the owner details as Mr BALA, he did not know what the legal entity was. The receipt showed that it is Visual Business retails, 2 Cambridge Road KT1 3JU. I produce this receipt as **ESL/1**.

When asked [REDACTED] showed us that when an age restricted product is put through the till an alarm sounds and buttons come up to press yes or no. [REDACTED] was able to explain what different age restricted products are. [REDACTED] stated he was not aware of the challenge 25 policy but asks for identification for anyone under 18. [REDACTED] stated that he thought the volunteer looked 19 to 20 years old. [REDACTED] stated he had been trained to ask for identification. The training was 6-7 months ago, verbally, but he did have to sign to say he had the training. There were not any training records provided.

[REDACTED] showed Laura Sanders the refusals log, the last entry was on 23/05/2023 and started in February 2023, Laura Sanders took photos of the refusals log. [REDACTED] stated that the CCTV could not be accessed in the store.

At approximately 16:10 Laura Sanders and I returned to the Horsham office.

[REDACTED]

VISUAL BUSINESS RETAIL  
2 CAMBRIDGE ROAD  
KINGSTON UPON THAMES  
KT1 3JU  
TEL:

-----  
TRANS ID : 1462568

Staff ID: 101

Date: 24/05/2023 15:53  
-----

1	CUTTERS CHOICE EX FINE	19.99	19.99
1	CHICKEN TIKKA	1.59	1.59
1	SAUSAGE ROLL	1.49	1.49
1	ES SUGAR FREE ENRGY PM50	0.50	0.50
1	FRENCH FRIES C & O PM125	1.25	1.25

-----

\* SUB TOTAL 24.82  
-----

\* CARD PAYMENT 24.82  
-----

\* Number Of Items : 5 \*

-----  
THANK YOU FOR YOUR CUSTOM.  
PLEASE COME AGAIN.

VAT NO:

## STATEMENT OF WITNESS

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

STATEMENT OF: MISS NATASHA ZARA ALI

Age of witness (if over 18, enter "over 18"): 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 22<sup>nd</sup> day of August 2023

Signed


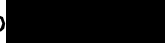



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I am currently employed as a Trading Standards Officer within West Sussex County Council Trading Standards Service.

I attempted to contact Aji and Aksh Limited t/a Express Supermarket, 68 Newland Road, Worthing, England, BN11 1JX to arrange an appointment but there was no answer.

On the 16<sup>th</sup> February 2023, I visited Aji and Aksh Limited t/a Express Supermarket, 68 Newland Road, Worthing, England, BN11 1JX, to give advice on age restricted products. There were allegations that Express Supermarket was selling alcohol to children under the age of 18.

Approximately at 10:40, I entered Express Supermarket. There was an asian male, no hair, small build approximately 50 years old at the counter called  who was the shop employee. I explained to  about the alleged complaint of alcohol being sold to underage children, and that I am here to give advice to the business regarding age restricted products.

 rang the owner and I spoke to owner, whose name is Mr BALA. I explained to Mr BALA about the alleged sales of age restricted products and that I was visiting to give underage sales advice. I also explained that there WSCC

Trading Standards will be doing a future test purchase with a volunteer and if Express Supermarket fails our test purchase it could result in alcohol review or revocation. The last thing explained to Mr BALA was regarding the follow up advice letter that I would send after my advice visit.

A Notice of Powers and Rights (61462) was filled in with [REDACTED]

Key points were discussed and checked with [REDACTED]. I checked the shops refusal log, the last entry entered was on 31/10/2022 and was for a Lost Mary e-cigarette. I explained to [REDACTED] that the refusal log should continuously be updated. The next check was what ID was accepted, [REDACTED] explained passport, driving licence. I advised not to use any mobile apps or phone ID. There was no statutory tobacco sign. I gave one statutory tobacco to [REDACTED] and explained that this sign is a legal requirement and must be visible. There was Under 25 posters present. I checked that there was CCTV present in the premise, there was inside and outside the business. I asked [REDACTED] about any training logs, he explained that he has had verbal training and that there is no signed training log. I gave two Business Companion handouts to [REDACTED], which are for Alcohol and Tobacco and Nicotine Inhaling products. I explained to read these handouts every month to refresh training and to make a signed log of this. The last check I made was regarding till prompts, there was till prompts present.

