

Licensing Act 2003

Application for the Review of the Premises Licence under Section 51

Worthing News
25 Rowlands Road, Worthing, BN11 3JJ

Report by the Director for Communities

1. Recommendation

- 1.1 That the full Licensing & Control Committee "B" considers and determines the application from:

West Sussex County Council's Trading Standards Service

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

2. Reasons for the Hearing

- 2.1 An application for a Review of premises licence No: LN/201800092 held by

Mr. Bahman Abdul Khaliq Juma

has been received from Philip Lipscombe, Operations Manager, on behalf of WSCC Trading Standards. Trading Standards being a Responsible Authority as defined under the Act.

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

3. Background

- 3.1 Premises Licence no. LN/201800092 authorises the sale of alcohol for consumption off the premises at the store. It has been held by Mr. Bahman Juma since 8 June 2020.
- 3.2 Worthing News is situated in a parade of shops in a mixed commercial & residential area. The parade consists of various small retail units including public houses, restaurants, takeaways, a bingo hall, a small supermarket, convenience stores and various other independent outlets situated on both sides of Rowlands Road.
- 3.3 The area is densely populated with residential dwellings including flats above most of the shops.
- 3.4 Worthing News occupies a ground floor mid terrace unit and has been used as a newsagents/convenience store both licensed and unlicensed for many years.
- 3.5 This Review application, made by WSCC Trading Standards, was received on 28 January 2020.
- 3.6 A previous premises licence in force at the store was revoked in December 2017 by this Committee following a Review application. On that occasion it was applied for by WSCC Trading Standards following the discovery of illicit tobacco at the store and a failed test purchase operation at which e-liquid was sold to an underage volunteer.
- 3.7 Since then the business has changed hands and a new premises licence application was granted in March 2018 authorising the sale of alcohol for consumption off the premises.
- 3.8 The current DPS of the venue is Mr Hamin Latif Rashed. He has been in post since August 2020. He holds a Personal Licence issued by Hull City Council. Trading Standards, Sussex Police and the A&W Licensing Team have all tried to contact Mr Rashid without success.
- 3.9 A plan of the area is attached. (Appendix A)
- 3.10 A plan of the premises is attached. (Appendix B)
- 3.11 The application is for a review of the licence due to representations made that the licence holder is undermining the licensing objectives. The application is attached. (Appendix C)
- 3.12 The current Premises Licence allows:
 - Sale of alcohol between:
 - 07.00hrs and 23:00hrs Monday - Sunday
 - Hours the premise can open to the public:
 - 07.00hrs and 23:00hrs Monday - Sunday

(Appendix D)

4. The Application

- 4.1 The Application for Review is attached at Appendix C.
- 4.2 The application is made on behalf of WSCC Trading Standards, a responsible authority as defined in Section 13 of the Act.
- 4.3 The applicant has included detailed information in the application supporting their case that the licence holder is undermining the Licensing Objectives:
- Prevention of crime & disorder
 - Public Safety
 - Protection of Children from Harm

Trading Standards are requesting that members consider revocation of the 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, 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."*

Public Safety

- 4.18 *The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, hotels, cafes/restaurants, shops and fast food outlets/takeaways.*
- 4.19 *Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.*

4.23 *The Council will consider attaching conditions to licences and permissions to promote public safety. In attaching conditions the Council will seek to avoid duplication with the requirements of other regulatory regimes, for example legislation covering health and safety at work and fire safety.*

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 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.

- 2 from Responsible Authorities
 - Sussex Police
 - WSCC Public Health Dept.
- 1 from an interested party
 - JTI UK (Japan Tobacco International)

7.2 Sussex Police have in their representation included details of their enforcement efforts regarding this premises. highlighted the issues and failings they have witnessed and their attempts to help the premises comply with the terms of the licence. The Police contend that the premises licence should be revoked. (Appendix E1)

7.3 WSCC Public Health Department highlights it's concerns regarding the premises failure to promote the licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety

And fully supports the recommendation made by Trading Standards that the licensing committee seriously consider the revocation of the premises licence as necessary, proportionate, and reasonable in the circumstances. (Appendix E2)

7.4 JTI UK in their representation highlights the loss to the public revenues caused by illegal tobacco sales, the damage caused to legitimate business and the links illegal tobacco sales have to other forms of criminality and organised crime. JTI urges, in light of the fiscal scale of the illegal activities at this store, revocation of the licence and requests that the Licensing Authority refuses to issue any new licence at the premises until a true change of ownership can be demonstrated. (Appendix E3)

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 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 holders.

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 – April 2018) 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 drugs 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 WSCC Trading Standards for a Review of the Premises Licence, held by Mr Bahman Abdul Khaliq Juma at the Worthing News situated in Rowlands Road. Members are requested to give reasons for their determination.**

Dr Catherine Howe

Director for Communities

Principal Author and Contact Officer:

Simon Jones

Public Health & Regulation – Team Leader Licensing

Telephone 01273 263191.

Background Papers:

- Licensing Act 2003

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

- Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

- Worthing Borough Council's Statement of Licensing Policy

<http://www.adur-worthing.gov.uk/media/media.98561.en.pdf>

Appendices:

- Appendix A - A plan of the area.
- Appendix B - A plan of the premises.
- Appendix C – Trading Standard's Review Application
- Appendix D – Worthing News' Premises Licence.
- Appendices E1-3 – Representations

Adur & Worthing Public Health & Regulation Licensing Unit

Portland House, Worthing

Ref: SJ/Lic.U/LA03/Review – Worthing News

Date: 2 March 2021. __

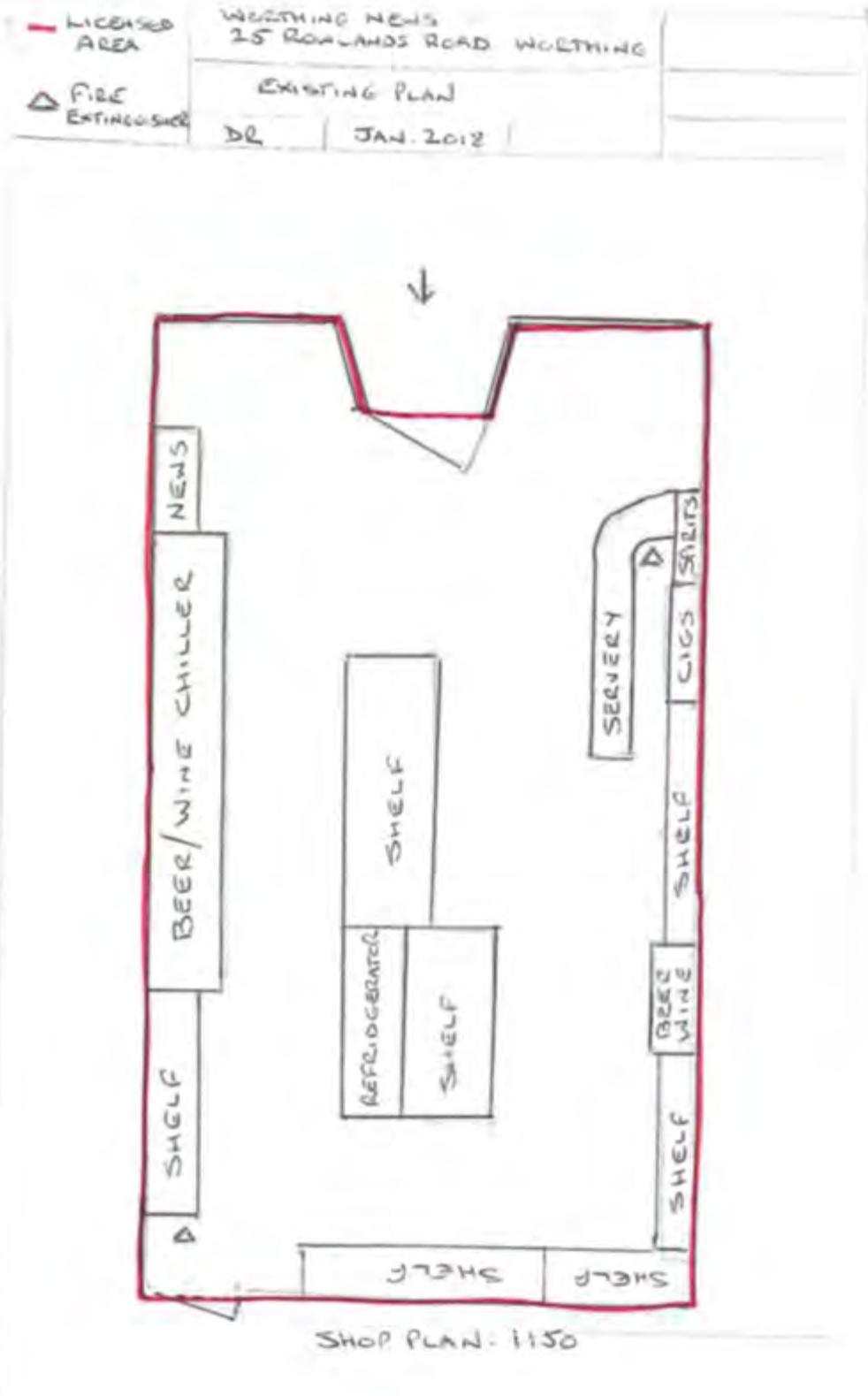
Appendix A

Plan of Area



Appendix B

Plan of Premises



Appendix C
Review Application

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 PHILIP LIPSCOMB, TRADING STANDARDS OPERATIONS MANAGER, WEST SUSSEX COUNTY COUNCIL TRADING STANDARDS SERVICE

(insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Worthing News 25 Rowlands Road	
Post town Worthing	Post code (if known) BN11 3JJ

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

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

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Richard Sargeant, Trading Standards Team Manager West Sussex County Council County Hall North Chart Way Horsham West Sussex RH12 1XH FOR & ON BEHALF OF THE APPLICANT
Telephone number (if any) [REDACTED]
E-mail address (optional) Richard.Sargeant@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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" 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)

West Sussex County Council Trading Standards Service contends that the above licensing objectives, the prevention of crime and disorder and public safety, have seriously been undermined. Full particulars in support of this application are to be found in the next section, but in summary.

On the 5th February 2020 intelligence was received in the form of an anonymous complaint that Worthing News were selling illicit tobacco products and storing them in a room owned by the neighbouring business premises (Samira, 27 Rowlands Road)

On the 5th March 2020 a test purchase was carried out at the business Worthing News by a representative of Philip Morris International to check for the sale of the illicit tobacco. A purchase was made for a packet of Marlboro Gold cigarettes (20's) and a packet of Richmond cigarettes (20's). The purchaser paid £11 for both packets. The Richmond cigarettes that were purchased were subsequently confirmed as counterfeit.

