

Licensing Act 2003

Application for the Review of the Premises Licence under Section 51

**Cost Less Express
31 South Farm Road
Worthing
West Sussex
BN14 7AD**

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:

Sussex Police

for a Review of the premises licence at the above store under section 51 of the Licensing Act 2003.

2. Reasons for the Hearing

- 2.1 An application for a Review of premises licence [REDACTED] held by

Dimora Evolution Ltd.

has been received from Inspector Michael Butler for and on behalf of the Chief Constable of Sussex Police on 14 July 2023. Sussex Police being a Responsible Authority as defined under the Act.

- 2.2 Worthing Borough Council is the Licensing Authority that granted the above licence and it therefore falls to members to determine this application.

3. Background

- 3.1 Premises Licence no. [REDACTED] authorises the sale of alcohol for consumption off the premises at the above store. It has been held by Dimora Evolution Ltd since it was first granted in June 2020. Companies House lists Mr Muhammad Mohsin Ashraf as the sole director of Dimora Evolution Ltd.
- 3.2 Cost Less Express is situated on the corner of South Farm Road and Pavilion Road at the end of a small parade of terraced shops in a mixed commercial & residential area just north of the central Worthing railway crossings. The parade includes a craft beer off licence/micro bar, sports & workwear retailer and a 'brick a brack' shop. Opposite, is a van sales forecourt, double glazing showroom and to the north of them is a small parade of 10 shops featuring independent businesses including a micro bar, cafe/bakery, restaurant and a barbers shop.
- 3.3 The area is densely populated with residential dwellings including flats above most of the shops.
- 3.4 Cost Less Express occupies a ground floor end of terrace unit and has been used as a convenience store both licensed and unlicensed for many years.
- 3.5 The current DPS of the store is Mr Muhammad Mohsin Ashraf and he has been in post since the licence was first granted and he holds a Personal Licence issued by the [REDACTED]
- 3.6 The current Premises Licence allows:
- Sale of alcohol for consumption off the premises between:
 - 07.00hrs and 23:00 hrs Monday - Sunday
 - Hours the premise can open to the public:
 - 07.00hrs and 23:00 hrs Monday - Sunday
- 3.7 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)

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 Sussex Police, 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 multiple breaches of licence conditions over an extended period of time, despite guidance being given, culminating in the failure of a test purchase operation involving the purchase of alcohol by a 16 year old child volunteer carried out on 31 May 2023.

4.4 Sussex Police are requesting that members consider the revocation of the premises licence.

5. Promotion of the Licensing Objectives

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

According to the Home Office Guidance each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to Guidance issued by the Home Secretary and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

Prevention of crime and disorder

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

4.10 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself, the Guidance issued under section 182 to the Act and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider all the information

available and relevant representations made, including those from interested parties and the responsible authorities, particularly the Police.

- 4.11 *In their role as a responsible authority, Sussex Police are an essential source of advice and information on the impact and potential impact of licensable activities in the borough, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and usually have good working relationships with those operating in the local area. The council recognises that Sussex Police are the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The Council will accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*
- 4.12 *Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. The Council will expect Operating Schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business, including, where appropriate, the arrangements proposed in respect of prevention of both alcohol and drug misuse.*
- 4.15 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in para. 4.10, under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder within the vicinity if relevant representations are received. Whether or not incidents can be regarded as being in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case."*

Protection of Children from Harm

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

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

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

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

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

4.35 *It is an offence to:*

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

It is not illegal:

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

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

Enforcement

12.1 *Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and the Council will make arrangements to monitor premises.*

Reviews

12.5 *The 2003 Act provides a clear focus on the promotion of the four statutory licensing objectives which must be addressed when licensing functions are undertaken. The Act provides tough powers, in the form of the review procedure, to enable licensing authorities to bring the minority of badly managed premises, which are failing to promote the licensing objectives, into line with the best.*

12.10 *When considering an application for a Review the priority of the Licensing Authority will be to establish the cause or causes of the concerns and failures and to take necessary and proportionate remedial action.*

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

6. Consultation

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

7. Relevant Representations

7.1 The application received 3 representations from Responsible Authorities:

- WSCC Trading Standards Service
- WSCC Public Health
- A&W Environmental Food and Health & Safety Team

(Appendix E)

There were no representations from the public.

7.2 WSCC Trading Standards have in their representation supported the Police's application and given details of their own enforcement work following accusations of underage vape sales and illicit sales of 'oversized' e-cigarettes from this premises. Trading Standards contend that in their opinion it would be proportionate and necessary to revoke the premises licence to safeguard the licensing objectives.

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 Sussex Police to revoke the licence to limit further criminal activity and to promote the licensing objectives.

7.4 A&W Councils' Environmental Food and Health & Safety Team have provided information regarding their inspections of the premises, their enforcement work and their perception that there is a lack of management control but have made no recommendations.

7.5 Both the applicant and licence holder have been invited to provide any information supporting their cases and the applicant, licence holder and those that have made relevant representation have been invited to attend the Committee meeting. All parties have the right to address members.

8. Mediation

8.1 As part of the review process the Licensing Act encourages, where possible, mediation.

8.2 Officers are unaware if any mediation has been conducted. Any developments will be reported to members as soon as received or at the hearing.

9. Consideration

- 9.1 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. These being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Each objective is of equal importance and it is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.
- 9.2 But members should note that the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- *Necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;*
 - *Introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet customers' expectations;*
 - *Greater choice for consumers, including tourists, about where, when and how they spend their leisure time;*
 - *Encouragement of more family friendly premises where younger children can be free to go with the family;*
 - *Further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities;*
 - *Regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring.*
- 9.3 When determining this application members need to carefully consider the following:
- The four statutory licensing objectives
 - Worthing Borough Council's 'Statement of Licensing Policy'
 - The 'Guidance issued under Section 182' by the Home Secretary
 - The application & relevant representations
 - The testimony and any relevant information supplied by the licence holder, the applicant and the representors.
- 9.4 These are the only matters to be addressed by the authority when considering this review application. The statutory licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application, suspend or revoke a licence or impose conditions.
- 9.5 When considering an application for a review, pursuant to s51 of the Act, the following options are available to the Committee to ensure promotion of the Licensing Objectives:
- To take no action.
 - Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).
 - Exclude a licensable activity from the scope of the licence.
 - Remove the designated premises supervisor because they consider the problems are the result of poor management.

- Suspend the licence for a period not exceeding three months.
- Revoke the licence.

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

9.6 In determining an application for a review the following sections of the Home Secretary's Guidance issued under section 182 of the Licensing Act 2003 (Amended – July 2023) should be taken into account:

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.20 In deciding which of these powers to invoke (see section 9.5 of this report), it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing

objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 *A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drug problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*
- 11.25 *Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.*
- 11.26 *Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.*
- 11.27 *There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*
- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*

- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- *for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs;*
- *for the organisation of racist activity or the promotion of racist attacks;*
- *for employing a person who is disqualified from that work by reason of their immigration status in the UK;*
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol.*

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

9.9 In all cases members are required to give reasons for their decision.

10. Legal Implications

10.1 Under Section 181 and Schedule 5 of the Act, rights of appeal to the Magistrates' Court in respect of applications for review of an existing licence include:

- The applicant or licence holder may appeal against any decision to modify the conditions of the licence, suspend or revoke a licence.
- The applicant may appeal against a rejection in whole or part of an application to review.
- Those that have made relevant representations may appeal against a review being granted, rejected, or against the modification or lack of modification of any conditions.

10.2 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

“The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with

licensing objectives are occurring after the grant or variation of a premises licence.

At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 10.5 All applications before the Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and the responsible authorities particularly the Police.

11. Other implications

- 11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account. There are no significant direct race relations or equal opportunity implications that have been identified.

12. Recommendation

- 12.1 **Members are requested to determine the application by Sussex Police for a Review of the Premises Licence held by Dimora Evolution Ltd. at the Cost Less Express store situated in South Farm Road, Worthing. Members are requested to give reasons for their determination.**

**Director for Sustainability & Resources
Paul Brewer**

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Simon Jones

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Background Papers:

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

Appendices:

- Appendix A - Map & photos of the area.
- Appendix B - Plan of the premises.
- Appendix C – Cost Less Express' Premises Licence.
- Appendix D – Sussex Police's Review Application
- Appendix E – Responsible Authority Representations

Adur & Worthing Public Health & Regulation Licensing Unit

Town Hall, Worthing

Ref: SJ/Lic.U/LA03/Review – Cost Less Express

Date: 18 August 2023.