[REDACTED] signed the visit report at the end (4674), and a copy was given to him.

At approximately 1108 hours, I exited Express Supermarket.

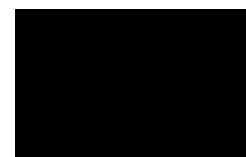
On the 20<sup>th</sup> February 2023 I sent a follow up advice letter via post to Aji and Akash Limited, Express Supermarket, 68-70 Newland Road, Worthing, West Sussex, BN11 1JY.

I produce as evidence the following:

Notice of Powers and Rights (61462) which is exhibited as **NA/ES/01**

Visit report (4674) which is exhibited as **NA/ES/02**

Follow up advice letter which is exhibited as **NA/ES/03.**



**Notice of Powers and Rights**

61462

Recipient: [Redacted]  
Premises: AJI and Akash Ltd T/A CYPRESS - MARKET  
69-70 Newland Road, West Sussex, BN11 1JX

Date & time of visit: 16/08/23 10:45  
Date advance notice given: (if applicable)  
Purpose of visit: VAS routine visit

Officer Name: NAFASHA AIT Tel Number: 0330 200 2334  
Other Persons Present: [Redacted]

**Part A: Activities carried out using Statutory Powers**  
Entry using:  Statutory powers  Court warrant (copy attached)  
Legislation:  Consumer Rights Act 2015  Food Safety Act 1990  Other (specify below)

The powers used in respect to the legislation listed above have been summarised as far as practicable on the reverse of this Notice together with a summary of your rights.

**Part B: Activities carried out with the consent of the owner/occupier**  
I am employed by West Sussex County Council's Trading Standards Service and with your permission I wish to inspect goods, records and documents held on these premises.

- You should be aware:
1. You are not obliged to consent to such activity, and you can withdraw your consent at any time before the visit is concluded
  2. Any goods, record or documents obtained may be used in evidence in court proceedings
  3. You are not suspected of any offence (delete if inapplicable)

**I hereby consent to the officer(s) named above inspecting any goods, records or documents held on the above named premises. I have read and understand the warning above.**

Signature: ..... Print Name: .....  
Job Title / Position within Company: .....

**I acknowledge receipt of a copy of this document**  
Signature: [Redacted] ..... Print Name: .....  
Job Title / Position within Company: Shop employee.



Trading Standards Service  
County Hall North  
Chart Way  
Horsham  
RH12 1XH  
01243 642124  
trading.standards@westsussex.gov.uk



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

No. 4674

Officer's Contact Details:  
 Tel: 0330 222 2334  
 Email: namika.ataali @westsussex.gov.uk

Proprietor: Aji and Akash Ltd  
 Trading Name: Express Supermarket  
 Address: 69-70 Newland Road,  
West Sussex  
 Tel: \_\_\_\_\_ Postcode: BH11 1Y

Registered Office: \_\_\_\_\_  
 Mobile: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Website: \_\_\_\_\_  
 Type of Business: off license

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

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

**FOOD STANDARDS INSPECTION REPORT**

- |                                       |   |   |   |  |
|---------------------------------------|---|---|---|--|
| <input type="checkbox"/> Records      | <input type="checkbox"/> Specifications | <input type="checkbox"/> Production Process           | <input type="checkbox"/> Food Safety & Hygiene (England) Regulations 2013 | <input type="checkbox"/> Food Information Regulations 2014 |
| <input type="checkbox"/> Traceability | <input type="checkbox"/> Stock Rotation | <input type="checkbox"/> Completed Product            | <input type="checkbox"/> Composition, Labelling, Presentation             | <input type="checkbox"/> Product Design & Recipe           |
|                                       |   | <input type="checkbox"/> Quality / Management Systems | <input type="checkbox"/> Recall / Relabelling Systems                     |  |