Under s 92(1)(b) and (c) of the Trade Marks Act 1994, it is an offence for a person who with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor—

sells or lets for hire, offers, or exposes for sale or hire or distributes goods which bear, or the packaging of which bears, such a sign, or

has in his possession, custody, or control during a business any such goods with a view to the doing of anything, by himself or another, which would be an offence under paragraph (b)

Such offences are punishable upon summary conviction to imprisonment for a term not exceeding six months, or both and upon indictment to a fine or imprisonment for a term not exceeding ten years, or both

In addition to this, the Marlboro Gold was confirmed as being genuine but for the Polish market and not for legal sale in the UK

Under the Tobacco and Related Products Regulations 2016, it is a legal requirement that cigarette packets are marked with the general health warnings in the prescribed form in English and carry a warning stating 'smoking kills' or 'smoking seriously harms you and others around you' on the most visible surface of the packet and on the other most visible surface an additional health warning in the form of a picture warning.

Such offences are punishable upon summary conviction of imprisonment for a term not exceeding three months, or a fine or both, or upon indictment to imprisonment for a term not exceeding 2 years, or a fine, or both

Further enforcement action was then delayed due to the COVID-19 pandemic

On the 27th August 2020 an enforcement visit was carried out at the business premises with the assistance of a tobacco detection dog. Whilst searching the premises a set of keys were in the storeroom at the rear of the premises. Acting on the intelligence that was previously received a search was then conducted at the rear of the premises to ascertain whether the set of keys that had been found opened anything.

One of the keys opened a door located at the rear of the 27 Rowlands Road. It appeared that this room was being used as an overflow for shop stock, but upon further inspection a total of 2,380 packets of cigarettes were found along with 409 pouches of rolling tobacco. All of these were either labelled in a foreign language or were counterfeit and were therefore seized.

Whilst these items were being seized, a [REDACTED] arrived at the property and spoke to Kyle Cherry, a Trading Standards Officer. [REDACTED] advised Mr Cherry that he was the landlord of this property and that he had rented this space to a Mr Bahman JUMA for him to use to store surplus stock for Worthing News.

Mr JUMA is currently the owner of Worthing News.

During this discussion [REDACTED] further advised Mr Cherry that he was also renting a flat to Mr JUMA which was located above Worthing News. [REDACTED] provided consent to Mr Cherry to search this property and a further 1,842 packets of cigarettes were found along with 725 pouches of rolling tobacco. All of these were either foreign labelled for were suspected of being counterfeit and were therefore seized.

The combined value of the tobacco products seized from the stock room and the flat have an estimated value of approximately £61,280 - £75,784 (Please see image KC/1)

On the 7th September 2020 an officer from this Service carried out a successful test purchase from Worthing News for a packet of Marlboro Gold cigarettes. This packet was labelled in Polish and is therefore not for legal sale in the UK.

On the same date, an enforcement visit was carried out at Worthing News without the assistance of tobacco detection dogs. No illicit tobacco was found on this

occasion, but 23 bottles of wine were subsequently seized as it was suspected that they were not for sale for the UK market. Invoices were requested for the wine, but none could be provided.

Under the General Food Regulations 2004, it is a legal requirement for a food business to have a traceability system in the event that there is a product recall.

On the 3rd December 2020 a further test purchase was carried out by a trademark representative for Philip Morris International at the premises for a packet of Minsk cigarettes and a packet of Richmond cigarettes for £10. The Minsk cigarettes were labelled in a foreign language and the Richmond cigarettes were found to be counterfeit.

Due to this a further enforcement visit was carried out at the premises on the 18th December 2020 with the assistance of a tobacco detection dog. During the inspection a quantity of foreign labelled tobacco products were seized from the kitchen area (These items have been logged into our secure evidence store but have not been officially scheduled to identify the exact numbers, but it is believed there is in the region of 100-150 packets of tobacco products).

An indication was also made by a dog on a safe that was in the stock room. A member of staff was asked for the key, but he stated that he did not have it. Due to this the entire safe was seized.

On the 6th January 2021, the safe was broken into with the assistance of West Sussex Fire and Rescue Service and it was found to contain 209 packets of cigarettes and 56 pouches of rolling tobacco which were either foreign labelled or suspected of being counterfeit (please see image KC/2).

The safe was broken into following a telephone call to Mr JUMA where he denied having the keys to the safe.

This Service then received further intelligence from Sussex Police that during a licensing visit on the 12th January 2021, a sale of foreign labelled tobacco products was interrupted, and the tobacco products were subsequently seized by Sussex Police. In total 18 packets of foreign labelled Marlboro cigarettes were seized.

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

The chronology of events above demonstrates that despite several interventions by this Service, the business Worthing News continues to trade in illicit tobacco and has shown a complete disregard for the law

It is therefore contended that the possession and sale of foreign labelled cigarettes without the required health warnings and the possession and sale of counterfeit tobacco products breach the licensing objective 'the prevention of crime and disorder' and 'public safety' and that the licensee was failed in their responsibilities in promoting the above-mentioned licensing objectives

In view of the above, West Sussex County Council Trading Standards no longer have confidence that the licensing objectives will be promoted by the carrying on of licensable activities at these premises and deem it both proportionate and necessary to invite the committee to consider a review of the premises licence, to act as a deterrent for further criminal activity by this licence holder and to other operators considering such legal conduct

Please tick yes

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

If yes please state the date of that application

Day Month Year

2	3	1	0	2	0	1	7
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If you have made representations before relating to this premises please state what they were and when you made them

This representation related to unsafe and counterfeit tobacco that was seized at the premises in July 2017 18 packets of 20 cigarettes (various brands) and four packets of 50g rolled tobacco (total 360 cigarettes and 200g rolled tobacco) were found in a jacket behind the till counter, plus a carrier bag containing 21 packets of 20 cigarettes (total 420 cigarettes)

On a separate occasion, the premise sold e liquids to an under age volunteer of the Service contrary to under age sales legislation The outcome of the review was a revocation of the alcohol licence

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, 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



Date

28 1 2021

Capacity

Trading Standards Team Manager

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

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





WORTHING BOROUGH
COUNCIL

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

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

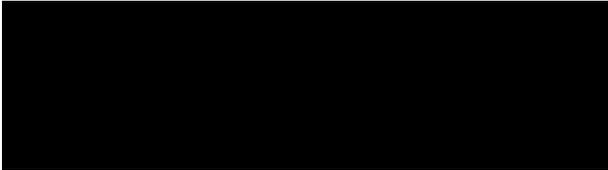
Premises Licence Number - LN/201800092

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description		
Worthing News 25 Rowlands Road Worthing BN11 3JJ		
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 : Shop		
Day	Start	Finish
Sunday	07:00	23:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00
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
Mr Bahman Abdul Khaliq <u>Juma</u>

Registered Address


Registered number of holder
N/A

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

Name


Registered Address
 Deeside CH5 4DD

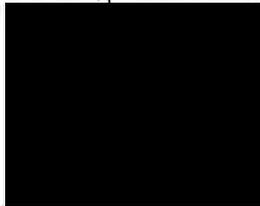
Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol	
Personal Licence Number :	
Licensing Authority :	Hull City Council

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location :	Shop	
Activities :	Alcohol OFF Sales/Supply (M)	
Day	Start	Finish
Sunday	07:00	23:00
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00
Non Standard Timings & Seasonal Variations		

Signed on behalf of the issuing licensing authority



Senior Licensing Officer

Date : 31 August 2020

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.

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. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
 - Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
 - In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
2. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
3. The Premises Licence Holder shall ensure that all staff members 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 8 weeks, 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 shall be made available immediately upon request to officers of any responsible authority .
4. The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises

Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request immediately to officers of any responsible authority.

5. 250ml/330ml cans or bottles of 5% abv or above are sold as fours and not singularly to discourage street drinking.
6. No beers or ciders will be sold which are above 6% ABV.
7. All spirits will be stored and displayed behind the counter out of reach of the public.
8. No alcohol product will be sold, offered for sale or advertised as a loss leader. No alcohol product will be sold at less than its cost price or offered either free of charge or at a reduced price if bought at the same time as a product that does not contain alcohol.
9. No sign or advertisement shall be displayed either inside or outside the premises that compares price of any alcoholic product with a previous or future price and/or the price at which the same product may be purchased at other premises.
10. A personal licence holder will be present on the premises at all times when alcohol is offered for sale.
11. Between 22:00hrs and 08:00hrs there will be no deliveries accepted, except for newspapers, and no waste removal from the premises.
12. Staff will encourage customers to leave quietly and have regard for residents. Signage will be displayed at the exit requesting customers leave the area quietly, having regard to local residents.

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

Not applicable.

Annexe 4 : Plans

See attached plan dated January 2018.



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

19th February 2021

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 WORTHING NEWS, 25 ROWLANDS ROAD, WORTHING, WEST SUSSEX, BN11 3JJ. UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation under all four licensing objectives in respect of the review application, dated 28th January 2021 for Worthing News, by Mr Philip Lipscomb of West Sussex County Council Trading Standards.

Unfortunately this is one of the worst cases of wilful disregard of the licensing objectives, and deliberate sustained lack of cooperation with responsible authorities, that Sussex police licensing have encountered in sixteen years since the new legislation came into force. Sussex police contend that this case is so serious that the only appropriate sanction is revocation of the premises licence. Not only is this premises continuing to sell illicit tobacco (and alcohol on one occasion) despite being caught doing so on repeated occasions by Trading Standards, but there have been continual breaches of premises licence conditions. The Premises Licence

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

Telephone: 101 | 01273470101

Holder [PLH] and his staff continually fail to work with Police Licensing despite our ongoing best efforts to engage and work with them over a period of months. Sadly the attitude of the premises has been at best a cavalier, and at worst a wilful and deliberate avoidance in relation to the licence conditions and any promotion of the licensing objectives.

Sussex police wish to bring to the attention of the Council Licensing Committee chapter 11 of the S.182 Guidance to the Licensing Act 2003 (April 2018). If I may replicate specific relevant paragraphs of the Guidance with key sentences in bold:

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;
- **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.**

This shop previously had an alcohol licence in 2017 whilst operating with an almost identical set up as a convenience store. Trading Standards established that illicit tobacco was being sold at the shop. Police Licensing also established a number of licence breaches at the shop. Trading Standards applied for a review of the premises licence asking for revocation, which was supported with a representation by Sussex Police. Worthing Council Licensing Committee revoked the licence following a Committee hearing in December 2017.

Subsequently a new premises licence was applied for in January 2018. Following appropriate enquiries to confirm the new applicant was genuine and had no connection with the previous operator whose licence had been revoked, and with a number of new and robust conditions being agreed, the new licence was granted.

This premises licence was transferred to the current PLH Mr Bahman Juma on 25th July 2020. The current Designated Premises Supervisor [DPS] Mr R (whose residential address is in Deeside, Liverpool) was appointed on 27th July 2020.