Appendix A – Map & Photos of Area

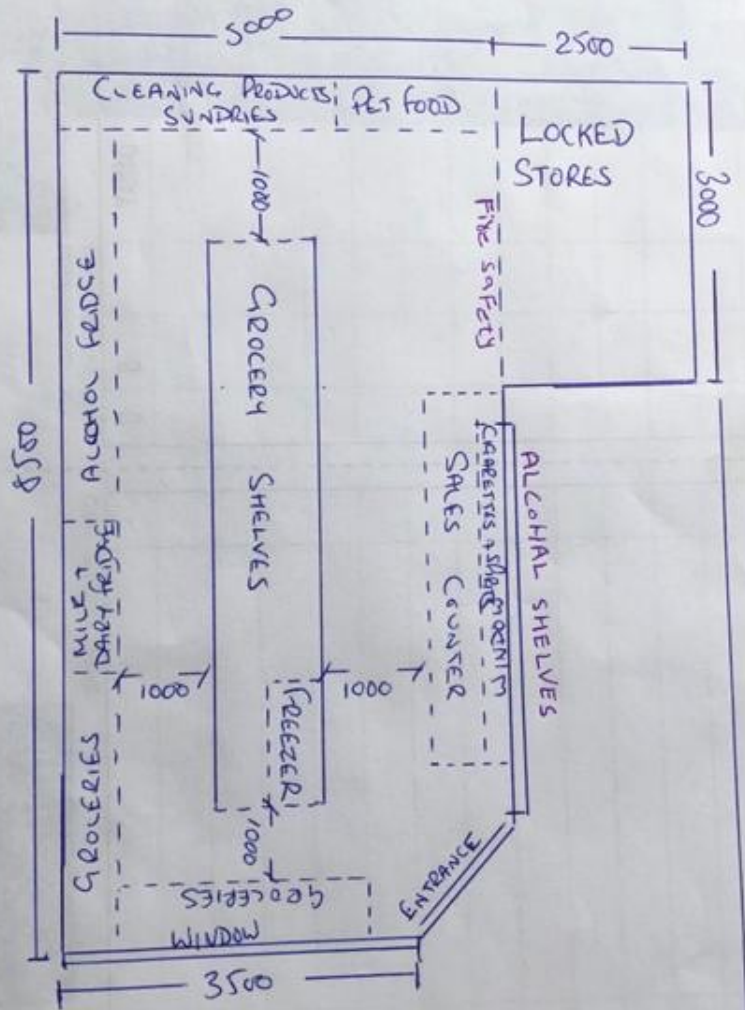
Appendix A – Map & Photos of Area







Appendix B – Plan of Premises



PAVILLION ROAD

SOUTH FARM ROAD

Appendix C – Premises Licence



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 - [REDACTED]

Part 1 – Premises Details

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

Cost Less Express
31 South Farm Road
Worthing
West Sussex
BN14 7AD

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

Day	Start	Finish
Sunday	07:30	00:00
Monday	07:30	00:00
Tuesday	07:30	00:00
Wednesday	07:30	00:00
Thursday	07:30	00:00
Friday	07:30	00:00
Saturday	07:30	00:00

Non Standard Timings & Seasonal Variations

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

OFF

Part 2 – Premises Licence Holder Details

Name
Dimora Evolution Ltd

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

Registered number of holder
[REDACTED]

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

Name
Mr Muhammad Mohsin Ashraf

Registered Address
[REDACTED] [REDACTED] [REDACTED]

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

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location : Convenience Store		
Activities : Alcohol OFF Sales/Supply (M)		
Day	Start	Finish
Sunday	07:30	00:00
Monday	07:30	00:00
Tuesday	07:30	00:00
Wednesday	07:30	00:00
Thursday	07:30	00:00
Friday	07:30	00:00
Saturday	07:30	00:00
Non Standard Timings & Seasonal Variations		

<p>Signed : </p> <p>Authorised Officer (on behalf of the Licensing Authority)</p>	<p>Date : 20 July 2020</p>
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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. Permitted Hours

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

Annexe 2 : Conditions Consistent with the Operating Schedule

1. 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 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 31 days
 - 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.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - 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) 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 a 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.
2. All sales of alcohol for off sales will be made in sealed containers.
3. All spirits on retail display in the public area of the premises will be kept behind the service counter beyond arms reach of the public, behind a secure Perspex screen or stored in a locked secure cabinet.
4. No beer, lager or cider with an ABV of 6% or above shall be sold at the premises. This prohibition shall not apply to premium beer, lager or cider with an ABV of 6% or above such as craft or speciality brands, brands produced by a micro-brewery or brands produced to commemorate a national or local event.
5. 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. Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations inside the premises including where alcohol is on retail display and at the till point.
6. The Premises Licence Holder shall ensure that all staff members (including friends and 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.

7. Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three 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. All training records will be kept at the premises and made available to officers of any responsible authority upon request.
8. 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 will be kept at the premises and made available to officers of any responsible authority upon request.
9. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that a challenge 25 policy is in place, the recommended forms of ID accepted (see condition 5 of the existing licence), and 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.
10. Alcohol deliveries will only be made to a residential or business address.
11. 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. Failure to produce satisfactory age verification ID will result in the alcohol not being delivered and instead returned to the premises. All refusals will be documented in the refusals book.
12. Customers ordering alcohol for delivery to a residential or business address must have their age verified. This process will be documented, the records of which must be retained at the premises for no less than twelve months and produced on request to an officer of a Responsible Authority.
13. For deliveries where the alcohol is delivered by a third party where the DPS has no direct supervision or control over the delivery and delivery is anticipated to take more than 24 hours (such as an independent courier or Royal Mail):
 - 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.
 - In the event that the person ordering and paying for the alcohol nominates another person as the recipient of the alcohol, as a gift etc, the person ordering and paying for the alcohol will be required to state as part of their order that the recipient is aged over 18.
14. 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 above conditions are adhered to by the third party.

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

Not applicable.

Annexe 4 : Plans

See attached plan.



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 - [REDACTED]

Premises Details

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

Cost Less Express
31 South Farm Road
Worthing
BN14 7AD

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

Day	Start	Finish
Sunday	07:30	00:00
Monday	07:30	00:00
Tuesday	07:30	00:00
Wednesday	07:30	00:00
Thursday	07:30	00:00
Friday	07:30	00:00
Saturday	07:30	00:00

Non Standard Timings & Seasonal Variations

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

OFF

Premises Licence Holder Details

Name
Dimora Evolution Ltd

Registered Address
[REDACTED]

Registered number of holder
[REDACTED]

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

Name
Mr Muhammad Mohsin Ashraf

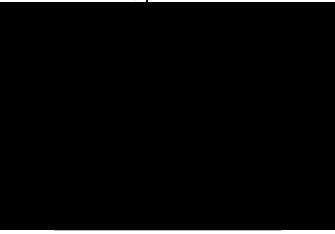
Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol
Personal Licence Number : [REDACTED]
Licensing Authority : [REDACTED]

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

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location : Convenience Store		
Activities : Alcohol OFF Sales/Supply (M)		
Day	Start	Finish
Sunday	07:30	00:00
Monday	07:30	00:00
Tuesday	07:30	00:00
Wednesday	07:30	00:00
Thursday	07:30	00:00
Friday	07:30	00:00
Saturday	07:30	00:00
Non Standard Timings & Seasonal Variations		

Signed :  Date: 20 July 2020

Authorised Officer (on behalf of the Licensing Authority)

Appendix D – Review Application



Application for the review of a premises licence 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, *(insert name of applicant)*

Inspector Michael Butler [REDACTED]
for and on behalf of the Chief Constable of Sussex Police

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Cost Less Express

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

31 South Farm Road

Post Town

Worthing

Post code (if known)

BN14 7AD

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

Mr Muhammad M Ashraf



Number of premises licence or club premises certificate (if known)

[REDACTED]

Part 2 – Applicant details

I am,

Please mark X for yes

1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>

2) A responsible authority (please complete (C) below)	X
--	----------

3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
---	--------------------------

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

Please mark X for yes

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title (for example, Rev)	
----	--------------------------	-----	--------------------------	------	--------------------------	----	--------------------------	--------------------------------------	--

Surname	First names
<input type="text"/>	<input type="text"/>

	Please mark X for yes
I am 18 years old or over	<input type="checkbox"/>

Current postal address if different from premises address	
---	--

Daytime contact telephone number	
E-mail address (optional)	

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)
Email address (if any)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

<p>Name and address:</p> <p>Licensing Team Sussex Police Centenary House Durrington Lane, Worthing West Sussex BN13 2PQ</p>
<p>Telephone number (if any)</p> <p>01273 404 030</p>
<p>(Email address (if any)</p> <p>WS_licensing_wor@sussex.pnn.police.uk</p>

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

	Please mark X for yes (one or more boxes)
1) the prevention of crime and disorder	<input checked="" type="checkbox"/>
2) public safety	<input type="checkbox"/>
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the following licensing objectives have been seriously undermined:

- 1) The prevention of crime & disorder
- 2) The Protection of Children from Harm

Sussex Police have received intelligence from several sources that the shop is repeatedly selling age restricted products to children.