**Corrective actions & timescales (legal requirements)**

- Spoke to owner and shop employee (over phone) - Bella about UAS complaint and why TS is here.
- Spoke to owner (Bella) about future UAS TP, and if business fails, there will be an alcohol licence review
- Trading for 4-5 years approximately by Aji and Akash Ltd company
- 2 part time employees
- spoke about follow up advice to be sent via post

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

**Key points discussed, comments and recommendations**

- refusal log, last entry 31/10/22 for lost Mary at 4.20pm, no ID no sale and signed. explained that last entry is October<sup>22</sup>, and to continuously fill it no sale, no id
- ID accept, passport and driving licence, no phone ID.
- no statutory tobacco sign, x1 given to be put up on gentry, and explained legal requirement.
- Under 25 poster present.
- till prompts present - Scanned and checked
- CCTV, inside only - explained about outside CCTV to prevent proxy sales (explained what proxy sales are)
- Staff training - shop employee verbally knows, x2 business companions (alcohol & tobacco) explained to read log every couple of months and hand out last training log 01/06/22

**Actions to be taken by Officer**

follow up advice x1 statutory tobacco sign, x2 business comp  Guidance to follow  
 UAS future TP, if business fails then an alcohol licence review

Issued by: Namika Ali  
 Signed: \_\_\_\_\_ (Authorised Officer)  
 Date: 16 / 02 / 20 23 Time: 11.05

Person seen (print name in capitals): \_\_\_\_\_  
 Signed: \_\_\_\_\_  
 Position: \_\_\_\_\_

In the event of any dispute or complaint please contact:



---

Aji and Akash Limited  
Express Supermarket  
68-70 Newland Road  
Worthing  
West Sussex  
BN11 1JY

20<sup>th</sup> February 2023

Dear Sir/Madam

**Our Ref: 385461**

### **Licensing Act 2003**

I'm writing to you following my visit on the Thursday 16<sup>th</sup> February 2023 regarding a complaint that has been received by West Sussex Trading Standards, alleging Aji and Akash Limited t/a Express Supermarket, 68-70 Newland Road, Worthing, West Sussex, BN11 1JX has sold Alcohol to a child under the age of 18.

Under Section 146 of the Licensing Act 2003 it is a criminal offence to sell alcohol to a person who is under the age of 18 years old.

As well as prosecution the Act allows for an application to be made to the licensing authority for an alcohol licence to be reviewed if it can be shown age restricted products are being sold to children. Such a review could lead to your licence being suspended or revoked <sup>1</sup>.

You don't necessarily have to sell alcohol to a child to lose your licence, the sale of other age restricted products could also result in prosecution and can also lead to your alcohol licence being suspended or revoked if you or your business sell to an underage person.

In order for you and your staff to be compliant with the law, you should always ask young people to produce proof of their age. For example, a driving licence photocard or passport. If a person cannot prove they are over 18, the sale should be refused.

Your premises alcohol licence may contain specific conditions which should be followed, but there are also a number of best practice checks that you and your staff could implement to help prevent the sale of any age restricted products.

#### 'Challenge 25' system:

<sup>1</sup> West Sussex Trading Standards has a zero tolerance to the sale of alcohol to children. Unless there are exceptional circumstances, where there is sufficient evidence to show an underage sale of alcohol has taken place, we will seek a review of the premises alcohol licence with the aim of having the licence suspended or revoked. The seller and business will also be subject to enforcement action in line with our published enforcement policy.  
[www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/](http://www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/)

If a person attempts to purchase an age restricted product and they appear to be under the age of 25, you should ask them to produce proof of their age. If they're unable to prove their age, a sale should then be refused.

#### Staff training:

You should ensure your staff are fully trained to ensure they're aware which products are age restricted, what the age restriction is, and the action they should take if they believe a person is underage when they attempt to purchase such products.

It is important you can prove your staff have understood what is required of them by the law. This can be done by keeping a record of the training and asking members of staff to sign to say that they understand it.

These records should then be checked and signed on a regular basis by the manager or owner of the business.

