

## Appendix D – Review Application Form



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I Peter Aston

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

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

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

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

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

x

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

Please tick ✓ yes

**I am 18 years old or over**

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

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

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

Please tick one or more boxes ✓

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

**Please state the ground(s) for review** (please read guidance note 2)

West Sussex County Council Trading Standards Service (the 'responsible authority') contends the following licensing objectives have been undermined by the carrying on of licensable activities at these premises:

- the prevention of crime and disorder
- the protection of children from harm

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

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

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

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

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

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

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

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

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

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

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

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

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

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

**Please tick ✓ yes**

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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



Please tick ✓

yes

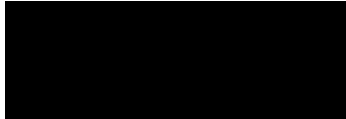
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 23/08/23

Capacity Trading Standards Team Manager

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

## Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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

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

Telephone: 01273 263331