As detailed in the review application, Trading Standards conducted an enforcement visit to Worthing News on the 27th August 2020, when a significant quantity of illicit tobacco was seized. Whilst at the premises Trading Standards seized the CCTV hard drive as evidence, leaving the shop with no functioning CCTV system.

At this point it is appropriate for the benefit of the Committee re replicate the conditions in annexe 2 of the licence:

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. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
 - Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
 - In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
2. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a

photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

3. The Premises Licence Holder shall ensure that all staff members 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 8 weeks, 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 shall be made available immediately upon request to officers of any responsible authority

4. The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request immediately to officers of any responsible authority.

5. 250ml/330ml cans or bottles of 5% ABV or above are sold as fours and not singularly to discourage street drinking.

6. No beers or ciders will be sold which are above 6% ABV.

7. All spirits will be stored and displayed behind the counter out of reach of the public.

8. No alcohol product will be sold, offered for sale or advertised as a loss leader. No alcohol product will be sold at less than its cost price or offered either free of charge or at a reduced price if bought at the same time as a product that does not contain alcohol.

9. No sign or advertisement shall be displayed either inside or outside the premises that compares price of any alcoholic product with a previous or future price and/or the price at which the same product may be purchased at other premises.

10. A personal licence holder will be present on the premises at all times when alcohol is offered for sale.

11. Between 22:00hrs and 08:00hrs there will be no deliveries accepted, except for newspapers, and no waste removal from the premises.

12. Staff will encourage customers to leave quietly and have regard for residents. Signage will be displayed at the exit requesting customers leave the area quietly, having regard to local residents.

Wednesday 16th September 2020. Police Licensing officers conducted an unannounced visit to Worthing News. The visit was arranged because of the seizure of large quantities of

smuggled or counterfeit tobacco by Trading Standards the previous month. As a result of this inspection numerous licence breaches were witnessed.

Upon arrival at the shop a male member of staff was working on his own. He stated that the owner of the business was Mr Juma [the PLH], and that his manager was "T", who was absent as he was at the Cash & Carry. The male said he had been working in the shop for three days, and had not received any training in relation to age restricted sales (a clear breach of condition 3, annexe 2).

- The male was asked about the refusals register (condition 4, annexe 2), but he did not know what this was and admitted when questioned further that there was no refusals register.
- There was no part B of the licence on public display in the shop.
- There were no challenge 25 posters on display in the shop (a breach of condition 2, annexe 2).
- The male stated when asked that he is not a personal licence holder, but he was working on his own in the shop with a substantial amount of alcohol on retail display (a breach of condition 10, annexe 2).
- Re condition 5, annexe 2, there were single bottles of Peroni (5.1% ABV) and San Miguel (5% ABV) on display in the chiller cabinet. The male was asked how much single bottles cost (to see if condition 5 annexe 2 was being breached) and he replied single bottles cost £1.35. There was a sign on the chiller cabinet saying £1.35 each or four for £5. Therefore there can be no doubt that this condition was also being breached.
- Re condition 12, annexe 2, there was no sign on display, which is another breach.

Of particular concern was the shop CCTV, which was not working due to the fact that the hard drive had been seized as evidence by Trading Standards twenty days previously. There is an express condition on the premises licence in annexe 2 which states:

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.

Therefore this condition was also being breached.

It was noted by the officers who attended that there was clearly no adherence to Covid-19 regulations, with no notices, no Perspex screen at the service counter, and a continual stream of customers coming in and out of the shop during the visit who were not wearing face masks. The staff member served customers without face masks and no challenge was made or the customer asked to wear a face mask. When the uniformed officer challenged the customers directly why they were not wearing masks, most seemed surprised to be challenged, which raised the suspicion that they were regular customers at the shop and that no challenges about the absence of a face mask had been made previously.

The male in the shop was given a Police Licensing business card with a request to pass it on to "T", with an instruction to "T" to call us to discuss the multiple licence breaches.

The following day "T" phoned Police Licensing. Police concerns regarding the multiple licence breaches were explained to him. When T was asked about the whereabouts and contact details of the named DPS on the licence, T said he did not know and had no contact details for the DPS. This is a matter of some concern as the DPS should be in "day to day control of the premises".

So to summarise, here we have a situation at a licensed premises where an unannounced inspection has revealed multiple licence breaches, and the male described as "the manager" does not know anything about the named DPS, and has no contact details for the DPS.

Friday 18th September 2020. Mr Juma (the PLH) phoned Police Licensing. He stated that he was out of the country on holiday, and would not return to this country for a number of weeks. Mr Juma declined when asked to provide us with his mobile phone number and an email address (he claimed he did not know what they were) to enable us to engage with him and send him copies of formal correspondence. Mr Juma stated when asked that he no longer lived at the address in Kent quoted on the Worthing News premises licence as his PLH official address for correspondence. He said he now lived in a flat at a property adjacent to Worthing News.

Mr Juma expressly instructed that copies of all subsequent correspondence should be delivered to him at his new Worthing address. Mr Juma stated that "T" is authorised to act on his behalf in his absence in relation to Worthing News. When Mr Juma was asked about the whereabouts and contact details for the DPS, he became very vague, and stated that the DPS is on holiday, and that he has no contact details for him. Police raised the subject of the licence condition requiring a personal licence holder to be at the shop all the time alcohol is being sold. Mr Juma replied that he was trying to put more members of staff through the personal licence holder's course to obtain a licence, but this was proving difficult due to Covid-19.

Following the phone call a formal letter dated 18th September 2020 (attachment 1) was sent to "T" at the shop. The contents of this letter will be self explanatory.

Monday 21st September 2020. "T" phoned Police Licensing (in response to our letter of the 18th September) stating that he did not understand the conditions on the licence, and that he did not understand the contents of the letter. The Committee will note at this stage that Mr Juma the PLH is abroad and is not due back for an unspecified period, the whereabouts of the named DPS on the licence (who should be in day to day control of the premises) is ambiguous and no one has any contact details for him and he is also on holiday, and "T" who is the shop manager does not understand the licence conditions nor a long letter from Police Licensing setting out the various conditions being breaches and the work needed to remedy the situation. Meanwhile the premises continues to sell a substantial selection of alcohol, and Trading Standards have seized substantial quantities of illicit tobacco.

In view of the seriousness of the situation, Police Licensing arranged a further visit by appointment to return to Worthing News to meet with "T" in person, and discuss face to face the issues and the contents of our letter of the 18th September.

Tuesday 22nd September 2020. A formal warning letter was sent to the named DPS on the licence by Mr Jones at Worthing Council (attachment 2). No response was received.

Thursday 24th September 2020. Police Licensing attended Worthing News at the agreed time of 1 pm to meet with "T". Mr Simon Jones (Licensing Manager at Worthing Council) also attended at our request. It was noted upon arrival that there were now notices in the window requesting customers to wear face masks, and a Perspex screen was now erected in front of the service counter.

A number of points were discussed and explained to "T" including:

- The absence of any working CCTV at the shop, the licence conditions relating to CCTV and particularly the condition which requires the premises to replace the CCTV hard drive and get the system back up and running in the event that the system is seized as part of a criminal investigation. On this day it was twenty nine days since the original CCTV hard drive had been seized by Trading Standards.
- During the conversation with "T", he stated that the shop regularly has problems with aggressive and problem customers, to which we replied that this is all the more reason to ensure that the CCTV is replaced and working again as a matter of urgency. CCTV is designed to protect staff and customers and is essential. As you will read later on, this was relevant and sound advice.
- The staff training conditions on the licence and the requirement to document all induction and refresher training in a manual with dates, times and signatures of both the DPS and the training recipient.
- The ABV % condition on the licence and the fact that bottled beers with an ABV of 5% or over were clearly being sold singly in breach of the condition.
- The whereabouts of the named DPS on the licence. Again "T" confirmed he has no contact details for the DPS, and was unable to say when he had last had any contact with the DPS, or when the DPS would attend the premises.
- The requirement to have a personal licence holder on duty at the shop all the time alcohol is on retail display. "T" confirmed that he does have a personal licence, which he then produced. However it was reiterated to "T" that when he is not at the shop, members of staff are left in charge who are not personal licence holders, and who (as was clearly evidenced by the last visit by Police Licensing) had not received any induction training on age restricted products.

"T" asked what age verification identification the shop should accept. The challenge 25 licence condition was explained to him. It was also made clear that "T" is in charge of the shop (in the absence of the PLH and the fact that the DPS was clearly nowhere to be seen), and it was up to him to decide who to serve, and if necessary take firm control and refuse to serve customers who do not wear face masks, do not produce appropriate age ID, or who are rude and aggressive. Again the importance of resolving the CCTV issue was emphasized, as well as "T" and his staff being capable and competent in using the CCTV system and being technically competent to select and download footage of any incidents. "T" stated that a CCTV technician was due to visit the following day.

The refusals book condition was discussed and "T" produced a diary containing various notes and information concerning the shop. There were three refusals recorded in the diary, all dated 21st September 2020.

Friday 25th September 2020. Following the meeting Police Licensing returned to the shop with a selection of challenge 25 posters, a refusals register, and a summary document outlining which forms of age ID should be accepted. A covering letter accompanied the various documents (attachment 3), and was copied in to Mr Juma and the named DPS on the licence. It is not standard practice for police to do this, and premises are expected to organise this for themselves and obtain their own posters and documentation.

Friday 2nd October 2020. Police Licensing did not receive as promised by "T" further contact to confirm that the CCTV engineer had attended the shop to install a new CCTV hard drive. An unannounced visit was made to Worthing News. The CCTV was still inoperative, "T" was not at the shop, and staff confirmed "T" was absent for the entire day. The two males working in the shop confirmed they were not personal licence holders. A follow up letter was sent to "T" later the same day and copied in to Bahman Juma and the DPS (attachment 4).

Monday 5th October 2020. "T" at Worthing News phoned Police Licensing in response to our letter of the 2nd October. The absence yet again the previous Friday of a personal licence holder when the shop was open and selling alcohol in breach of the licence condition was discussed. It was reiterated to "T" that a personal licence holder must be on duty. "T" insisted that it was impossible to put staff through the personal licence holder's course and exam in order to obtain a personal licence because of Covid-19. Sussex Police refuted this claim and said that this is not the case, and there were still many people taking the course and obtaining personal licenses. We know this is the case as we see new personal licence holders applying to become designated premises supervisors on a daily basis as part of our duties. The CCTV still not working was discussed, and "T" stated a CCTV engineer would attend the following week.

Thursday 8th October 2020. "T" called Police Licensing to confirm the new CCTV hard drive had now been installed and was operational.