#### Maintain a refusals log:

All refusals should be recorded (date, time, incident, product and description of the potential buyer). Maintaining a refusals log will help to demonstrate you and your staff actively refuse sales and have an effective system in place. Refusal logs should be checked by the manager or owner to ensure all members of staff are using them.

#### Till prompts:

If your system allows it may be possible to use your till to remind staff of age restrictions via a reminder prompt when the barcode of an age restricted product is scanned.

Alternatively by way of a staff reminder, stickers could be used to cover certain product barcodes.

#### Signage:

Displaying posters showing age limits for certain products and a statement regarding the refusal of such sales if the person appears to be underage. This may help deter potential purchasers and act as a reminder to staff.

#### CCTV:

A CCTV system may help act as a deterrent and reduce underage sales. It will also help you to monitor 'blind spots' within your store if it's not possible to change the layout or relocate age restricted products behind, or closer to, the counter.

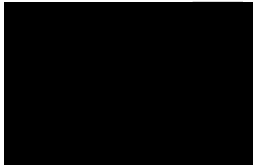
Please note the above advice is best practice and is not a legal requirement. However, the legislation states if you are charged with an offence of selling an age restricted product to a person under the age of 18, it is a defence if you're able to prove you took all reasonable steps to determine the purchaser's age and that you reasonably believed that the purchaser was not under the age of 18.

Therefore, by carrying out the above best practice checks, it will help show you and your staff are able to satisfy this legal defence and it will help reduce the sale of age restricted products to children.

Further advice and guidance on age restricted products can be found on the Business Companion website: [www.businesscompanion.info/](http://www.businesscompanion.info/)

I'd be grateful if you would please acknowledge receipt of the above advice by email to [natasha.ali@westsussex.gov.uk](mailto:natasha.ali@westsussex.gov.uk) If you also have any queries or require further information please don't hesitate to contact me.

Kind Regards,



Natasha Ali  
Trainee Trading Standards Officer

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# 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: 01/08/2023

I am the Public Health & Regulation Team Leader – Licensing. I have worked at Worthing Borough Council 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 in force at Express Supermarket, 68-70 Newland Road, Worthing, BN11 1JX.

Records held by Worthing Borough Council show that Mr Arumugam Balachandran is the licence holder of the Licensing Act 2003 Premises licence LN/[REDACTED] which authorises the sale and supply of alcohol, for consumption off the premises, at the 'Express Supermarket' store. Mr Balachandran has held the licence since 04 December 2018.

The licence names [REDACTED] as the Designated Premises Supervisor (DPS). She holds a Personal Licence (no. [REDACTED]) issued by [REDACTED] Council. [REDACTED] has been in post as the DPS at the store since 04 December 2018.

A copy of the current premises licence 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: 01/08/2023

Signed:

Simon Jones



WORTHING BOROUGH  
COUNCIL

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

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

**Premises Licence Number - LN/ [REDACTED]**

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Express Supermarket 68-70 Newland Road Worthing West Sussex BN11 1JX	
<b>Telephone number</b>	01903 204604
<b>Licensable activities authorised by the licence</b>	
See attached Schedule	
<b>The times the licence authorises the carrying out of the licensable activities</b>	
See attached Schedule	
<b>Opening hours of the premises</b>	
<b>Location :</b>	Convenience Store
Conversion - No timings supplied.	
<b>Where the licence authorises alcohol whether these are on and/or off supplies</b>	
OFF	

**Part 2 – Premises Licence Holder Details**

**Name**

Mr Arumugam Balachandran

**Registered Address**

[Redacted Address]

Telephone Numbers : [Redacted]

E-mail : [Redacted]

**Registered number of holder**

N/A

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

**Name**

Mrs Kajenthini Balachandran

**Registered Address**

[Redacted Address]

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

Personal Licence Number : [Redacted]

Licensing Authority : [Redacted]