Several visits to the shop confirmed that the shop was very badly organised, and that the Premises Licence Holder (PLH) (via a limited company of which he is the sole director) and Designated Premises Supervisor (DPS) Mr Ashraf did not know what the conditions on his licence were, and was in breach of many licence conditions.

Mr Ashraf has not worked with Police, and has failed to either acknowledge or act upon two advice and warning letters hand delivered to him at the premises.

The premises then failed a test purchase, when a member of staff sold alcohol to a sixteen year old child. Interaction with Mr Ashraf immediately after the sale confirmed that Mr Ashraf was still unaware of the conditions on his licence, and many conditions on the licence were being breached. This is fifteen months after Police first started trying to take the stepped approach with this premises, visiting the shop in person and advising Mr Ashraf about adherence to his licence conditions and multiple breaches of licence conditions.

Accordingly Sussex Police now apply for a review of the premises licence, seeking revocation.

Please provide as much information as possible to support the application (please read guidance note 2)

Dimora Evolution Ltd. holds the premises licence at Cost Less Express. The company applied for the licence on 1 June 2020 and the licence was granted on 30 June 2020. Mr Muhammad Mohsin Ashraf is currently the sole director listed on Companies House for Dimora Evolution Ltd. Mr Ashraf has been the DPS since the new licence was granted. Mr Ashraf agreed to the existing licence conditions in annexe 2 when applying for the premises licence, as confirmed by the attached email from Mr Simon Jones.

The shop is situated on South Farm Road (on the corner of Orme Road) very near to the railway crossing. The shop is relatively small and is a long narrow rectangular shape inside.

In late 2021 and early 2022 Sussex Police received three separate complaints that this premises was selling age restricted products (either alcohol or tobacco and vaping products) to children. In one case the complaint was received from a local school headmaster. In another case parents of a schoolchild found cigarettes and vaping products in her bedroom which could be linked back to Cost Less Express via their daughter's debit card and bank statements.

On the 11th January 2022 PC Jeffrey from Police Licensing attended the shop to arrange a meeting with Mr Ashraf to discuss the various allegations and complaints regarding the sale of age restricted products to children. The person working behind the counter stated that Mr Ashraf was in London and not available.

PC Jeffrey noted that:

The clock on the CCTV system was one hour out.

There were no challenge 25 posters/information on display.

The shop was very badly organised, with a large quantity of products on display all crammed in on shelves in a disorganised and chaotic manner. Alcohol products were positioned in various areas on different shelves, with much of the alcohol on the other side of shelves obscured from the view of staff behind the counter, and with no CCTV coverage of the shelves in question.

PC Jeffrey returned to the shop on the 15th January 2022. Again Mr Ashraf was in London where he resides. The male working on his own in the shop advised that he had commenced working there five days previously, and that he had received no training in age restricted sales.

PC Jeffrey noted:

The clock on the CCTV system was still an hour out. The male working in the shop had no idea how to operate the CCTV system.

There was an issue with no physical barrier between the shop floor and the service counter. There is a licence condition that all spirits should be kept behind the counter out of arms reach.

There is a condition on the licence that no beers, ciders or lagers with an ABV exceeding 6% will be sold. A large number of super strength items were on display including Kestrel 9%, Super Skol 8%, Tenants Super 7.5%, O.J. 8.5%, K 7.5% and Karparki 9%. Also being stockpiled on the floor and on shelves were 3 litre bottles of Omega and Frosty Jacks ciders at 7.5%.

It was again noted that large quantities of alcohol were stockpiled on the floor in a disorganised and haphazard fashion. This was on the far side of a large shelf running down the entire centre of the shop which staff behind the counter could not see, with no CCTV coverage. The staff member admitted that he could not see the alcohol on the floor or on bottom shelves, and thus the premises would not be able to see if alcohol was being stolen.

The member of staff when asked was unable to demonstrate any understanding of how the challenge 25 policy should work. He then sold alcohol in front of PC Jeffrey to two young persons (who clearly looked younger than 25) with no age challenge whatsoever. PC Jeffrey confirmed that the two young persons were in fact twenty, so strictly speaking no offence had taken place. Nevertheless the two young persons could easily have been under 18.

There was no refusals register, and the member of staff did not know if there was a refusals register.

On 19th January 2022 a further visit was conducted at the shop. Mr Ashraf was there.

The shop was again very shambolic and badly organised, with energy drinks on shelves next to beers and spirits, and a display of wine in the middle of the pet food section. Again there were numerous displays of super strength ciders in 1.5 ltr bottles on the floor all around the shop.

Mr Ashraf was asked about the conditions on his licence. It soon became very clear that Mr Ashraf did not have the faintest idea what the conditions are on his licence, and that he had not bothered to look at his own premises licence since it was granted. This was despite Mr Ashraf formerly accepting the conditions to go on the licence when he applied for it.

When it was explained to Mr Ashraf that there had been a number of complaints and allegations (including one for a school headmaster) that his shop is selling age restricted products to children, he shrugged his shoulders and insisted that adults were buying alcohol and then supplying it to the children outside. It was then explained to Mr Ashraf that one girl had purchased age restricted

products using her debit card which had immediately been traced back to his shop.

When asked about age restricted sales training for staff and the fact that on the 15th January 2022 the member of staff replied that they had been employed for five days and had received no training whatsoever, Mr Ashraf insisted that the employee had worked for him for twenty years. Mr Ashraf was still unable however to provide any documentation confirming age restricted sales training for that member of staff in the preceding twenty years.

When asked about the CCTV system and the incorrect time displayed on the TV screen, Mr Ashraf was dismissive and unconcerned and simply replied that he did not know how to correct it. There were four cameras in operation, with the images shown on the TV monitor being very poor. The camera showing the entrance was at such a high angle (thus only showing the tops of people's that it was almost not worth having.

When asked about how long CCTV footage is retained for, Mr Ashraf replied "six months". However when asked to show us the oldest footage still retained on the hard drive, he showed us the 25th December which was only 26 days previously. The licence condition stipulates 31 days.

Mr Ashraf stated that only he has access to the CCTV hard drive, and it was explained to him that in the event that he is unavailable (he lives in London) and there is an incident at the shop or he himself is the victim of an attack, then police will be unable to access the CCTV system.

Mr Ashraf was asked to contract with a CCTV engineer to resolve these issues.

Re condition 3, it was pointed out that customers can still lean over and reach spirits on display behind the counter. There were also still spirits on retail display in the main area of the shop, which Mr Ashraf was instructed to remove to behind the sales counter.

Re condition 4 (no beers, ciders or lagers above 6% ABV), there were numerous 1.5 litre bottles of Frosty Jack Cider (7.5% ABV) on the floor at the foot of most of the shelving displays. Perla cans (7.6% ABV), K Cider (7.5%), Karpackie (9%), Dragon Soop (7.5% ABV), Omega White Cider (7.5%), Skol Super Cans (8%). There was also Debowie beer (7% ABV) which had 100% Polish labelling with no English labelling, which is an offence.

The 6% ABV condition was pointed out to Mr Ashraf, who appeared to be unaware of the condition. Mr Ashraf then protested that it was unfair as all his competitors are selling it. Mr Ashraf was advised by PC Jeffrey to remove the high strength ABV beers, and ensure that he does not try and sell it as it will be a breach of the licence. Mr Ashraf said he would formally complain about this. Subsequently Mr Ashraf did make any complaint (to which we formally responded in our letter of the 8th July 2022 attached), did not make any attempt to enter into any negotiations to remove the condition, and continued to sell high strength ABV beers and ciders knowingly in clear breach of his licence.

It was pointed out to Mr Ashraf that he is very vulnerable to shop lifting, and his CCTV cameras do not even cover much of the alcohol. It was pointed out to Mr Ashraf that the organisation and layout of the shop is very poor and badly organised, with super strength alcohol on shelves next to children's soft drinks and energy drinks, and super strength beer (Skol 8%) next to cakes. The wine display in the middle of the cat food products was also highlighted.

To quote a paragraph in our subsequent letter of the 8th April 2022 to Mr Ashraf:

The layout of your shop and the apparent level of disorganisation is a cause for concern. As explained to you on both visits, you have alcohol spread all around the shop, and energy drinks which are attractive to children placed directly next door to alcohol. Bottles of Guinness were next to energy drinks for example. Children's lollipop flavoured drinks were in a display with beers. The inside of your shop clearly needs some reorganisation and

rationalisation.

Mr Ashraf seemed irritated, defensive and resistant to taking on board advice throughout our hour and five minutes visit. He protested that it was not his fault, and he is hardly making any money to survive.

Mr Ashraf was warned by PC Jeffrey that he is likely to undergo test purchase operations by either or both Trading Standards and Sussex police. His business is likely to fail if his premises licence to sell alcohol is revoked. We are taking a stepped approach and trying to assist him. It was clear that the male working in the shop during PC Jeffrey's previous visit had no idea what Challenge 25 is.

The front page of part A of the licence was on display but concealed behind a pillar behind the counter so effectively no one could see it. There was no part B on display as required by The Licensing Act 2003.