Thursday 12th November 2020. An unannounced visit was made to Worthing News by Police Licensing. Again "T" (the personal licence holder) was not at the shop, and the male working there confirmed he did not have a personal licence. The male also confirmed the PLH Mr Juma was still on holiday and out of the country. The male was asked about the named DPS on the licence Mr R, and the male confirmed he had never heard of him, he had no contact details for him, and as far as he was aware, Mr R had no involvement in the running or management of Worthing News. He was asked about a refusals register, and produced the same diary previously offered on the 12th September visit. There were no subsequent refusals logged in the diary, and there was no sign of the bespoke refusals register that Police Licensing had hand delivered to the premises for this specific purpose on the 25th September. The CCTV was checked, and it was pointed out that the time display on the CCTV screen was out (at 14:37 real time, the time on the screen was 22:46).

This was yet another very poor visit to Worthing News with no personal licence holder on duty, yet again no sign of the DPS, and important licence conditions being breached. The fact that

this was still happening some weeks after the considerable amount of time, effort and money spent by Police Licensing trying to work with the premises, was concerning.

Tuesday 17th November 2020. Mr Juma called Police Licensing to advise that he is now back in this country and resident at the first floor flat in the building directly next door to Worthing News. It was explained to Mr Juma that Police Licensing had serious concerns about the poor running of the shop, and that a number of important letters had been copied in Mr Juma in his formal capacity as PLH delivered by hand by police to his flat (as per Mr Juma's express instruction of the 18th September). Mr Juma denied having received any of the letters. Police Licensing therefore arranged to deliver further copies of all the previous letters to Mr Juma at the shop, which Mr Juma said he would then visit to pick the letters up.

Friday 20th November 2020. A letter addressed to Mr Juma (attachment 5) was compiled by Police Licensing, which set out all the ongoing licence breaches and concerns of Police including:

- A specific request to Mr Juma to have his official address as PLH on the premises licence for Worthing News amended from Kent to his new address at the flat adjacent to Worthing News. We even enclosed the official form from Worthing Council for this purpose.
- A further request for an email address for Mr Juma so we can effectively communicate and work with him.
- Enclosing copies of our previous letters to the premises of the 18th and 25th September and 2nd October.
- Enclosing a copy of the premises licence for Worthing News.
- Stating that it is not the job of Sussex Police to run the shop, train staff and provide documentation, and that this is the responsibility of Mr Juma and the DPS.
- Confronting the ongoing issue of no personal licence holder being on duty in the shop, and the fact that the ongoing excuse that it is not possible to take the personal licence holders course and qualify for a personal licence during Covid is totally untrue (as fully agreed by Mr Jones from Worthing Council).
- Addressing yet again the issue of the CCTV system and the date and time being incorrect.
- The new bespoke refusals register supplied by Sussex Police to Worthing News on the 25th September was not being used.
- A request to ensure that all staff are properly trained as per the licence conditions, and all staff training properly documented as per the licence conditions.

- Confronting Mr Juma about the continuing absence of the named DPS on the licence, asking again for contact details for the DPS, and asking Mr Juma for an appointment for Sussex Police to meet in person with him and the DPS at the shop.
- The letter concluded with the following paragraph:

You will immediately appreciate from reading this letter and the copy letters attached, that we have spent a considerable amount of time, effort and expense dealing with your business in your and Mr R's [the DPS's] extended absence. We have endeavoured to take a stepped approach with reference to the continual licence breaches, endless broken promises and excuses. We are now very much at the end of the road with this policy and our patience with you. Now that you are back in the UK we will expect you to attend to all of the above points very promptly please. Otherwise we will be left with no choice but to commence review proceedings, asking the Council Licensing Committee to revoke your premises licence.

Again this letter was hand delivered to Worthing News by our own staff. Mr Juma ignored the letter.

Tuesday 24th November 2020. Police Licensing phoned Mr Juma on his mobile phone (the number for which we had obtained from our caller display when Mr Juma phoned us) to enquire why he had not responded to our letter of the 20th November 2020. Mr Juma confirmed when asked that he had received our letter and the copies of the previous three letters and the copy premises licence. He said that he was waiting to meet with a relative who would help him fill out the change of PLH address form, which he would then take to the council offices.

Thursday 3rd December 2020. An armed robbery took place at Worthing News. This matter is now the subject of a criminal investigation and an impending criminal trial, so no further details of the incident can be disclosed here. The Committee will however recall above in this representation our continually asking Worthing News prior to this incident to replace the CCTV hard drive, and later correct the time and date on the CCTV system unit. Fortunately the CCTV did record the armed robbery, although the time on the recording was incorrect.

Friday 4th December 2020. Trading Standards conducted a test purchase at Worthing News, when yet more illicit tobacco was sold.

Saturday 19th December 2020. Trading Standards conducted an enforcement visit to Worthing News, when further illicit tobacco was seized. The CCTV hard drive was seized by Trading Standards as evidence.

Tuesday 12th January 2021. Police Licensing officers conducted an unannounced visit to Worthing News at 12.50 pm. The purpose of the visit was to follow up on our letter of the 20th November to Mr Juma, as there had still be no response from him. We were also concerned about the CCTV, as the CCTV hard drive was seized again by Trading Standards on the 19th December. We were keen to ensure that the premises did have fully functioning CCTV in view of the armed robbery on the 3rd December, and the vulnerability of staff and customers without CCTV.

Upon arrival at the shop two young males were observed behind the service counter. They were placing a large quantity of tobacco into a carrier bag and handing the bag to a male customer. In view of the recent history of Worthing News and the sale of illicit tobacco, the police officers immediately seized the bag from the customer and inspected the cigarettes. There were eighteen packets of 20 Marlboro cigarettes with Bulgarian duty stamps and labelling (attachment 6). The customer agreed to hand the cigarettes over to the officers, and asked for his money to be refunded. The two males behind the counter then handed the customer £140 in cash.

The customer then left the shop and the officers spoke with the two males. One of the males was recognised by the officers as being a regular employee at Worthing News. Despite this the male insisted he does not work at the shop (despite having just been witnessed selling illicit tobacco to a customer whilst standing behind the service counter, and then opening the till and giving the customer a £140 cash refund). Neither male had a personal licence, but yet again the premises was open and selling alcohol with no personal licence holder present. The male also admitted that he has never heard of the named DPS on the licence, and has never seen him at the shop.

The CCTV was checked again, and it was noted that the time was out as the screen showed at time of 21.09, when the actual time was 13.05. The two males were asked if the CCTV was actually recording, and they replied that they did not know and did not know how to operate the system.

The officers took the illicit tobacco back to the police station and immediately reported the incident to Worthing Council and Trading Standards. Subsequently the illicit tobacco was handed over to Trading Standards.

Saturday 23rd January 2021. PC Jeffrey from Police Licensing made an unannounced visit to Worthing News at 20.34 that evening. Bahman Juma the PLH was working in the shop on his own. Mr Juma is not a personal licence holder, so yet again the licence condition requiring a personal licence holder to be on the premises was being breached. During the visit PC Jeffrey witnessed Mr Juma sell two bottles of wine to a male. The male being supplied the alcohol was drunk in the opinion of PC Jeffrey.

Mr Juma was again challenged about the incorrect date showing in the CCTV screen (on Saturday night at 20:47 the screen showed Sunday at 04:52). Mr Juma replied that the CCTV system unit had been seized by Sussex police following the armed robbery the previous month. This is incorrect, as the hard drive was seized by Trading Standards after more illicit tobacco was found at the shop. In any event this is no excuse, as there is an express condition on the licence requiring the PLH to replace the CCTV hard drive and have the system up and running again in the event that the hard drive is seized in these circumstances. Mr Juma stated that he does not know how to use the CCTV system or play footage back. This is a further licence condition breach. In view of the recent armed robbery at the shop, Mr Juma's dismissive and unconcerned attitude with reference to the CCTV is appalling.

Mr Juma was challenged about why there was no personal licence holder on duty in the shop. Mr Juma replied that he had "received a letter from a man at the council" wanting to charge him £750 to do the personal licence holders course. Mr Juma then repeated again his excuse that it was impossible to do the personal licence holders course during Covid, despite police telling

him in writing on several occasions previously as documented above that this excuse was untrue and unacceptable.

Subsequently we checked with Mr Jones at Worthing Council, who confirmed no letters have been sent to Mr Juma, and in any event the figure of £750 claimed by Mr Juma is vastly inflated. Our own research confirmed that the average cost of courses online to do the personal licence holders course is around £100, and £200 at most including the cost of books and training materials.

Mr Juma was asked to produce part A of the licence, but he was unable to do so. This is despite two copies of the premises licence being sent to Mr Juma in the months previous.

Mr Juma was asked yet again about the whereabouts of the named DPS on the licence, and who is in day to day control of the premises (a premises who persistently breach licence conditions despite repeated police interventions) as no one has even seen the DPS, and staff in the shop freely admit they have never heard of or seen the DPS. Mr Juma replied that "T" was his business partner and that "T" has a personal licence. Whilst it is correct that "T" does have a personal licence, he is not the DPS on the licence, and he is frequently absent from the shop leaving it with no personal licence holder on duty. Furthermore we have not had any direct contact with "T" at the shop since 8th October.

Mr Juma was asked about the incident on the 12th January 2021, when police officers attended the premises and seized the eighteen packets of illicit tobacco. Mr Juma denied all knowledge of the illicit tobacco or the visit by police.

Mr Juma then stated that "it is not my fault". PC Jeffrey replied that he is the PLH and it is his legal responsibility and he must adhere to the conditions on this premises licence. [This is particularly important is the named DPS who should be "in day to day control of the premises" is clearly absent and no one including Mr Bahman has any contact details for him.] Mr Juma is liable to prosecution and imprisonment or an unlimited fine for licence breaches. PC Jeffrey also stated to Mr Juma that it is clear that the Worthing News business revolves around selling alcohol, and if the premises licence is revoked and Worthing News cannot sell alcohol, then "the business will fail".

Friday 29th January 2021. A final letter (attachment 7) was sent by Police Licensing to Mr Juma, which was again hand delivered to the shop in person. This letter referred directly to the licensing visit on the previous Saturday, and again raised the same issues with Mr Juma:

- That Mr Juma has still not updated the premises licence with his new residential address as PLH;
- Mr Juma is still unable to produce a copy of his own premises licence for Worthing News despite being sent two copies of his own licence in the previous months;
- The ongoing issues with the CCTV system, the incorrect day and time display, whether the CCTV system is recording at all, blind spots on the cameras including the service counter, and the fact that this is continuing despite the armed robbery at the shop in December;

- The ongoing issues with no personal licence holder on duty at the shop, and Mr Juma's continual excuses for these breaches despite being told by Mr Jones from Worthing Council and Police Licensing that the excuses are untrue and not acceptable;
- The continual absence of the named DPS on the licence, that no one has ever heard of the DPS or seen him, and that even Mr Juma is unable to provide any contact details for the DPS or arrange a meeting with responsible authorities with the DPS and himself present.