**Schedule 1 – Licensable Activities authorised by this Licence**

**Times the licence authorises the carrying out of the licensable activities**

<b>Location :</b> Convenience Store		
<b>Activities :</b> Alcohol OFF Sales/Supply (M)		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
<b>Sunday</b>	10:00	22:30
<b>Monday</b>	08:00	23:00
<b>Tuesday</b>	08:00	23:00
<b>Wednesday</b>	08:00	23:00
<b>Thursday</b>	08:00	23:00
<b>Friday</b>	08:00	23:00
<b>Saturday</b>	08:00	23:00
<b>Non Standard Timings &amp; Seasonal Variations</b>		
<ul style="list-style-type: none"><li>• Good Friday 08.00 to 22.30hrs.</li><li>• Christmas Day 12.00 to 15.00hrs &amp; 19.00 to 22.30hrs.</li></ul>		

Signed : .....

Date : 3 January 2019

**Authorised Officer (on behalf of the Licensing Authority)**



## **Annexe 1 : Mandatory Conditions**

### **A. Mandatory conditions: Supply of Alcohol**

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

### **B. Mandatory conditions: Door Supervision**

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

### **C. Mandatory conditions: Age Verification**

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

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

- a holographic mark, or
- an ultraviolet feature.

### **D. Mandatory conditions : Permitted Price**

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

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

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

Where —

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

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

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

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

**E. Conditions consistent with the Embedded Restrictions of the Justices' 'Off' Licence (Licensing Act 1964)**

**1. Permitted Hours**

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

**Restrictions**

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

*Source Section 60,63,86 Licensing Act 1964*

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

*Source Section 164 Licensing Act 1964*

**3. Recorded Music**

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

*Source Section 182 Licensing Act 1964*

**Annexe 2 : Conditions Consistent with the Operating Schedule**

1. Digital CCTV and appropriate recording equipment to be installed; operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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 the premises at all times.
  - CCTV footage will be stored for a minimum of 30 days in relation to interior front and back doors and 20 days at till points.
  - 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 member of staff must be present at all times who can operate the system and supply copies of these images on request to officers of any responsible authority.
  - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the

- CCTV, and be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately & 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 be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
2. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of cards bearing the 'PASS' mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
  3. The Premises Licence Holder shall ensure that all staff members [including family members] engaged or to be engaged, in selling alcohol at the premises shall receive the following 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 drunkFurther verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed eight weeks, with the date and time of the verbal reinforcement/refresher training documented.
  4. All such training undertaken by staff members shall be fully documented and recorded. All training records shall be retained at the premises, and made available to officers of any responsible authority immediately upon request.
  5. The premises shall at all times maintain and operate refusals recording system (either in book. or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be retained at the premises and made available upon request to officers of any responsible authority.

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

Not applicable

**Annexe 4 : Plans**

See attached plan dated 25 July 2005



WORTHING BOROUGH  
COUNCIL

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

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

**Premises Licence Number - LN/ [REDACTED]**

**Premises Details**

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

Express Supermarket  
68-70 Newland Road  
Worthing  
West Sussex  
BN11 1JX

**Telephone number**

**Licensable activities authorised by the licence**

See attached Schedule

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

See attached Schedule

**Opening hours of the premises**

**Location :** Convenience Store

Conversion - No timings supplied.

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

OFF

**Premises Licence Holder Details**

**Name**

Mr Arumugam Balachandran

**Registered Address**

[Redacted Address]

**Registered number of holder**

N/A

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

**Name**

[Redacted Name]

**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 Licence Number]

Licensing Authority :

[Redacted 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**

<b>Location :</b> Convenience Store		
<b>Activities :</b> Alcohol OFF Sales/Supply (M)		
<b>Day</b>	<b>Start</b>	<b>Finish</b>
<b>Sunday</b>	10:00	22:30
<b>Monday</b>	08:00	23:00
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<b>Saturday</b>	08:00	23:00
<b>Non Standard Timings &amp; Seasonal Variations</b>		
<ul style="list-style-type: none"><li>• Good Friday 08.00 to 22.30hrs.</li><li>• Christmas Day 12.00 to 15.00hrs &amp; 19.00 to 22.30hrs.</li></ul>		