Mr Ashraf was asked about training records, and replied that he did his personal licence qualification so many years ago that he has lost all his reference books which he will need for staff training. He then made no effort to tell us what he intended to do about this, or whether he would subsequently arrange staff training as per the conditions on his licence.

A bottle of alcohol was scanned through the till to test if an age restricted sales prompt came up on the till display. No such warning came up. Mr Ashraf was advised about this, and said he would get it fixed.

It was pointed out to Mr Ashraf that his vaping products were scattered in a hap hazard way around the shop, thus making them very easy to steal.

It was pointed out that the stock room at the rear of the shop was full of yet more alcohol. There was no lock on the door leading to the store room, and the door was wide open. It was stressed that anyone (and particularly children) could easily gain access to the stock room to steal alcohol, and that accordingly Mr Ashraf urgently needs to put a lock on the door.

Subsequently our letter of the 11th February 2022 [copy attached] was hand delivered addressed to Mr Ashraf at the shop setting out in detail the various licence breaches and issues identified during our visit. The letter concluded with the following paragraphs:

I will conclude by commenting that we are very concerned about the quite obvious poor management and control in your shop. It was very apparent that you had little if any idea what the conditions are in annex 2 of your licence. PC Jeffrey reiterated to you that we are trying to work with you, and that we take a stepped approach in relation to licensing enforcement.

You are advised that we will conduct further visits to the shop in the future. If there is not a clear improvement in the management and control of the shop in relation to licensing and the promotion of the licensing objectives and adherence to your licence conditions, then ultimately there is a serious risk that Sussex police will apply for a review of your licence (possibly supported by other responsible authorities), which may well lead to the revocation of your premises licence. In view of the very large quantities of alcohol on display in your shop, I anticipate that revocation of your alcohol licence will have a catastrophic impact on your business. Ultimately however what happens is now entirely in your hands.

Should you have any queries from PC Jeffrey and I, please do not hesitate to contact us.

Please can you email me to confirm receipt of this letter.

Subsequently there was no reply or acknowledgement from Mr Ashraf.

A follow up visit was made to the shop on the 9th March 2023 by officers from Police Licensing, accompanied by Ms Marshall from Worthing Council Licensing. Mr Ashraf was working at the shop, and he acknowledged receiving the previous hand delivered letter of the 11th February. The visit did not go well, and in summary nothing had changed and there were still multiple licence breaches. These are all detailed our letter of the 8th April 2022, which is attached. Mr Ashraf had clearly not made any effort to address the outstanding issues, and responded by claiming he was being discriminated against and treated unfairly.

Subsequently our letter of the 8th April 2022 [copy attached] detailing the various breaches and outstanding issues, and responding to Mr Ashraf's allegations that he was being discriminated against, was sent. The letter was hand delivered to the shop. There was no response or acknowledgement whatsoever from Mr Ashraf.

On the 13th April 2002 there was a particularly violent armed robbery at the shop, when a group of youths threatened staff with a knife when confronted inside the shop. Stock was thrown on the floor and damaged, and the youths then vandalised the front of the shop before running off when challenged by members of the public passing by. This corroborates why having comprehensive CCTV in compliance with the CCTV licence condition is essential.

On Wednesday 31st May 2023 a test purchase operation was conducted in Worthing using underage volunteers. Taking into consideration the above history, Cost Less Express was included in the list of licensed premises tested. A member of staff working in the shop on their own sold a bottle of beer to a male child aged 16 years. No age identification challenge was made by the seller to the child. This is an offence under S.146 of The Licensing Act 2003.

Mr Ashraf arrived at the shop shortly afterwards whilst police officers were inside the shop. The visit was recorded (with sound) on PC Jeffrey's body worn video camera.

Mr Ashraf was unable despite being asked four times to produce any written training records for any staff, including the member of staff who had just sold the alcohol to the child.

Mr Ashraf was unable to demonstrate that entries were being made in a refusals book, and he could not even find the refusals book.

The stock room did now have a padlock fitted (as per our request at a previous visit). However the door was wide open with a large quantity of alcohol stacked up inside.

There was now a door fitted to the entrance to the service counter, thus allowing the condition that spirits should be behind the counter and out of arms reach of customers. However the door was left wide open.

Various beers and ciders with an ABV above 6% were on sale, again in breach of the licence conditions. Mr Ashraf again responded by claiming that he was being discriminated against.

The layout of the shop was again disorganised and chaotic. Bottles of alcohol were on display on shelves next to soft drinks aimed at children [see attached photographs].

One of the licensing officers explained to Mr Ashraf the difference between part A and part B of his premises licence. Mr Ashraf asked the officer to show him the licence conditions including the 6% ABV condition, as he did not know what the conditions were or where they were on the premises licence.

There was a further inspection of the CCTV system. When Mr Ashraf was asked how many days

CCTV footage was retained on the hard drive, he replied 26 days (the licence condition clearly states 31 days). When Mr Ashraf was asked to demonstrate to the officers the oldest footage retained on the hard drive, it became clear the CCTV hard drive only retained 14 days footage.

Sussex Police invite the Council Licensing Committee to revoke the premises licence for Cost Less Express for the following reasons:

There have been intelligence reports and complaints from several sources (including a school head teacher) that the shop is repeatedly selling age restricted products to children.

Mr Ashraf expressly agreed to the licence conditions when applying for the premises licence.

Mr Ashraf has been visited on two separate occasions by specialist Police Licensing officers. On each occasion there were multiple licence condition breaches identified. Police explained the breaches to Mr Ashraf and gave him professional advice and clear instructions on what his licence conditions said, and what he needed to do to rectify the breaches. The visits were then followed up with detailed letters again explaining the breaches of licence conditions. Mr Ashraf continually failed to take on board the advice and instructions. Mr Ashraf did not respond to any of the letters hand delivered to him at the shop.

The shop then failed a test purchase, when a member of staff sold alcohol to a 16 year old child.

Mr Ashraf has been argumentative and confrontational with officers attending the shop, both during the two visits in 2022 and after the test purchase operation on the 30th May 2023. We are quite prepared to be challenged and questioned and held to account. With Mr Ashraf however we seem to go around in circles, and despite taking "the stepped approach" and giving him advice and guidance, we have not made any progress with him during the last fifteen months.

Unfortunately the premises remains a clear risk to children as evidenced by the intelligence, Mr Ashraf's repeated failure to take any note of his licence conditions, his repeated failure to work with and take heed of specific professional advice from Police Licensing, and then the test purchase when alcohol was sold to the child. Immediately after the test purchase it was confirmed that there were yet again multiple licence condition breaches, and yet again Ashraf was not receptive to our input and demonstrated that despite now having the licence for three years and having had police visits and written warnings, he was still oblivious to conditions on his licence.

Mr Ashraf has already had fifteen months since our first visit to the shop to adhere to his licence conditions. Thus a suspension of the licence to allow improvement work to be done will be ineffective. The licence already has comprehensive conditions, so there is nothing to be gained from imposing further conditions.

The existing licence conditions are not being adhered to, despite Sussex Police repeatedly trying to take a stepped approach and work with and assist Mr Ashraf. Thus revocation of the licence is the only option.

Please mark X for yes

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

If yes please state the date of that application

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

Please mark X for yes

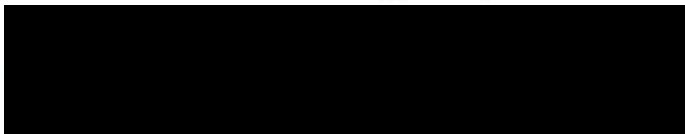
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature (on behalf of the applicant)



Date: 12th July 2023

Capacity: Operations Inspector  Sussex Police West Division

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Worthing

BN13 2PQ

Telephone number (if any)

01273 40 40 30

If you would prefer us to correspond with you using an e-mail address ?

Your e-mail address (optional)

WS_licensing_WOR@sussex.pnn.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.



Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division
Neighbourhood Licensing Team

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

Tel: 01273 404 030

WS_Licensing_WOR@sussex.pnn.police.uk

11th February 2022

Mr Muhammad M Ashraf
Cost Less Express
31 South Farm Road
WORTHING
BN14 7AD

DELIVERED BY HAND

Dear Mr Ashraf,

RE: PREMISES LICENCE CONDITIONS FOR COST LESS EXPRESS, 31 SOUTH FARM ROAD, WORTHING, BN14 7AD. UNDER THE LICENSING ACT 2003.

Further to our recent visit to your premises with our licensing colleague from Worthing Council, I am writing to you to confirm the issues that became apparent during our visit to your premises.

As explained to you by my colleague PC Jeffrey, Sussex police have received complaints that your premises is allegedly supplying age restricted products to children.

It was apparent during our visit to you that you are not familiar with the conditions in annexe 2 of your premises licence. I have therefore replicated them for you here:

Annexe 2: Conditions Consistent with the Operating Schedule

1. 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

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

Telephone: 101 | 01273470101

Publication Number 09/05), 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 31 days

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.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

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) 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 a 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.

