

## Appendix E – Responsible Authority Representations



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20th September 2023

Mr Simon Jones  
Licensing Unit  
Adur and Worthing Councils  
Portland House  
Richmond Road  
Worthing  
BN11 1LF

Dear Mr Jones,

**RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR EXPRESS SUPERMARKET, 68 – 70 NEWLAND ROAD, WORTHING, WEST SUSSEX, BN11 1JX. UNDER THE LICENSING ACT 2003.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Premises Licence Holder shall ensure that all staff members [including family members] engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

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

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

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

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

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

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

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

- outside of the premises;
- the entrance to the premises;
- The till and service desk area;
- All displays of alcohol.

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

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

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

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

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

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

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

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

- a) all crimes reported to the venue
- b) all ejections of patrons
- c) any complaints received
- d) any incidents of disorder
- e) any faults in the CCTV system
- f) any refusal of the sale of alcohol and the name of the member of staff who refused the sale.
  
- g) details of any officer of a responsible authority who visits the premises, including their name, job title and the responsible authority they represent.

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

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

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

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

### **For the Protection of Children from Harm:**

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

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

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

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

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

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

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

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

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

**Conditions for alcohol delivery service:** [NB: These conditions can be replaced by the following sentence: There will be no alcohol delivery service.

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

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

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

For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.

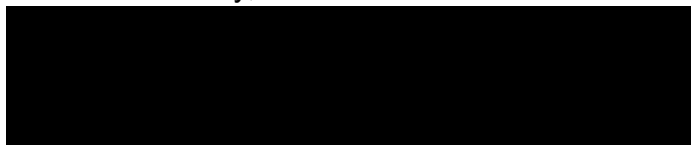
For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery.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

Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:

- only employs delivery employees or agents aged 18 and over;
- is aware that alcohol is included in the delivery;
- that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;
- that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

Thank you.

Yours sincerely,



**Inspector Mike Butler**   
**West Sussex Licensing Inspector**  
**Sussex Police**



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

30<sup>th</sup> August 2023

Dear Sir or Madam,

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

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

The Public Health Directorate concurs that the Licensing Objectives of:

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

are not being promoted, as demonstrated by the illegal sale of alcohol to a person under the age of 18, as part of a 'test purchase' operation on 24<sup>th</sup> May 2023. The sale of alcohol to children is of extreme concern, considering the strong evidence demonstrating the harms caused by alcohol to children and young people.

It is noted that on 16<sup>th</sup> February 2023, an advice visit was made to Express Supermarket by a Trading Standards Officer who provided information to employees on age restricted sales. This was followed up with a letter to the company, detailing amongst other information, the 'Challenge 25' policy and staff training. The WSCC Public Health Directorate is disappointed to learn that despite this recent advice, alcohol was sold to a child and endorse the recommendations made in the review application by Trading Standards.

### **Supporting Evidence**

#### **Harms, caused by alcohol, to children and young people**

In 2009, the Chief Medical Officer of England published official guidance on alcohol focusing specifically on children and young people<sup>1</sup>. It recommends that an alcohol-free childhood is the healthiest and best option<sup>2</sup>. The guidance is based on a body of evidence that alcohol consumption during any stage of childhood can have a harmful effect on a

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

<sup>2</sup> [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 use<sup>3</sup>. Drinking at a young age, and particularly heavy or regular drinking, can result in physical or mental health problems, impair brain development, and put children at risk of alcohol-related accident or injury. More broadly it is also associated with missing or falling behind at school, violent and antisocial behaviour, and unsafe sexual behaviour<sup>4</sup>.

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

- Drinking alcohol can affect the normal development of vital organs and functions in children under 18, including the brain, liver, bones and hormones.
- Beginning to drink before age 14 is associated with increased health risks, including alcohol-related injuries, involvement in violence, and suicidal thoughts and attempts.
- Drinking at an early age is also associated with risky behaviour, such as violence, having more sexual partners, pregnancy, using drugs, employment problems and drink driving<sup>5</sup>.

### **National prevalence of alcohol use by children and young people**

National data indicates that alcohol remains the substance most commonly used by young people. In a 2021 national survey, 40% of school pupils said they had ever had an alcoholic drink<sup>6</sup>, a figure which may be broadly applied to the West Sussex population of young people.

### **Local alcohol-related hospital admissions among children and young people**

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

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

### **Under 18s using specialist alcohol treatment services in West Sussex**

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

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

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

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

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

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

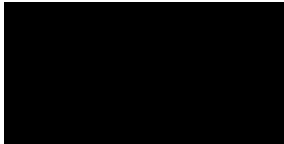
Given the harm caused to children and young people by alcohol in West Sussex and the high rate of alcohol harm in young people in the Worthing district, it is especially disappointing to note that staff at Express Supermarket, sold alcohol to a child.

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

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

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

Yours sincerely,



Sophie Krousti  
Public Health Lead for Alcohol

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