The letter concluded with the following paragraphs:

At the end of PC Jeffrey's visit on the 23rd January, you said [in relation to the numerous licence breaches and issues with Worthing News] that it is not your fault. You are the premises licence holder for Worthing News, so ultimately it is your responsibility. You will be aware that we have attempted to work with you and "T" and we have made numerous visits to the shop, followed by long and detailed letters setting out the multiple issues that need rectifying which have been hand delivered to the shop. These are not matters to be taken lightly, as was unfortunately evidenced by the armed robbery at the shop last month.

To date we have been met with continual excuses, denials and what I can only unfortunately describe as a cavalier attitude both to the premises licence and the licensing objectives, and to officers of the various responsible authorities and the licensing authority.

PC Jeffrey said to you that you as the Premises Licence Holder can be prosecuted and receive a prison sentence and/or an unlimited fine for licence breaches. There is also a serious risk that your premises licence for Worthing News may be subject to a licence review and ultimately revocation. As PC Jeffrey commented to you, your shop business clearly relies heavily on the sale of alcohol, and if your licence to sell alcohol is revoked, it is likely that your business will no longer be viable and will fail.

Accordingly I would urge you to take this letter and our previous communications to you very seriously and act upon them as time is rapidly running out.

There has been no response from Mr Juma to this letter. The review application by Trading Standards was then served.

In conclusion, Sussex Police would like to summarise the following points to the Committee:

The premises is clearly repeatedly selling illicit tobacco from the shop. These criminal activities persist on an ongoing basis despite enforcement visits by Trading Standards. The premises has attempted without success to conceal illicit tobacco in a safe. As is evidence by the photographs providing by Trading Standards, we are talking about large quantities of illicit tobacco.

Trading Standards are asking for revocation of the premises licence. We can add to this the view of the Home Office as stated in the S.182 Guidance, that dealing in illicit tobacco is a very serious offence and that revocation of the premises licence should be considered in the first instance.

We then come on to the substantial evidence as set out above by Sussex Police Licensing and can summarise as follows:

The named DPS on the licence quite clearly has no connection whatsoever with Worthing News, and is certainly not in day to day control of the premises. No one in the shop has ever heard of him or seen him. No one (including Mr Juma the PLH) can provide contact details for the DPS. The DPS has not responded to a single letter sent to him (either by Worthing Council or Sussex Police) at his official address in Deeside near Liverpool. Mr Juma has been unable to arrange a meeting between the DPS, Mr Juma and ourselves despite our request to do so.

Police Licensing have attempted to engage with Mr Juma and "T" the manager on an ongoing basis. Mr Juma continues to ignore our letters, continues to allow the shop to continue selling substantial quantities of alcohol despite multiple breaches of licence conditions on an ongoing basis. Mr Juma responds with the same excuses when challenged by Sussex Police. Mr Juma continues to ignore our requests despite clear and unambiguous warnings both verbally and in writing that his licence, and subsequently his business, is at risk. Meanwhile staff and customers are at risk due to Mr Juma's incompetent management and failure to promote the licensing objectives, especially in relation to CCTV and considering the armed robbery.

Whilst the armed robbery on December 3rd 2020 is clearly not the fault of Mr Juma or the premises, the CCTV system was only up and running again on 8th October (after being seized in September by Trading Standards) because Police Licensing continually chased and demanded that a new CCTV hard drive be installed. This was despite an express condition on the licence requiring the premises to replace the hard drive as a matter of course. Following the armed robbery in December, Mr Juma has still not bothered to ensure the CCTV is fully working, and we do not know if the system is even recording. This is despite numerous visits and letters to the shop, all of which Mr Juma has simply ignored and carried on as normal. The shop opens late at night and is therefore vulnerable. As "T" the manager openly admitted to Council and police officers, they have an ongoing issue with aggressive and problematic customers.

It is not the job of Sussex Police (funded by the tax payer) to run Mr Juma's shop and provide staff training, signage and documentation, and continually chase in vain to try and get the shop to adhere to licence conditions. In the meantime Mr Juma has been absent for an extended period whilst on holiday, and then continually ignores letters and warnings, says that it is not his fault. Meanwhile illicit tobacco continues to be sold on an ongoing basis at the shop.

There is nothing to be gained by putting new or revised conditions on the licence. The premises routinely ignores and breaches existing conditions, so yet more conditions will have no effect.

There is no point in suspending the licence. Sussex Police have clearly demonstrated above that we have attempted in vain to engage with the premises and have "taken the stepped approach". Meanwhile Mr Juma continues to ignore us and even ignores explicit and clear warnings that the premises licence is in serious danger of being revoked.

Removing the DPS will have no effect. The named DPS on the licence (whose home address is in Deeside) quite clearly has no contact or dealings with the premises as explained above. Staff in the shop openly admit when questioned that they have never heard of him or seen him.

The local community and shop owners who run legitimate businesses in Worthing and are law abiding and sell legitimate tobacco and alcohol (duty paid), particularly during the challenge time presented by the Covid pandemic, must be considered. Unfair competition by operators acting illegally, who persistently and knowingly flout licence conditions and treat officers of responsible authorities trying to work with them with contempt on an ongoing basis, should be dealt with appropriately and in accordance with the S.182 Guidance.

Accordingly Sussex Police entirely support the review by Trading Standards, and recommend to the Council Licensing Committee that the case for revocation of the premises licence for Worthing News, and the evidence in support of this sanction, is overwhelming.

Yours sincerely,



Rob Lovell
Licensing Inspector

Enc



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

Email: WS_Licensing_WOR@sussex.pnn.police.uk

18th September 2020

Mr [REDACTED]
Worthing News
25 Rowlands Road
WORTHING
BN11 3JJ

DELIVERED BY HAND

Dear Mr [REDACTED],

RE: WORTHING NEWS, 25 ROWLANDS ROAD, WORTHING, BN11 3JJ. LICENSING ACT 2003.

I am writing to you formally as the business partner and nominated representative of Mr Bahman, who as you are aware is the named Premises Licence Holder for the above shop. I have personally spoken to Mr Bahman today on the phone, and he has given me his express permission and instruction to correspond with you directly in relation to Worthing News on his behalf whilst he is abroad on holiday.

You will already be aware that your premises is formally under investigation by West Sussex County Council Trading Standards, who have seized a large quantity of alleged illicit tobacco and a number of alleged duty not paid bottles of wine from your premises.

As you are aware from our telephone conversation yesterday afternoon, I personally attended the premises on Wednesday 16th September at 14.41 along with my colleague PC Jeffrey.

Upon our arrival we observed Mr [REDACTED] who was working in the shop on his own.

Condition 10 under annexe 2 of the licence states:

A personal licence holder will be present on the premises at all times when alcohol is offered for sale.

Mr [REDACTED] confirmed that he is not a personal licence holder. Accordingly you are breaching this condition of the licence.

Condition 2 under annexe 2 of the licence states:

The Premises Licence Holder shall ensure that all staff 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 8 weeks, 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 shall be made available immediately upon request to officers of any responsible authority.

Mr [REDACTED] stated when asked that he has not received any training whatsoever, and no training documentation was provided to us.

Condition 2 under annexe 2 of the licence states:

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 in the premises.

There was no suitable challenge 25 signage anywhere on display inside the shop. There was one sign stating "no ID: no sale" which was on the top of the cigarette gantry. However this is clearly not a sign stating there is a challenge 25 policy in place. The sign was in the top corner next to the ceiling behind the service counter, and was so obscure and difficult to see that we only noticed it when scanning the premises purposefully looking for signage. I anticipate it was only there because it was part of the physical cigarette gantry, and not because it had been placed there by you or your staff to promote the licensing objectives.

Condition 4 under annexe 2 of the licence states:

The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals

of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request immediately to officers of any responsible authority.

When asked about a refusals book or system Mr [REDACTED] clearly had no idea what we were talking about, and ultimately admitted that there is no refusals system or book.

Condition 5 under annexe 2 of the licence states:

250ml/330ml cans or bottles of 5% abv or above are sold as fours and not singularly to discourage street drinking.

Peroni bottles with an ABV of 5.1% ABV were on retail display. San Miguel bottles with an ABV of 5% were on retail display. There was a sign under both products stating "£1.35 each or 4 for £5.00". So there can be no confusion I purposefully took a bottle of each beer to the counter and asked Mr [REDACTED] what the price was for a single bottle of each, and he stated £1.35 each. Therefore clearly single bottles are being sold in breach of the condition.

Condition 12 under annexe 2 of the licence states:

Staff will encourage customers to leave quietly and have regard for residents. Signage will be displayed at the exit requesting customers leave the area quietly, having regard to local residents.

We looked and could not see any signage.

The final paragraph of condition 1 under annexe 2 (the CCTV condition) states:

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.

I am aware that our colleagues from West Sussex County Council Trading Standards seized your CCTV hard drive on the 27th August 2020. When PC Jeffrey and I attended on Wednesday there was no CCTV in operation. I request that you install and have in full operation in compliance with the CCTV condition a replacement hard drive by Monday 28th September 2020. As the CCTV hard drive was seized on the 27th August, the 28th September deadline will mean that you have had a full month to replace the CCTV hard drive "as soon as practicable" in accordance with the licence condition.

For the avoidance of doubt the full CCTV condition so you can ensure you are complying fully with it states:

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. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.

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

Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

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

A copy of the Home Office CCTV document referred to in the CCTV condition is attached to this letter.

No part B of the premises licence was on public display inside the shop as required by law. Mr [REDACTED] eventually found it amongst some documents on a shelf and only then displayed it on the top of the cigarette gantry. Whilst writing I have enclosed a full copy of the premises licence so you are fully aware of all the conditions on the licence.

PC Jeffrey and I also noted when we attended the shop that there is little if any Covid-19 measures in place. There was a notice in the front window reminding customers about the social distancing rules. However there was no other measures in place including for example a Perspex screen on the service counter, any challenge to customers entering the shop not wearing face masks, no one way system, no hand sanitiser provision. Whilst we were in the shop customers were coming in not wearing face masks. Mr [REDACTED] only started to challenge customers for not wearing face masks after PC Jeffrey challenged him about this, and to be honest all of the customers then challenged for not wearing a face mask looked astonished, suggesting that they had previously been permitted entry without a face mask and they were now wondering they were suddenly being challenged for not wearing a mask.

As the nominated representative of Mr Bahman, you will be fully aware of the following four licensing objectives, and the responsibility of the Premises Licence Holder and the Designated Premises Supervisor Mr [REDACTED] to promote them:

- Prevention of Crime and Disorder

- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

By operating as described above, you have breached the conditions of the premises licence, and placed your staff and patrons at risk. This is in clear conflict with the licensing objectives, and must cease immediately.