2. All sales of alcohol for off sales will be made in sealed containers.

3. All spirits on retail display in the public area of the premises will be kept behind the service counter beyond arms reach of the public, behind a secure Perspex screen or stored in a locked secure cabinet.

4. No beer, lager or cider with an ABV of 6% or above shall be sold at the premises. This prohibition shall not apply to premium beer, lager or cider with an ABV of 6% or above such as craft or speciality brands, brands produced by a micro-brewery or brands produced to commemorate a national or local event.

5. 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. Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations inside the premises including where alcohol is on retail display and at the till point.

6. The Premises Licence Holder shall ensure that all staff members (including friends and 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.

7. Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three 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. All training records will be kept at the premises and made available to officers of any responsible authority upon request.

8. 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 will be kept at the premises and made available to officers of any responsible authority upon request.

9. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that a challenge 25 policy is in place, the recommended forms of ID accepted (see condition 5 of the existing licence), and 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.

10. Alcohol deliveries will only be made to a residential or business address.

11. 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. Failure to produce satisfactory age verification ID will result in the alcohol not being delivered and instead returned to the premises. All refusals will be documented in the refusals book.

12. Customers ordering alcohol for delivery to a residential or business address must have their age verified. This process will be documented, the records of which must be retained at the premises for no less than twelve months and produced on request to an officer of a Responsible Authority.

13. For deliveries where the alcohol is delivered by a third party where the DPS has no direct supervision or control over the delivery and delivery is anticipated to take more than 24 hours (such as an independent courier or Royal Mail):

- 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.

□ In the event that the person ordering and paying for the alcohol nominates another person as the recipient of the alcohol, as a gift etc, the person ordering and paying for the alcohol will be required to state as part of their order that the recipient is aged over 18.

14. 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 above conditions are adhered to by the third party.

As you are aware we spend some time working through your licence conditions with you and identifying a number of licence breaches and areas that need improvement to promote the licensing objectives. I have summarised these points below:

The shop is very badly organised and there is a particular problem with the display of alcohol, with alcohol displays spread sporadically around the shop in different locations. There was alcohol on display next to energy drinks popular with children. There was a display of bottles of alcohol in the middle of the cat food section. There were numerous bottles of super strength cider in large plastic bottles on the floor at the bottom of many of the displays. There was super strength alcohol on shelves next to children's soft drinks and energy drinks, and super strength beer (Skol 8%) next to cakes. We noted that many of the vaping products are also spread around the shop in a haphazard fashion. The shop is generally so crammed full of stock that at the moment it is very difficult if not impossible to reorganise and tidy up the alcohol displays and bring everything together in one section that can be more easily controlled and monitored.

Your CCTV system showed a time of 3.49pm at the time of our visit. It was 1 hour and 3 minutes out. The time needs to be corrected, and amended again on the 27th March when British Summer Time begins and the clocks go forward by one hour. We have explained to you that the CCTV system is there for your benefit and to protect you and your business and staff. In the event of a serious incident inside the shop and your CCTV footage becomes a key piece of evidence in a subsequent criminal prosecution, there could be serious evidential difficulties if your CCTV clock is inaccurate, possibly even leading to your CCTV being rendered inadmissible as evidence.

The images on your CCTV system are rather poor quality. The camera showing the outside area seemed to be pointing in the air and showed nothing of any use. You have complained to my colleagues that underage persons are asking adults outside to buy them age restricted products and the giving them their debit cards. If you have better CCTV externally both covering the outside of the shop in the main road and the side road, you will be in a better position to identify this and prevent it happening in the first place.

We also note with some concern that there are many blind spots in the shop not covered by your CCTV. This makes it very easy for shoplifting to take place, especially in the case of alcohol and other age restricted products.

You are reminded that the CCTV condition on your licence stipulates a minimum data retention period of 31 days in line with the Home Office standard specification. We ascertained during our visit that your system only retains 26 days footage at present.

Please note that in the event of an incident at your shop and you cannot work your CCTV system, we may well be obliged to simply seize the entire hard drive and take it away as evidence and for investigation. Then you will have no CCTV system at all, and therefore you will have to remove all alcohol on display from sale and cease selling alcohol unless and until you install a new CCTV system. With shortages of stock in CCTV due to Covid and skilled CCTV technicians in short supply, this could result in a delay of many weeks whilst you wait for a new CCTV system to be supplied and installed, during which you will be unable to sell any alcohol due to having no CCTV system.

When asked you stated that only you can operate, view and download CCTV footage. If you are unavailable then no one can access your CCTV system, which will not be much good in an emergency.

We discussed the point that customers can easily reach behind the counter and pick up and take spirit bottles. Condition 3 on your licence states: All spirits on retail display in the public area of the premises will be kept behind the service counter beyond arms reach of the public, behind a secure Perspex screen or stored in a locked secure cabinet.

Re condition 4 on your licence (no beers, ciders or lagers above 6% ABV), there were numerous 1.5 litre bottles of Frosty Jack Cider (7.5% ABV) on the floor at the foot of most of the shelving displays. Perla cans (7.6% ABV), K Cider (7.5%), Karpackie (9%), Omega White Cider (7.5%), Skol Super Cans (8%). There was also Debowie beer (7% ABV) which had 100% Polish labelling with no English labelling, which is an offence. Worryingly Dragon Sloop (7.5% ABV) was on display which to us appeared to be purposely designed and labelled to appeal to children and look deceptively like an energy drink.

With reference to the Debowie beer with only Polish labelling, you should only be selling products with clear English language labelling.

You were instructed by PC Jeffrey to remove all the super strength alcohol with an ABV over 6% in order to comply with condition 4 on your licence.

You need to ensure that part B of your licence is clearly on display to the public in an accessible place inside the shop. You need to ensure that part A of the licence (which contains all of your important licence conditions) is kept in the shop somewhere where everyone knows where it is and it can be immediately located should the need arise.

Please ensure your refusals book is up to date and readily available for immediate use by all staff.

You were given words of advice to fit a lock on the door to your stockroom.

You are reminded about conditions 6 and 7 on your licence in relation to staff training and proper documentation. This is especially important in view of the recent allegations that your shop is selling age restricted products to children.

You have stated that you will ensure that a till prompt is installed on the till to ensure there is an automatic till prompt asking for age ID every time an age restricted products bar code is scanned.

I will conclude by commenting that we are very concerned about the quite obvious poor management and control in your shop. It was very apparent that you had little if any idea what the conditions are in annex 2 of your licence. PC Jeffrey reiterated to you that we are trying to work with you, and that we take a stepped approach in relation to licensing enforcement.

You are advised that we will conduct further visits to the shop in the future. If there is not a clear improvement in the management and control of the shop in relation to licensing and the promotion of the licensing objectives and adherence to your licence conditions, then ultimately there is a serious risk that Sussex police will apply for a review of your licence (possibly supported by other responsible authorities), which may well lead to the revocation of your premises licence. In view of the very large quantities of alcohol on display in your shop, I anticipate that revocation of your alcohol licence will have a catastrophic impact on your business. Ultimately however what happens is now entirely in your hands.

Should you have any queries from PC Jeffrey and I, please do not hesitate to contact us.

I noted during our visit that there was just one rather worn and faded challenge 25 poster on display in the shop. I have enclosed a selection of new laminated challenge 25 posters for you, including a specific poster warning that it is a criminal offence for an adult to buy alcohol for a child. Please ensure these are displayed in prominent positions throughout the store, especially behind the till point and in the area selling alcohol.

Please can you email me to confirm receipt of this letter.

Yours sincerely,

David Bateup
Licensing Officer
Sussex Police

cc: Jade Marshall, Worthing & Adur Borough Council

Laura Derby, West Sussex Trading Standards

PC Richard Jeffrey, Sussex Police Licensing



Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division
Neighbourhood Licensing Team

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

Tel: 01273 404 030

WS_Licensing_WOR@sussex.pnn.police.uk

8th April 2022

Mr Muhammad M Ashraf
Cost Less Express
31 South Farm Road
WORTHING
BN14 7AD

DELIVERED BY HAND

Dear Mr Ashraf,

RE: PREMISES LICENCE CONDITIONS FOR COST LESS EXPRESS, 31 SOUTH FARM ROAD, WORTHING, BN14 7AD. UNDER THE LICENSING ACT 2003.

I am writing to you further to the letter from Mr Bateup in our Licensing Department dated 11th February 2022 (copy attached), and the subsequent visit to your premises on 9th March 2022 by PC Jeffrey and Mr Bateup from Police Licensing together with Jade Marshall from Worthing Borough Council Licensing.

I am advised by my staff that the follow up meeting on the 9th March did not go as hoped in relation to the licensing inspection, and that you stated to the officers that in your opinion you are being victimised and treated unfairly.