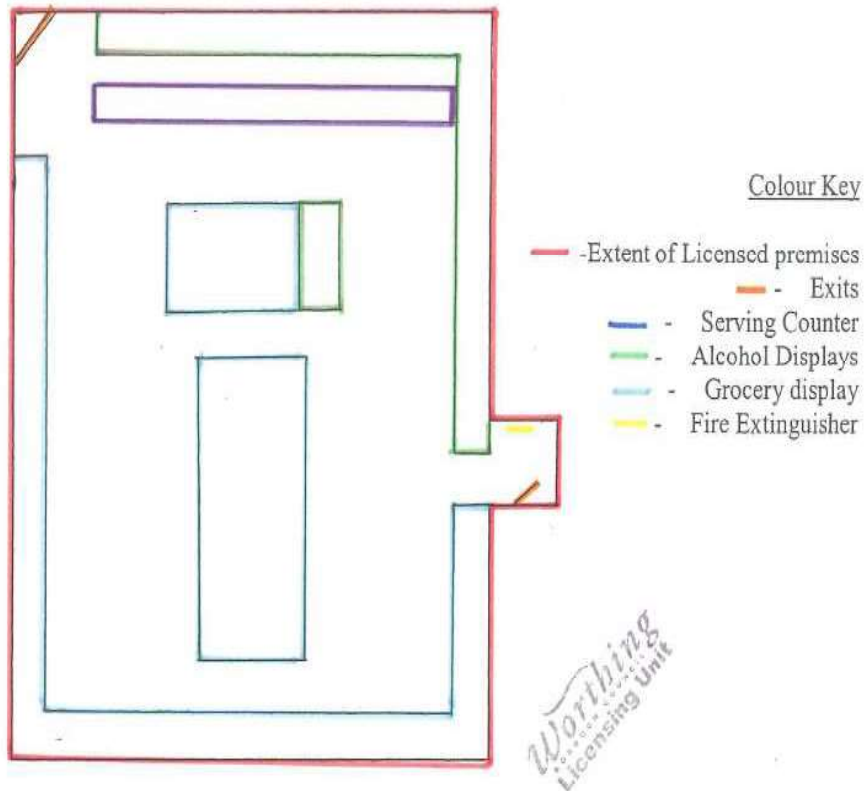
Signed : .....

Date: 3 January 2019

**Authorised Officer (on behalf of the Licensing Authority)**

Express Supermarket  
68 Newland Road, Worthing

29 July 2005



Scale 1:100

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**STATEMENT OF WITNESS**

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

STATEMENT OF: **MRS LAURA ANNE SANDERS**

Age of Witness: **Over 18**

(If over 18 enter "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 2<sup>nd</sup> day of June 2023

Signed 

I am employed as a Senior Trading Standards Officer with West Sussex County Council Trading Standards Service.

On the 24<sup>th</sup> May 2023, I participated in an Underage sales test purchase day, with three colleagues, Ms Elaine LUCAS (Senior Trading Standards Officer), Miss Natasha ALI (Trainee Trading Standards Officer) and Peter LEGGETT (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 met with the volunteer at our offices in Horsham, where we briefed her and took photographs of her appearance that day. The volunteer is assigned a unique code "NZA1" to protect her identity.



At approximately 1510 hours, I entered Aji and Akash Ltd t/a Express Supermarket 68-70 Newland Road, Worthing, BN11 1JX. A few seconds after I entered, I observed the volunteer enter the store. I browsed around the shop acting as a normal customer but made sure I could see the volunteer. I watched her look at various items around the premise and then I witnessed her pick up a bottle of alcohol and go up to the till.

I observed the seller, a male, Asian, bald and approximately in his 50s scan the bottle and advise the volunteer the price of the bottle, a WKD Blue. The seller did not ask for ID or ask the volunteer her age. I then observed the volunteer leave the store. I then purchased some cookies before leaving the premise at 1515. I returned to the operational vehicle where I placed the bottle of WKD blue into an evidence bag and completed the information on the bag. I gave the bottle, the reference ES/24/5/23/1 and sealed the evidence bag with the Seal Number MC00111837.