I must point out that the Designated Premises Supervisor and Premises Licence Holder are responsible for the lawful conduct of this business and are reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of the conditions of a premises licence. The maximum penalty on conviction is six months imprisonment and/or an unlimited fine. Furthermore, a review of this premises licence may be called for if further breaches of the Licence are identified.

This letter should be treated as a warning. If there are further breaches of the conditions of your Premises Licence, we will consider legal action without further notice, and this may place the premises licence at risk. Further observations of the premises and licensing visits may be carried out by officers of the Council, Trading Standards and Sussex Police.

Immediate action is required to rectify the issues identified here. Please respond in writing within 7 days from the date at the top of this letter (and Monday 28th September 2020 for the CCTV hard drive) confirming what measures have been put in place. I am happy for this to be by post or email to:

WS_Licensing_WOR@sussex.pnn.police.uk

You will note that I have copied this letter to Mr Bahman in his capacity as the Premises Licence Holder at his new residential address at [REDACTED] as per his specific instructions. I have also copied the letter in to Mr [REDACTED], who as the named Designated Premises Supervisor is responsible for the day to day control of the premises.

Mr Bahman will need to formally write to Worthing Council to notify them of his new residential address. The Worthing Council address is below on this letter.

Yours sincerely,

David Bateup
Police Licensing Officer
West Division

cc: Premises Licence Holder:

Mr Bahman-██████████ Juma
██████████
██████████
Worthing
BN1 ██████████

Designated Premises Supervisor:

Mr ██████████
██████████
██████████
██████████
Deeside
CH5 ██████████

Adur & Worthing Council:

Mr Simon Jones
Team Leader - Licensing
Portland House
Worthing
BN11 1HS

West Sussex County Council
Trading Standards

Parkside
Chart Way
Horsham
West Sussex
RH12 1XH

Encs: Home Office CCTV Guidance
Worthing News premises licence



**WORTHING BOROUGH
COUNCIL**

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

22 September 2020

Mr [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Deeside
CH5 [REDACTED]

Dear Mr. [REDACTED]

**Re: Licensing Act 2003
Premises Licence LN/201800092
Worthing News, 25 Rowlands Road, Worthing**

The premises licence detailed above authorises the sale of alcohol for consumption off the premises. The licence has in place a number of legally enforceable conditions including:

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.....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.*
2. *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
3. *The Premises Licence Holder shall ensure that all staff members 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 8 weeks, 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 shall be made available immediately upon request to officers of any responsible authority.

5. *250ml/330ml cans or bottles of 5% abv or above are sold as fours and not singularly to discourage street drinking.*
6. *No beers or ciders will be sold which are above 6% ABV.*
10. *A personal licence holder will be present on the premises at all times when alcohol is offered for sale.*

You are named as the Designated Premises Supervisor (DPS) on the above Premises Licence and are legally responsible for the sale of alcohol at the store. It has come to my attention that there are a number of issues at the premises and the above conditions are not being complied with. Sussex Police are currently looking into the matter.

As DPS I suggest you review your managerial practices as a matter of urgency to ensure compliance as the licence requires. It is my duty to point out that as the Designated Premises Supervisor, you are responsible for the lawful conduct of this business with regard to alcohol sales and are reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premise in breach of the conditions of a premises licence.

If future breaches are observed prosecution may be considered. Observation is routinely carried out by officers of the Council and Sussex Police.

I would appreciate you contacting me to discuss how you are going to address these issues. You can email me at: simon.jones@adur-worthing.gov.uk or telephone me on 01273 263191.

Yours sincerely



Simon Jones

Team Leader - Licensing, Adur & Worthing Councils

Phone: 01273 263191

Email: simon.jones@adur-worthing.gov.uk

Website: <http://www.adur-worthing.gov.uk/licensing-and-permits/>

Address: Public Health & Regulation, Public Health & Regulation

Portland House

Worthing

BN11 1HS

CC Sussex Police Licensing



Attachment 3

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

Email: WS_Licensing_WOR@sussex.pnn.police.uk

25th September 2020

Mr T [REDACTED]
Worthing News
25 Rowlands Road
WORTHING
BN11 3JJ

DELIVERED BY HAND

Dear Mr [REDACTED]

RE: WORTHING NEWS, 25 ROWLANDS ROAD, WORTHING, BN11 3JJ. LICENSING ACT 2003.

Further to my attendance as arranged with you in advance at the premises yesterday with PC Jeffrey and Simon Jones from Adur & Worthing District Council Licensing.

As agreed I have enclosed:

1. A selection of challenge 25 posters as per condition 2 of your licence;
2. Four refusals books as per condition 4 of your licence;
3. A prompt sheet for staff stating what ID is accepted as per your request.

To confirm you stated to me yesterday that you are anticipating a visit from a CCTV technician today (Friday) to install a new CCTV hard drive. The final sentence of condition one refers.

You have stated to us that in the event that the CCTV technician does not attend and the issue with no functioning CCTV is not resolved by the end of this week, you will give me a call. Equally once the CCTV issue is resolved with a new hard drive being installed, you will call me to confirm that this has been done. I recommended to you that you show the CCTV technician the CCTV condition on the premises licence, together with the Home Office CCTV specification document to ensure that your CCTV system is fully compliant with the requirements of the licence condition. You are reminded again that in the meantime you are in breach of a licence condition all the time that the CCTV remains not functioning.

During our meeting yesterday I went through with you every point in my letter of the 18th September. PC Jeffrey and Mr Jones also answered questions and gave you advice and guidance. Accordingly you should now be fully acquainted with every condition on the premises licence for Worthing News.

Yours sincerely,

David Bateup
Police Licensing Officer
West Division

cc: Premises Licence Holder:

Mr Bahman [REDACTED] Juma

[REDACTED]
Worthing
BN11 [REDACTED]

Designated Premises Supervisor:

Mr [REDACTED]
[REDACTED]
[REDACTED]
Deeside
CH5 [REDACTED]

Adur & Worthing Council:

Mr Simon Jones
Team Leader - Licensing
Portland House
Worthing
BN11 1HS

West Sussex County Council
Trading Standards

Parkside
Chart Way
Horsham
RH12 1XH

Encs



Sussex Police
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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

Email: WS_Licensing_WOR@sussex.pnn.police.uk

2nd October 2020

Mr T [REDACTED]
Worthing News
25 Rowlands Road
WORTHING
BN11 3JJ

DELIVERED BY HAND

Dear Mr [REDACTED]

RE: WORTHING NEWS, 25 ROWLANDS ROAD, WORTHING, BN11 3JJ. LICENSING ACT 2003.

You will recall that during the conversation between yourself and Simon Jones (Worthing Borough Council Licensing Manager), PC Jeffrey and myself on Thursday 29th October, you said that a CCTV technician would be arriving the next day to install a new CCTV hard drive. You said to me that in any event you would personally call me by close of business on Monday 28th September to update me on what is happening with the CCTV system.

Subsequently I have not heard anything from you. Therefore I have had to attend the premises again today unannounced in person to chase you for an update. Upon arrival it is apparent that no new CCTV hard drive has been installed, and the CCTV system is still not working. Of further concern is that you were not working today, and the two males working in the shop both confirmed to me when asked that neither of them are personal licence holders. Alcohol was clearly on display as normal.

I have already explained to you both in writing and face to face that it is a condition of the premises licence that a personal licence holder must be on duty at the shop when licensable activities (namely the sale of alcohol) is taking place. Despite this the condition is still being breached.

I have already written to you on the 18th September setting out the multiple breaches of the premises licence following our visit on the 16th September. I then personally attended the shop with my colleagues last Thursday to meet with you and explain the conditions on the licence and my letter of the 18th September, because you said you did not understand either the contents of my letter or the conditions on the licence. Meanwhile there has been no contact whatsoever from the named Designated Premises Supervisor Mr [REDACTED], who is supposed to be in day to day control of the premises.

I remind you yet again of the condition on your premises licence which states:

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.

The CCTV hard drive was seized by Trading Standards on the 27th August 2020. You have now had 36 days following the day the CCTV hard drive was seized to install a new hard drive and get the CCTV system back up and running again.

The fact that the CCTV hard drive is still not up and running is particularly of concern as you admitted yourself during our meeting last week that the shop regularly has problems with aggressive and uncooperative customers.

As per my letter of the 18th September 2020, it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of the conditions of a premises licence. The maximum penalty on conviction is six months imprisonment and/or an unlimited fine. Furthermore, a review of this premises licence may be called if this situation continues to be unresolved despite our best efforts to try and work with you and assist you.

I also remind you again of the paragraph in my previous letter which states:

This letter should be treated as a warning. If there are further breaches of the conditions of your Premises Licence, we will consider legal action without further notice, and this may place the premises licence at risk. Further observations of the premises and licensing visits may be carried out by officers of the Council, Trading Standards and Sussex Police.

Again I have copied this letter to Mr Juma in his capacity as the Premises Licence Holder at his new residential address at [REDACTED] Rowlands Road as per his specific instructions. I have also copied the letter in to Mr [REDACTED], who as the named Designated Premises Supervisor is responsible for the day to day control of the premises.

Mr Juma will need to formally write to Worthing Council to notify them of his new residential address. The Worthing Council address is below on this letter.

You have said that Mr Juma will be returning back to the UK imminently. I would be obliged if Mr Juma would contact me upon his return to the UK, and provide me with his contact details (phone number and email address) as well as the phone number and email address for the named DPS Mr [REDACTED].

In the circumstances Mr Juma saying he does not know his own phone number and email address when asked, as well as those of Mr [REDACTED], is simply not acceptable. This is so particularly in view of the escalating seriousness of this situation and the increasing likelihood that a review may now have to be called.

Yours sincerely,

David Bateup
Police Licensing Officer
West Division

cc: Premises Licence Holder: Mr Bahman [REDACTED] Juma
[REDACTED]
[REDACTED]
Worthing
BN11 [REDACTED]

Designated Premises Supervisor: Mr [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Deeside
CH5 [REDACTED]

Adur & Worthing Council: Mr Simon Jones
Team Leader - Licensing
Portland House
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Tel: 01273 404 030

Email: WS_Licensing_WOR@sussex.pnn.police.uk

20th November 2020

Mr Bahman Juma
Worthing News
25 Rowlands Road
WORTHING
BN11 3JJ

DELIVERED BY HAND

Dear Mr Juma,

RE: WORTHING NEWS, 25 ROWLANDS ROAD, WORTHING, BN11 3JJ. LICENSING ACT 2003.

I am writing to you following your phone call to me earlier this week to confirm that you are now back in the UK and residing at a first floor flat at 27 Rowlands Road. This address is next door to the shop at 25 Rowlands Road.