The visit with vision and sound was recorded on PC Jeffrey's body worn camera. I have also reviewed the letter to you from Mr Bateup of the 11th February. Subsequently I would make the following observations please.

You have taken over a retail premises with a premises licence with off sales of alcohol from 07.30 to midnight, seven days a week. The shop is situated in a densely populated residential area, and very short walking distance to a school with pupils in the age range 11- 16. As we have witnessed during several visits to your shop and you have yourself acknowledged, school children make up a large percentage of your customer base and turnover.

We have received several complaints from officials at the nearby school that children in their legal care have been supplied with age restricted products by your shop. In one case a child has purchased age restricted products using their own bank debit card. These complaints have led to us quite understandably paying particular attention to your shop. We are protecting children from harm which is a stated licensing objective.

During our subsequent visits to your shop it has been very apparent that you have little knowledge or appreciation of the conditions in annexe 2 of your premises licence. At this point I will refer you again to Mr Bateup's letter of the 11th February which sets out in full all of your conditions in annexe 2 of your premises licence, together with a detailed discussion of the issues requiring your urgent attention to rectify licence condition breaches identified during the visit whilst you were present.

I would remind you at this point that both Worthing & Adur District Council together with the Responsible Authorities (including Sussex Police) take the promotion of the licensing objectives and breaches of licence conditions very seriously. We are in turned backed up by The Licensing Act 2003 which states that the penalty for offences under the Act include up to six months imprisonment and/or an unlimited fine. We are also required in the event of repeated licence breaches to take premises to a review in front of a Council Licensing Committee. A Committee may take a number of actions in response to a review hearing, including either suspending or revoking a premises licence.

During the second visit to your shop on the 9th March you admitted when asked that you had received the letter from Mr Bateup dated 11th February. Despite this however it became apparent during the subsequent inspection and discussion that there were still multiple licence breaches. These can be summarised as follows:

You have installed four extra CCTV cameras. However they are standalone cloud based cameras not linked to your CCTV hard drive. Despite it being made clear to you on the previous visit that the time clock on the CCTV was incorrect, you still have not corrected this. Subsequently you are still in breach of your CCTV condition on your licence. I would remind you that your premises licence is until midnight, and we know from experience that unfortunately licensed premises may be the victims of late night robberies and attacks. You may also be the subject of an allegation (which may be unfounded) that you have sold age restricted products to a child who has subsequently come to harm. In both cases your CCTV is not up to standard and may well not record or even capture crucial CCTV footage of an incident, or be capable of retrieving and replaying footage. You have admitted that only you have access to the CCTV system, which as it was pointed out to you will be of no use if you are assaulted or otherwise unable to access the system to provide CCTV footage.

It has also been explained to you that in the event of an incident inside your shop, if the timing on your CCTV cameras is incorrect, this may render your CCTV footage inadmissible as evidence.

You insist in response to reports that children are obtaining age restricted products that children are approaching adults outside the shop and asking them to buy products for them. So have you fixed your CCTV cameras to provide a view of the outside of your shop and record this happening? No, you still only have one camera showing the outside of your shop which is at such an angle that it actually shows little if anything and is virtually useless.

Your internal CCTV cameras do not cover much of the shop, and especially the numerous bottles of super strength alcohol at floor level. This makes the theft of alcohol without being detected very easy, especially for children.

Despite it being explained to you on the first visit that there is a condition on your licence prohibiting the sale of beer, lager or cider with an ABV above 6%, it was apparent during the second visit that there are still large quantities of super strength alcohol being sold. Furthermore, it was evident that new super strength products were now on sale since our first visit, which we can only conclude you purchased after the first visit on the 19th January.

Your response to this issue was to state you have to sell the super strength alcohol before they reach their sell by date or you will lose money. You also made numerous references to other shops and made various allegations about other shops who sell super strength alcohol and whom you allege are in breach of their licence conditions.

The 6% ABV condition on your premises licence is quite clear and unambiguous. If you do not like the condition, then you were at liberty to consult with the Council as the Licensing Authority when you took over the licence. Simply ignoring the condition because it is commercially inconvenient is not an option. There is no leeway either in the Licensing Act 2003 or the S.182 Guidance to the Act which permits you to pick and choose which conditions in the licence you choose to comply with or ignore at your leisure. Furthermore, if you continually demonstrate that you are not a responsible licensee and you have little regard or even knowledge of the conditions on your premises licence even when they are repeatedly brought to your attention by my staff, it makes it impossible for us and the Licensing Authority to ever discuss with you ever removing the 6% ABV condition at a later date.

If you wish to pass on intelligence to us in relation to other premises that you believe are breaching their licence conditions, then please do so formally and we will investigate your allegations. However when licence conditions breaches are brought to your attention as the Designated Premises Supervisor and sole director of the Premises Licence Holder company, if your response is both to fail to rectify the breaches in your own premises whilst making allegations at other premises, then you leave us with no option but to take enforcement action against you and your premises.

In fact we are taking enforcement action against other premises in the vicinity of your premises, and a review application is currently with Worthing & Adur Borough Council in relation to another shop in the vicinity. Please refer to the Council website for further details. Therefore your complaint that you are being victimised is actually untrue.

The layout of your shop and the apparent level of disorganisation is a cause for concern. As explained to you on both visits, you have alcohol spread all around the shop, and energy drinks which are attractive to children placed directly next door to alcohol. Bottles of Guinness were next to energy drinks for example. Children's lollipop flavoured drinks were in a display with beers. The inside of your shop clearly needs some reorganisation and rationalisation.

You were asked again to provide your written staff training records. Again you were unable to do so, and you made a number of excuses and even seemed again to be quite unaware that this is an express condition on your licence.

PC Jeffrey pointed out to you that you have still not installed a barrier between the shop floor and the spirits display.

I would point out to you that that the conditions in annexe 2 of your licence are basic 'nuts and bolts' conditions and represent the basic standard expected of any similar licensed premises. Ultimately if you cannot demonstrate responsibly that you can adhere to these basic conditions, then your own actions are threatening your licence and ultimately your business.

We have reviewed today our interactions with you and your premises so far this year. We note with considerably concern that we seem to have made little real progress in relation to you adhering to the conditions on your licence and actively promoting the licensing objectives. As I stated at the start of this letter, this is of particular concern both because of the close proximity of your shop to the nearby school, the large numbers of children who visit your shop, and the shop being open until midnight.

I request please that you again revisit Mr Bateup's letter (including the full annexe 2 licensing conditions and a breakdown of the licence breaches apparent after our first visit), and address the outstanding issues as a matter of urgency.

We will revisit this case in four weeks' time and conduct a third and final licensing visit to your shop. If during the third visit we find yet again licence breaches, then we will unfortunately be left with no choice but to apply to the Licensing Authority asking for a review of your licence, probably with a request for revocation of the licence.

In response to your allegations that you are being victimised, I would point out that to date we have not taken any formal enforcement action against you. Furthermore we are writing to you yet again and giving you another final chance to take the necessary actions to promote the licensing objectives. We want to work with you, but ultimately and in view of the amount of time we have already spent visiting your shop, giving you advice and then writing to you, we are now running out of time.

We have taken a stepped approach with you and your premises, and we have given you advice and guidance to assist you and your business. It really is now done to you to take on board our advice and take the actions needed to resolve the outstanding issues.

Yours sincerely,



Inspector David Derrick 
West Sussex Licensing Inspector
Sussex Police

cc: Simon Jones, Licensing Manager, Worthing & Adur Council

Laura Derby, West Sussex Trading Standards

PC Richard Jeffrey, Sussex Police Licensing

RESTRICTED (when complete)

WITNESS STATEMENT

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

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Statement of: Marvin Lee LUCAS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.


Signature:  PC (LUCAS) Date 2nd June 2023

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a police constable employed by the Sussex Police & Crime Commissioner. I have been a police officer for the past twenty-seven years. I am currently a licensing officer with the licensing department covering West Sussex. My day to duties includes investigating licensing breaches and visiting licensed venues offering advice and support.