I identify as evidence the bottle of WKD the volunteer purchased reference ES/24/5/23/1.

At approximately 15:50, I returned to Aji and Akash Ltd t/a Express Supermarket 68-70 Newland Road, Worthing, BN11 1JX with my colleague Ms LUCAS. I introduced us both to the male working behind the till counter and explained the reason for the visit. I advised that he had just sold alcohol to our Underage Volunteer and advised him that I would need to ask him some questions in relation to the incident.

The seller was a [REDACTED] and at approximately 1555 I cautioned [REDACTED] and [REDACTED] confirmed he understood the caution.

I proceeded to ask [REDACTED] a series of questions in relation to the incident and [REDACTED] confirmed his date of birth, his address and contact details to me which I noted in my pocket notebook. [REDACTED] advised me that he had been working at the store for approximately 2 years and that he works 7 hour shifts, 3 [REDACTED]

days a week. [REDACTED] confirmed he understood what an age restricted product was and that the till rings loudly when he scans any product into the till that is age restricted. [REDACTED] showed me the till prompt and the message the till displays and the noise. I remembered the same noise sounded when the volunteer purchased the bottle of WKD blue. [REDACTED] advised that he believed the child to be 19 or 20 years of age. I then asked if they operate a 'Think 25' policy where he advised that there are posters in the shop but that he was not sure what it is and that he just asks anyone he believes to be under the age of 18.

[REDACTED] advised me that he had training approximately 6 or 7 months ago and that it was verbal training and that he had no written training provided. [REDACTED] went onto explain that he also runs a café and that this is not his normal trade. I asked [REDACTED] if they had a refusals log and at first, he was not sure what I meant but we were then shown a book where the last entry was 23<sup>rd</sup> May 2023. The seller then showed us a few entries that he had completed himself. Using my work mobile phone, I took photographs of the Refusal Book. I identify as evidence a print out of photographs I took as Item LAS/ES/1, LAS/ES/2, LAS/ES/3 and LAS/ES/4.

[REDACTED] also confirmed that they do have CCTV in the store but that he does not know how to work it.

Ms LUCAS and I left the store at 16:10 where we then returned to the office. I placed the bottle of WKD blue into the evidence room.

On the 25<sup>th</sup> May 2023, I received a missed telephone call from a mobile number. I therefore rang the mobile number back and Mr Bala ARUMUGAN answered the call. Mr ARUMUGAN advised me that he was the owner of the store and that he was aware of the incident the previous day. Mr ARUMUGAN provided me with his contact details and advised me that an officer would be in contact once the case had been allocated to an officer to investigate.

[REDACTED]

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# COMPANY INFORMATION

NAME:.....EXPRESS.....SUPER.....MARKET.....

WEBSITE:.....

PHONE:.....07735444206.....

ADDRESS:.....68-70 NEWLAND ROAD  
.....WORTHING.....BN111JX.....

EMAIL:.....[REDACTED].....

# LOG BOOK INFORMATION

CONTINUED FROM LOG BOOK:.....

CONTINUED TO LOG BOOK:.....

LOG START DATE:.....28/02/23.....

LOG END DATE:.....