When we last spoke on the phone a few months ago when you were overseas, you said that you are no longer living in Maidstone, and that the flat above [REDACTED] is now your official residential address. We agreed that I would now send correspondence to you at the flat above [REDACTED]

Your address as the Premises Licence Holder for Worthing News is still the address in Maidstone. It is imperative that you take action now to formally notify Worthing Council Licensing Department that you have changed your address, and update your residential address on the premises licence for Worthing News to your new address at 27 Rowlands Road, Worthing. I have enclosed the official form from Worthing Council for you to arrange this.

There is a small fee to be paid to Worthing Council to process the application. The email address of Worthing Council Licensing Department is:

licensing.unit@adur-worthing.gov.uk
tel: 01903 23 99 99

You could take the application form, the premises licence, your cheque book and your formal identification documents with you in person to the Council offices (Portland House, 44 Richmond Road, Worthing, BN11 1HS – next door to the library) to ensure this important task is completed. The Council offices are only a short walk from Rowlands Road. However you would need to contact the Council Licensing Team in advance to make an appointment, and you must not arrive at their office without an appointment as you will not be allowed into the building. The usual Covid-19 protocols such as a face mask will obviously also apply.

If in the weeks ahead very important documents are sent to you in relation to Worthing News, legally all of those documents are at present going to be sent to your address in Maidstone. Therefore I urge you to take my advice very seriously, and act upon it to have your address on the premises licence for Worthing News updated to your flat at [REDACTED]. Otherwise if important documents are sent to the Maidstone address, there will be no point in you trying to argue that you have not received them.

As per our last conversation I have personally hand delivered copies of very important letters to you as the Premises Licence Holder of Worthing News by putting them under the white door between Rowlands News and the [REDACTED] at [REDACTED] Rowlands Road. As far as I could see this was the only entrance to the flat above [REDACTED] Rowlands Road, despite there being no letter box and no number on the door. You have stated to me that you have not received any of these letters, and that the door and letter box for your flat at [REDACTED] Rowlands Road is "around the back". I could not see any access to get around the back to this doorway. As I have said if important documents are sent to you, there must be no doubt about a legitimate postal address for your flat so you ensure you do receive them. Therefore you might like to consider having the shop as your formal postal address instead?

I have continually asked you for your email address, and you reply as well as not knowing your own mobile phone number that you do not have an email address. I firmly recommend and request please that you do obtain an email address, as this will facilitate communicating with you. Again ensuring effective communication is in your interest.

I have enclosed with this letter copies of my previous correspondence to Mr [REDACTED] at the shop:

1. My letter of the 18th September
2. My letter of the 25th September
3. My letter of the 2nd October

I have also enclose a copy of the premises licence for the shop.

You will see upon reading the letters enclosed that Sussex Police have very serious concerns about the proper running of your premises, adherence to the licence conditions and promotion of the licensing objectives. The situation is so serious that I have effectively had to take over the running of the shop on your and the DPS Mr [REDACTED], and provide staff training,

documentation and posters to Mr [REDACTED]. This is not my job and it is the responsibility of you and Mr [REDACTED] to do this.

My colleague PC Jeffrey attended the shop unannounced earlier this week to conduct a follow up licensing visit. There are still a number of licence breaches that require your urgent attention.

Re the licence condition:

A personal licence holder will be present on the premises at all times when alcohol is offered for sale.

Your premises is continually breaching this condition. We are aware that Mr [REDACTED] is a personal licence holder. However we have visited the shop unannounced on a number of occasions when Mr [REDACTED] is not there, and there are no personal licence holders on duty whilst alcohol is still on display and being sold.

When challenged the response we receive is that it is currently impossible to sit the personal licence course and pass the exam to gain a personal licence because of Covid-19. We do not accept this argument, and consider that this failure is still a licence breach. We see in our office numerous new personal licence holder applications every week throughout Sussex, all of whom have successfully applied for and passed the personal licence holder examination during Covid-19 restrictions. My colleague PC Jeffrey applied for and successfully passed the exam to obtain his personal licence during lock down.

Simon Jones, Licensing Manager at Worthing Council, agrees with me that it is still possible to sit the personal licence holder's exam and successfully apply for a personal licence now, and he also sees many new personal licence holders during his work each week. Accordingly we will expect to see a personal licence holder on duty in the shop all times licensable activities are taking place. If we continue to receive from your premises excuses about Covid-19, then ultimately we will have to apply for a review of the premises licence.

You will note from the attached past correspondence that the shop has been operating for some time without CCTV following the seizure of the previous CCTV hard drive by Trading Standards. Finally a new CCTV hard drive has now been installed. However during our last visit on the 12th November, the time display on the CCTV was showing a time of 22.46 when the time was actually 14.37. Please ensure that the time is corrected as a matter of urgency and contact me to confirm this has been done? This is a breach of the CCTV licence condition.

Can you also please ensure that your staff are competent in using the CCTV hard drive, and that they are able to interrogate the machine, select and view specific times and dates, and that they can immediately download specifically requested footage on to a USB stick or disc.

Mr [REDACTED] has already stated to us that there are issues with aggressive and problem customers in the shop. In the event that there was a serious incident inside the shop necessitating us having to ask your staff for CCTV footage and they are unable to download it immediately there and then, we will treat this licence breach very seriously. Furthermore if a failure to download footage necessitates us having to seize the CCTV hard drive to take it away as evidence, then we will instruct you to remove all alcohol from retail display forthwith as fully functioning CCTV is

a condition on the licence. We will not allow the premises to continue trading indefinitely again with no CCTV. This will of course have an adverse effect on your business. Therefore please can you help yourself by listening to what we are saying to you, and act upon it now for your benefit and the benefit and protection of your staff and customers?

I have personally delivered a pro forma refusals register to Mr [REDACTED] at the shop. However when PC Jeffrey asked to see the refusals register on the 12th November, a diary was produced and not the refusals register provided. There had been no refusals since our previous visit on the 24th September 2020.

Please can you ensure that all staff at the shop are properly trained as per the licence conditions, and that all training records are kept at the premises, with dates and signatures for the training?

During our interactions with the premises since September we have not heard from or seen Mr [REDACTED], the named Designated Premises Supervisor who should be in day to day control of the premises. Can you provide me please with the email address and phone number for Mr [REDACTED]? We would like to meet with you and Mr [REDACTED] at the premises for a further licensing visit in due course, so please can you tell us when both you and Mr [REDACTED] will be available?

Please can you either email me or phone me on Monday 23rd November during office hours to confirm receipt of this letter and the attachments?

You will immediately appreciate from reading this letter and the copy letters attached, that we have spent a considerable amount of time, effort and expense dealing with your business in your and Mr [REDACTED] extended absence. We have endeavoured to take a stepped approach with reference to the continual licence breaches, endless broken promises and excuses. We are now very much at the end of the road with this policy and our patience with you. Now that you are back in the UK we will expect you to attend to all of the above points very promptly please. Otherwise we will be left with no choice but to commence review proceedings, asking the Council Licensing Committee to revoke your premises licence.

Yours sincerely,

David Bateup
Police Licensing Officer
West Division

cc: Designated Premises Supervisor:

Mr [REDACTED]
[REDACTED]
[REDACTED]
Deeside
CH5 [REDACTED]

Adur & Worthing Council:

Mr Simon Jones
Team Leader - Licensing
Portland House
Worthing
BN11 1HS

West Sussex County Council
Trading Standards

Parkside
Chart Way
Horsham
West Sussex
RH12 1XH

Encs: Copies of previous letters hand delivered at the premises and personally addressed to Mr Bahman at 27 Rowlands Road.

PC Richard Isth
Learning Officer
Hampshire Adult Learning
B31 1TA
Phone: 01256 331100
Fax: 01256 331101
M: 07797 111111
E: r.isth@hampshire.gov.uk



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МИНИСТЕРСТВО НА ФИНАНСИТЕ
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West Sussex Division
Neighbourhood Licensing Team

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

Tel: 01273 404 030

Email: WS_Licensing_WOR@sussex.pnn.police.uk

29th January 2021

Mr Bahman Juma
Worthing News
25 Rowlands Road
WORTHING
BN11 3JJ

DELIVERED BY HAND

Dear Mr Juma,

RE: WORTHING NEWS, 25 ROWLANDS ROAD, WORTHING, BN11 3JJ. LICENSING ACT 2003.

I refer to my letter of the 20th November 2020 (copy attached), which I delivered to the shop in person by hand. You will recall that during our telephone conversation of the 24th November 2020, I asked you if you have received this letter, and you replied that you have received it.

I have corresponded with Mr Jones at Worthing Council, who confirms that Worthing Council have not received any documentation from you (the specific form I enclosed for you in my letter of the 20th November 2020) formally changing your residential address as Premises Licence Holder for Worthing News from your address in Kent to your new address at [REDACTED], Rowlands Road, Worthing. Accordingly all formal correspondence from either the Licensing Authority (Worthing Council) or any responsible authority in relation to the premises licence for Worthing News will by law be sent to your former address in Kent, and not to you at your [REDACTED] Rowlands Road address.

I will replicate a significant paragraph from my last letter to you again:

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

Telephone: 101 | 01273470101

If in the weeks ahead very important documents are sent to you in relation to Worthing News, legally all of those documents are at present going to be sent to your address in Maidstone. Therefore I urge you to take my advice very seriously, and act upon it to have your address on the premises licence for Worthing News updated to your flat at 27 Rowlands Road. Otherwise if important documents are sent to the Maidstone address, there will be no point in you trying to argue that you have not received them.

I have liaised with my colleague PC Jeffrey following the unannounced visit PC Jeffrey made to Worthing News on Saturday 23rd January 2021 at 20.34. We have a number of serious concerns following the visit, which I will set out below.

I have enclosed yet another copy of your premises licence (both parts A and B) for you. This is because when PC Jeffrey asked you to produce part A of the licence, you could not locate it. Please can you ensure that part B of the licence is clearly on display to the public inside the shop, and that you retain part A of the licence in a file in the shop where you, the Designated Premises Supervisor for Worthing News and your staff know where it is for easy reference.

Of particular concern is the situation with regard to the shop CCTV system. At this point I will ask you to refer to your premises licence and the specific conditions relating to the CCTV system. I refer you to the specific sentence in the licence which reads:

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.

You will be aware that your CCTV hard drive was seized by West Sussex County Council Trading Standards during a visit last September. The CCTV hard drive was not replaced promptly by you (as you are expressly required to do as per the condition replicated above) and it took a number of visits by PC Jeffrey and myself to the shop before finally it was replaced. You will of course be aware that subsequently on the 2nd December 2020 there was an armed robbery at Worthing News, which fortunately was captured on your CCTV system.

I am aware that on the 19th December 2020 there was a further visit to Worthing News by Trading Standards, when they again had cause to seize your CCTV hard drive as evidence in relation to alleged criminal activities taking place inside the shop.