On Wednesday 31st May 2023 I was on duty in plain clothes. On this day I was engaged in a test purchase operation involving the purchase of alcohol at off licenses by young people under the age of 18 years. At 13.15 hours on the same date I entered the Cost Less Express store, which is situated at 31 South Farm Road, Worthing. The premises is situated on the southwest corner of South Farm Road and Pavillion Road. I entered the store with Sophie Wilmer who is a member of police staff. On entering the store I started to look at items on display. As I entered the store I noticed that there was only one member of staff in the store who was behind the counter. A short time later a male entered the store, I know that this male is aged 16 years. On observing the male entering the store I observed him go to an open fridge where he selected a bottle of "Bud Light". On selecting the bottle of beer, the male took the item to the female cashier. On doing so the male handed the female some cash, a short time later the female gave the male the change. At the time of the sale there was very little interaction between the two parties. The female

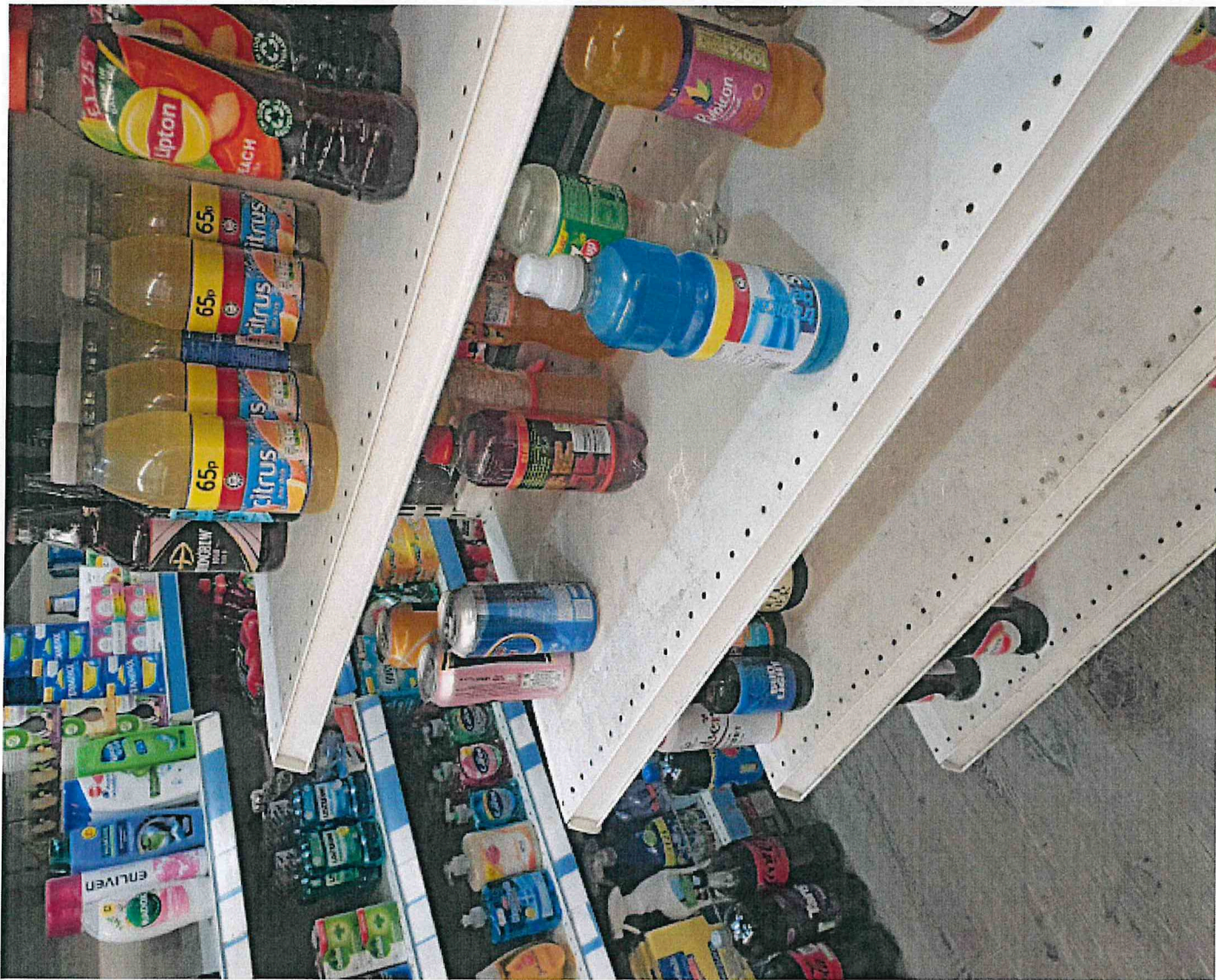
Signature: 

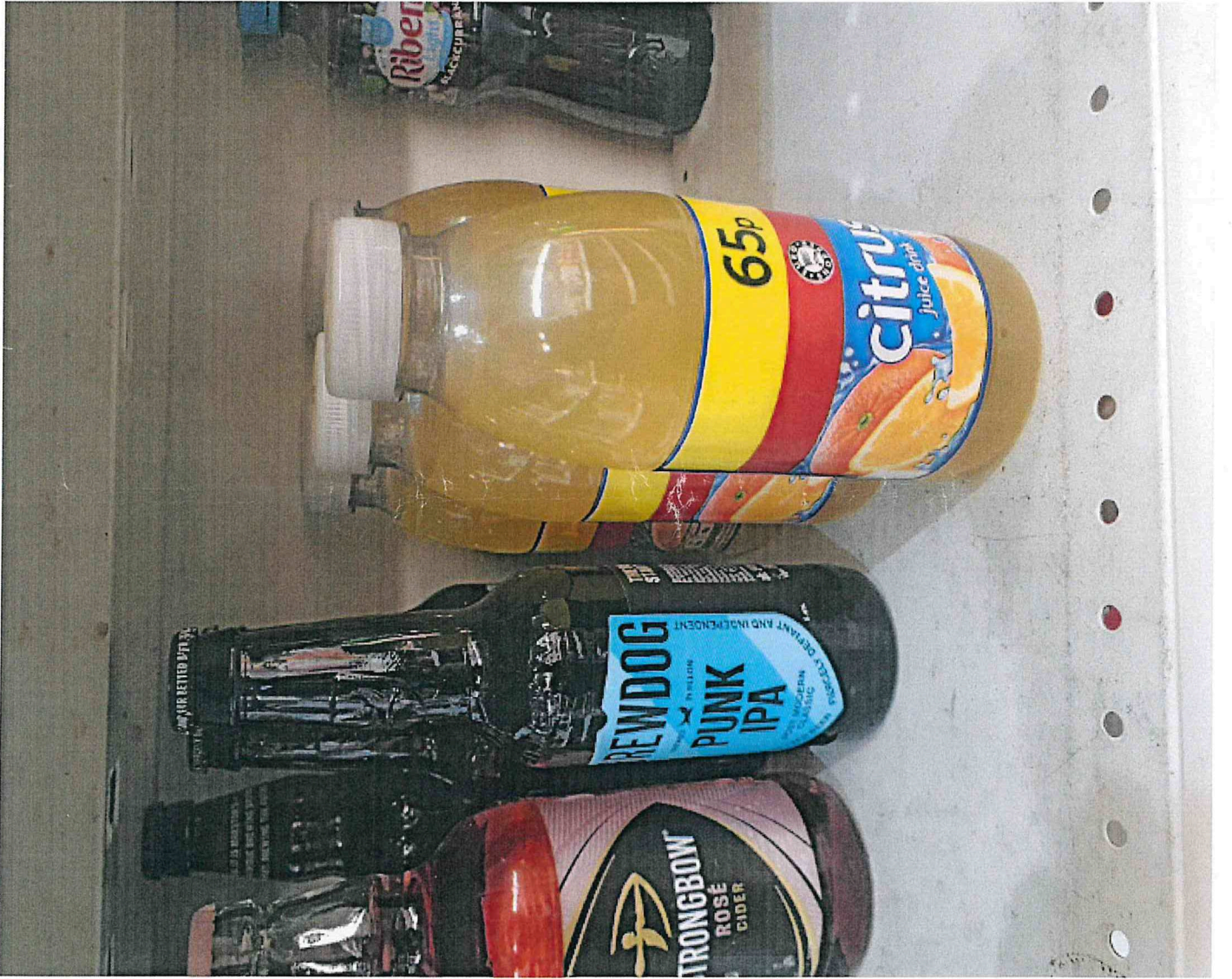
Signature witnessed by: 

RESTRICTED (when complete)

PC MARVIN LUCAS

cashier did not ask the males age or ask him for any identification. A short time later the male left the store with the alcohol. At this point I approached the cashier and identified myself as a police officer. At this point I informed the cashier that she had committed an offence by selling alcohol to a child. On doing so I cautioned the cashier. I then I recorded the females details as [REDACTED] giving a date of birth of [REDACTED] and resident at [REDACTED]. A short time later my uniformed colleague PC Jeffries entered the store and continued with the investigation. We were also joined by Darran Middleton and Lisa Hunt who are both members of police staff. A short time later the owner and DPS of the premises arrived. As I walked around the store I noticed that there was beer and cider for sale that was super strength and over 6% in volume which I am aware is against the conditions of the premises licence. I noticed one particular beer was 8.5% in strength. I also noticed alcohol on display that was mixed in with soft drinks. I also found two bottles of alcohol with "Tesco" and "Co-op" branding. A short time later I left the store. I am aware that "Bud Light" is an American Beer which contains alcohol. As "Bud Light" contains alcohol it is therefore an age-related product, and you have to be 18 to buy this product. Whilst I observed the female cashier it was clear to me that she had little or no training in making age restricted sales, and it was clear that she failed to adopt the "Think 25" policy. It was also evident that the cashier failed to promote or adopt the licensing objectives which includes the protection of children from harm. My original notes were made shortly after the offence at the premises. [REDACTED]





Appendix E – Responsible Authority Representations



Catherine Cleveland <catherine.cleveland@adur-worthing.gov.uk>

Re: LA2003 Premises Licence Review Application - Cost Less Express

1 message

Cheryl Mainstone <cheryl.mainstone@adur-worthing.gov.uk>

14 July 2023 at 12:26

To: Catherine Cleveland <catherine.cleveland@adur-worthing.gov.uk>

Hi Catherine

I'm not sure if my comments will support the review application, in the lack of management to comply with legislation.