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Date	Time	Product	Reason for refusal	Customer	Employee
15/03/23	14:39 PM	PEAF BLUNT	NO. I. D NO. SALE	NEW BOY	[REDACTED]
20/03/23	11:01 AM	RAW PAPER	NO. I. D NO. SALE	TWO NEW BOYS	[REDACTED]
* 21/03/23	checked				
25/03/23	16/08 PM	ELF-BAR	[REDACTED]	* NEW BOY	[REDACTED]
* checked			NO. I. D NO. SALE	NEW BOY	[REDACTED]
31/03/23	11:30 AM	ELF BAR	NO. I. D NO. SALE	NEW BOY	[REDACTED]
* checked				31/03/23	
13/04/23	10 AM	RAW PAPER	N. I. D NO. SALE	NEW TOY BOY	[REDACTED]
checked				14/04/23	[REDACTED]
15/4/23	13:48	ELF BAR	N. I. D NO. SALE	NEW Lady	[REDACTED]
18/04/23	8:24	ELEBAR	N. I. D NO. SALE	NEW BOY	[REDACTED]
23/04/23	8:00 PM	ELF BAR	NO. I. D NO. SALE	NEW BOY	[REDACTED]
checked				23/04/23	[REDACTED]
24/04/23	10:20 AM	OCB PAPER	NO. I. D NO. SALE	TWO NEW BOYS	[REDACTED]
checked				25/04/23	[REDACTED]
28/04/23	10:01 AM	ELF BAR	NO. I. D NO. SALE	NEW BOY	[REDACTED]
02/05/23	11:00 AM	ELF BAR	NO. I. D NO. SALE	2 NEW BOYS	[REDACTED]
09/05/23	10:30 AM	ELEBAR	NO. I. D NO. SALE	7 BOYS WITH NEW 2 GIRLS	[REDACTED]
* 09/05/23		checked			[REDACTED]

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	Time	Product	Reason for refusal	Customer	Employee
27/02/23	10:13 AM	ELF BAR			
27/02/23	3:01 PM	TOBACCO	NO. I.D	TWO NEW BOYS	
27/02/23	6:15 PM	RIZLA	NO. I.D NO SALE	Boy Looking JUNK	
* Checked					
28/02/23	11:15 AM	[REDACTED]	NO. I.D NO SALE	NEW GIRL	
01/03/23	1:30 PM	RAW RIZLA			
* Checked		ELF BAR	NO. I.D NO SALE	NEW Boy BLACK JAMPER	
4/3/23	11: AM	[REDACTED]	NO. I.D NO SALE	TWO NEW BOYS	
06/03/23	17:19 PM	TOBACCO			
* Checked		ELF BAR	NO. I.D NO SALE	Leddy	
07/03/23	3:15 PM	[REDACTED]	NO. I.D NO SALE	NEW Boy Black JAMPER	
07/03/23	7:19 PM	TOBACCO			
* Checked		TOBACCO	NO. I.D NO SALE	NEW Boy BLUE JAMPER	
08/03/23	19:56 PM	VODKA 35CL	NO. I.D NO SALE	NEW GIRL	
08/03/23	19:57 PM	SMIRNOFF 35CL	NO. I.D NO SALE	NEW GIRL	
* Checked		[REDACTED]			
13/03/23	4:12 AM	RAW PAPERS	NO. I.D NO SALE	NEW Boy Black JAMPER	
Checked		[REDACTED]			
14/03/23	3:09 PM	WKD 70CL	NO. I.D NO SALE	NEW Boy BLUE JAMPER	



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## Appendix G – Licence Holders Supporting Documentation

## **REPRESENTATION BY PREMISES LICENCE HOLDER**

DATE: 20/09/2023

We would like to report that following the test purchase failure on 24/05/2023, we have taken following steps to promote the licensing objectives:

1. The staff who sold alcohol to underage, employment has been terminated – he will no longer work at this premises.
2. The refusal book, staff training programs and other compliances have been upgraded to new standard with more details.
3. New filing system established so that the staff can provide the details with ease on request by responsible authorities.
4. DPS has been changed now to a premises license holder.

Enclosed: Staff Termination Letter

EXPRESS SUPERMARKET  
68-70 NEWLAND ROAD  
WORTHING  
BN11 1JX

01/06/2023



Dear 

**Termination of employment**

We hereby confirm that we have terminated your employment with us with immediate effect.

We were already discussing this matter with you that you have not been responsible at work and we have given you a warning.

On 24<sup>th</sup> May 2023 you have sold alcohol to under age, you have failed to apply challenge 25 scheme, you have failed to provide the officers staff training record and you were aware of it the place it was kept. You have also ignored the till prompt system.

We are a local community store and it is important that we take total responsibility for selling age restricted products.

We take this opportunity to thank you for working with us.

Yours sincerely

  
Mr Arumugam Balachandran  
Manager

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