Food hygiene initial inspection 03/06/20 foods past use by date on display for sale.

Food Hygiene Revisit 6/7/22 food past use by date on display for sale.

During this time I had discussions with the Food Business Operator Mr [REDACTED]. There is only one small upright fridge of which only two shelves contained high risk foods that would have "use-by dates". Stock rotation in a shop of this size would be very easy to manage when procedures and training is introduced. However, on my visit of 22 March 2023 there was no food on display for sale past its "use-by date". The business was broadly compliant and a revisit has not been scheduled. If I had found foods on display past its "use-by date", I would have served a Hygiene Improvement Notice under Retained EC Reg 852/2004, Article 5 - on HACCP (food safety management). I would only seize food if there was a substantial quantity of food past its "use-by date".

I have not seen the Food Business Operator onsite.

Many thanks

On Fri, 14 Jul 2023 at 11:42, Catherine Cleveland <catherine.cleveland@adur-worthing.gov.uk> wrote:

Good Morning All,

Re: WBC LA 2003 Premises Licence Review Application - Premises Licence [REDACTED]
Premises: Cost Less Express, 31 South Farm Road, Worthing, West Sussex, BN14 7AD
Licence Holder: Dimora Evolution Ltd
Applicant: Sussex Police

Please see attached an application from Sussex Police for the Review of the Worthing BC Premises Licence at the above store. The applicant is seeking revocation of the licence.

I have also attached a copy of the current premises licence & plan.

Please may I have any comments you may wish to make by midnight on 11 August 2023.

A hearing has been pencilled in for 5 September 2023 @ 18:30hrs.

Kind regards

Catherine Cleveland

Environmental Health Technician - Licensing Specialist, Public Health & Regulation

01273 263196

Adur & Worthing Councils

Worthing Town Hall

Chapel Road

Worthing

West Sussex

BN11 1HA

www.adur-worthing.gov.uk



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Cheryl Mainstone

Team Leader - Food and Health & Safety, Public Health & Regulation
01273 263364
Adur & Worthing Councils
Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA
<http://www.adur-worthing.gov.uk>



Name (Sophie Krousti)
Public Health Lead for Alcohol
Public Health Department
03302222579
PublicHealth.Licensing@westsussex.gov.uk
www.westsussex.gov.uk

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



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

19th July 2023

Dear Sir or Madam,

Re: Cost Less Express, 31 South Farm Road, Worthing, BN14 7AD.

The West Sussex County Council (WSSCC) Public Health Directorate wishes to support the application by Sussex Police to review the licence of: Cost Less Express, 31 South Farm Road, Worthing, BN14 7AD.

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 31st 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 from the Application for Licence Review that the Designated Premise Supervisor (DPS) has failed to act upon a 15 month 'stepped approach' for improvement work, supported by Sussex Police. The apparent lack of progress and poor engagement from the DPS, indicate that the licencing objectives are not being taken seriously and at worst, suggest a disregard for the law. West Sussex Public Health Directorate, therefore, endorse the recommendations made in the review by Sussex Police.

Supporting Evidence

Harms, caused by alcohol, to children and young people

In 2009, the Chief Medical Officer of England published official guidance on alcohol focusing specifically on children and young people¹. It recommends that an alcohol-free childhood is the healthiest and best option². The guidance is based on a body of evidence that alcohol consumption during any stage of childhood can have a harmful effect on a

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

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

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

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

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

National prevalence of alcohol use by children and young people

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

Local alcohol-related hospital admissions among children and young people

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

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

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.

³ [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)

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

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

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

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

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 Cost Less Express, sold alcohol to a child.

West Sussex Public Health are concerned by the catalogue of failures, outlined in the Application for Licence Review, that breach the licence conditions.

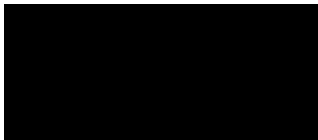
Of particular concern is the placement of alcohol within the premise without due care for the proximity to products aimed at children or security. These failures and the apparent lack of action to address them over a 15-month period, risk the safety of children and seriously undermine the licensing objectives of the protection of children from harm and the prevention of crime and disorder.

The continued sale of alcohol with an ABV of over 6%, in breach of the conditions of the premise licence, also suggest that profits and sales may be taking precedence over the premises responsibilities towards the licencing objectives.

West Sussex Public Health are worried by the apparent lack of concern from the DPS in addressing these failures, as demonstrated in the complete absence of staff training, refusals log, poor 'Challenge 25' signage and malfunctioning till-prompts. Based on the above, West Sussex Public Health do not have confidence in the suitability of the DPS for this role or in their competence in upholding the licencing objectives.

In view of the information provided in the Application for Licence Review, West Sussex Public Health are supportive of the recommendations made by Sussex Police to revoke the licence, seeking to limit further criminal activity and to promote the licencing objectives.

Yours sincerely,



Sophie Krousti
Public Health Lead for Alcohol

On behalf of the Director of Public Health

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Ms Catherine Cleveland
Licensing Specialist, Public Health & Regulation
Adur & Worthing Councils
Worthing Town Hall
Chapel Road, Worthing
BN11 1HA

1st August 2023

catherine.cleveland@adur-worthing.gov.uk

Dear Ms Cleveland

Re: Premises Licence Review Application - Premises Licence [REDACTED]
Premises: Cost Less Express, 31 South Farm Road, Worthing, BN14 7AD
Applicant: Sussex Police

I am a Team Manager for West Sussex County Council Trading Standards Service and write to make representations on behalf of that Responsible Authority in respect of the application submitted by Sussex Police for a Premises Licence Review at Cost Less Express, 31 South Farm Road, Worthing, BN14 7AD.

West Sussex Trading Standards have 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/

Having reviewed our own records and having carefully read the application made by Sussex Police, West Sussex Trading Standards (the "Responsible Authority") support the application for a review of the Premises Licence held at Cost Less Express, 31 South Farm Road, Worthing.

I would like to support the objection on the grounds of the prevention of crime and disorder and the protection of children from harm. I'd also like to make the following comments which I hope will be of interest to the licensing authority. I note Sussex Police report the sale of alcohol to their 16-year-old volunteer took place on 31st May 2023.

On 20th June 2023 the Responsible Authority received intelligence from a member of the public suggesting both nicotine vapes, and cannabis vapes had been sold to a 15-year-old child.

On 17th July 2023 an Officer from the Responsible Authority made a covert visit to the store. Posing as a customer the officer asked a member of staff if they sell any vapes containing Cannabis or THC and was told "we don't sell them anymore". ¹

That Officer noticed a number of oversize vapes were on sale in the store. ¹

¹ *Witness Statement of Angelica Poole.*

The Tobacco & Related Products Regulations 2016 impose a number of conditions around the size, composition and labelling of e-cigarettes (vapes). One of those restrictions is that e-cigarette tanks should have a capacity of no more than 2ml.

On 20th July 2023 two Officers from the Responsible Authority visited the store again to speak with staff and to look at the e-cigarettes on sale in the store. The visit was made overtly and was recorded on the officer's Body Worn Cameras.

195 oversized vapes were found on sale or in possession for sale. They were seized by our Officers. The owner of the store admitted to our Officers that he knew there was a maximum limit, and these vapes were oversize.

During that visit, and recorded on Body Worn Cameras, at least three customers were turned away with them saying, "come back later". A male aged approximately 50 years old and of Indian appearance was also seen to come into the store with a large black suitcase, to which Mr Ashraf asked him to come back later because "he was busy". ²

² *Witness Statements of Elaine Lucas and Natasha Ali are enclosed.*

The Responsible Authority support the application by Sussex Police as we do not have confidence that the licensing objectives will be continually promoted by the carrying on of licensable activities at these premises.

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

- 2.29 - Licensing authorities should give considerable weight to representations about child protection matters.
- 11.27 - There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the licensed premises for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people'.

- 11.28 - It is envisaged that ... responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

To help limit further criminal activity at this premises the Responsible Authority deem it both proportionate and necessary to invite the Licensing Authority to uphold the application by Sussex Police for revocation of the Premises Licence.

Yours sincerely



Peter Aston
Team Manager

Enc. Witness Statement of Angelica Poole
Witness Statement of Elaine Lucas
Witness Statement of Natasha Ali

cc. WS_Licensing_WOR@sussex.pnn.police.uk