You stated to PC Jeffrey during the visit of the 23rd January that Sussex police have seized your CCTV hard drive following the armed robbery. This is incorrect as the hard drive was seized by Trading Standards.

When PC Jeffrey checked your CCTV system on the 23rd January at approximately 20:45, the date and time being displayed was Sunday 24th January 2021 at 04:52. Therefore the time was out by approximately 8+ hours.

You stated when asked that you do not know how to use or fix the CCTV system, and that your staff do not know how to use it either. We find your total absence of any willingness and ability to take responsibility for the CCTV system quite shocking, not just because this is a clear

breach of your licence conditions, but also because of the armed robbery in December. Would I be correct in assuming that the CCTV is currently not even recording?

It was noted that only five cameras were shown on the TV screen. We specifically request that you conduct a full CCTV audit as a matter of urgency both to comply with the conditions on the premises licence, and in view of the recent armed robbery at the shop. We also note with concern that there is no CCTV coverage of the service desk and cashpoint. In the event of a further robbery or an alleged sale of age restricted products to an underage person which you dispute, if there is no CCTV coverage of the service desk and cashpoint vital evidence will not be recorded. You are specifically requested to ensure that this point is addressed immediately.

Please ensure that the CCTV hard drive is recording, that the correct date and time are inputted, and that you and your Designated Premises Supervisor are fully conversant and competent to operate the system and select and download footage when required, and in accordance with the licence conditions.

PC Jeffrey challenged you as to why there was no personal licence holder on duty in a supervisory role in the shop. During the visit you sold alcohol (two bottles of wine) to a male who in the opinion of PC Jeffrey was drunk. You are not a personal licence holder, and there was clearly no one else working in the shop at the time.

You will recall that I have already spoken with you regarding condition 10 on your licence:

A personal licence holder will be present on the premises at all times when alcohol is offered for sale.

Both you and Mr T [REDACTED] (who you state is your business partner) have replied to me when I have challenged you both that it is currently impossible to take the course and obtain a personal licence because of Covid 19. You said to PC Jeffrey that you "have received a letter from a man at the council" wanting to charge you £750 to take the personal licence holders course. I have checked directly with Mr Jones at Worthing Council, who confirms that he has not sent you any letters and has had no correspondence with you. Also the figure you quote of £750 is vastly inflated, and the most expensive costs we could find to do the course online this morning (including sitting the exam) were a maximum of circa £200.

As I have already said to you and Mr [REDACTED] it is a licence condition that a personal licence holder must be on duty at the shop all the time alcohol is on display and is being sold. On a number of occasions when we have visited the shop unannounced there is no personal licence holder on duty and yet alcohol is still being sold. I have already explained to you and Mr Faeak that the excuse about Covid-19 is not true. There are numerous individuals and bodies still offering the personal licence holders course online during the lockdown. This is also confirmed by Mr Jones at Worthing Council. In my office we receive a number of new personal licence holder applications to become a Designated Premises Supervisor every week. PC Jeffrey applied for and qualified for his own personal licence last summer, some months after the first Covid lockdown.

Every time you challenge you about this ongoing licence breach however, you respond with the same excuse. This is not acceptable.

PC Jeffrey challenged you about condition 5 on the licence:

250ml/330ml cans or bottles of 5% abv or above are sold as fours and not singularly to discourage street drinking.

There is a rather tatty piece of cardboard with a hand written note on it that these beers can only be sold in 4s. I rather doubt that any customer would take any notice of this, and you are requested to address this issue and ensure that a more prominent notice is displayed for this.

PC Jeffrey asked you about our visit to the shop on 12th January 2021, when we seized 18 packets of Marlborough cigarettes with Bulgarian duty stamps and labelling (and thus which cannot be sold legally in the UK) which your staff were in the process of selling to a customer for £140 in cash. You stated that you did not know anything about our visit and the seizure. Your claim that you did not know about this incident is concerning.

I note that in my letter of the 20th November 2020 that I asked you to contact me so we can arrange a face to face meeting with you and the named Designated Premises Supervisor on the premises licence, Mr [REDACTED]. You did not respond to this request.

We note that at no time have we during our numerous visits to Worthing News have we met Mr [REDACTED], and there has been no response from Mr [REDACTED] to the numerous letters copied in to him as the Designated Premises Supervisor. Of particular significance is the fact that when we have asked your staff working in the shop about Mr [REDACTED], they say that they have never heard of him and have never met him. When I have asked you directly for Mr [REDACTED] mobile phone number and email address, you have replied that you do not know what they are. In view of these numerous points of concern, please can you tell me who is officially in day to day control of Worthing News and promoting the licensing objectives?

I also bring your attention to the staff training and refresher training conditions on your licence, as when we questioned your staff member working in the shop on the 12th January 2021, he made no reference to formal staff training and refresher training.

At the end of PC Jeffrey's visit on the 23rd January, you said [in relation to the numerous licence breaches and issues with Worthing News] that it is not your fault. You are the premises licence holder for Worthing News, so ultimately it is your responsibility. You will be aware that we have attempted to work with you and Mr [REDACTED] and we have made numerous visits to the shop, followed by long and detailed letters setting out the multiple issues that need rectifying which have been hand delivered to the shop. These are not matters to be taken lightly, as was unfortunately evidenced by the armed robbery at the shop last month.

To date we have been met with continual excuses, denials and what I can only unfortunately describe as a cavalier attitude both to the premises licence and the licensing objectives, and to officers of the various responsible authorities and the licensing authority.

PC Jeffrey said to you that you as the Premises Licence Holder can be prosecuted and receive a prison sentence and/or an unlimited fine for licence breaches. There is also a serious risk that your premises licence for Worthing News may be subject to a licence review and ultimately revocation. As PC Jeffrey commented to you, your shop business clearly relies heavily on the

sale of alcohol, and if your licence to sell alcohol is revoked, it is likely that your business will no longer be viable and will fail.

Accordingly I would urge you to take this letter and our previous communications to you very seriously and act upon them as time is rapidly running out.

Yours sincerely,

David Bateup
Police Licensing Officer
West Division

cc: Designated Premises Supervisor:

Mr: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Deeside
CH5 [REDACTED]

Adur & Worthing Council:

Mr Simon Jones
Team Leader - Licensing
Portland House
Worthing
BN11 1HS

West Sussex County Council
Trading Standards

Parkside
Chart Way
Horsham
West Sussex
RH12 1XH

Encs: Copy of my letter of 20th November 2020 and a copy of the premises licence.

Simon Jones
Team Leader – Licensing
Adur & Worthing Councils
Public Health & Regulation, Public
Health & Regulation
Portland House
Worthing
BN11 1HS

Mr S Jones
Senior Licensing Officer
Licensing Unit
Adur & Worthing Councils
Portland House
Richmond Road
Worthing
BN11 1LF

22nd February 2021

Dear Mr Jones,

Re: Worthing News, 25 Rowlands Road, Worthing, West Sussex, BN11 3JJ

West Sussex County Council (WSCC) Public Health Department wishes to support the application by WSCC Trading Standards to review the licence of Worthing News, 25 Rowlands Road, Worthing, BN11 3JJ.

WSCC Public Health Department concurs that the possession and sale of counterfeit tobacco on the premises, as well as the possession and sale of tobacco products not legal for sale in the UK, indicate that the following Licensing Objectives are not being promoted:

- (1) The Prevention of Crime and Disorder
- (2) Public Safety

We are very disappointed that these premises continue to disregard the law and the licensing objectives, despite numerous interventions by Responsible Authorities, including a Review in 2017, which resulted in the decision by the licensing committee to revoke the premises licence.

The WSCC Public Health Department fully supports the request from Trading Standards for the licensing committee to seriously consider revocation of the premises licence and feels that this is a necessary and proportionate course of action.

Supporting Evidence

Illicit tobacco refers to both counterfeit tobacco products and also to tobacco products intended for foreign markets and not legal for sale in the UK.

The possession of illicit tobacco products found on the premises contravenes:

- Regulation 20 of the General Product Safety Regulations 2005
- 92 (1) (b) and (c) of the Trade Marks Act 1994
- Regulation 15 of the Standardised packaging of Tobacco Products Regulations 2015
- Regulation 48 of the Tobacco and Related Products Regulations 2016.

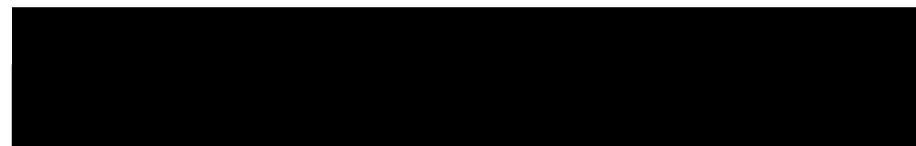
As well as undermining The Prevention of Crime and Disorder, the sale of illicit tobacco undermines Public Safety as these products are often unregulated.

The illicit tobacco market may account for 10% of cigarettes consumed in the UK¹. The sale of illicit tobacco is a concern because:

- Illicit tobacco trade reduces the public health impact on tobacco tax rises and increases demand for tobacco products.
- Illicit tobacco products hook our young people into tobacco experimentation and use because they are more affordable. Such illicit products also mislead young tobacco users by not displaying health warnings and sometimes involving children in illegal selling activities.
- Illicit trade takes tax revenue away from the Government, which could have otherwise been spent on the provision of public services, instead directing such funds into the hands of criminals.
- Illicit trade strengthens corruption and weakens good governance.
- Tobacco companies have been known to use loopholes in tobacco control government systems and indulge in the illicit trade of tobacco products.

Worthing News has been identified as selling tobacco intended for the Polish market, but which cannot legally be sold in the UK and does not feature the health messages and images required by law. The Standardised Packaging of Tobacco Products Regulations 2015 are designed to reduce the appeal of tobacco products (particularly to young people), to prevent misleading claims about the benefits of tobacco products and to make the required health warnings more noticeable. The overall aim is to reduce rates of smoking. Any tobacco sold without these warnings will mislead consumers and create a false impression about its health effects or overall risk. Research has begun to show that standardised packaging does increase warning salience and thoughts about risks and quitting².

In summary, WSCC Public Health Department fully supports the recommendation made by Trading Standards that the licensing committee seriously consider revocation of the premises licence. We believe this to be necessary, proportionate, and reasonable in the circumstances.



Holly Yandall
Public Health Lead for Alcohol and Drugs

Rebecca Howells
Public Health Lead for Healthy Lifestyles
(Tobacco Control)

On behalf of the Director of Public Health

¹ Action on Smoking and Health, (2017), http://ash.org.uk/files/documents/ASH_122.pdf, [last accessed 05/02/2021]

² Crawford Moodie, Leonie S. Brose, Hyun S Lee, Emily Power & Linda Bauld (2020) How did smokers respond to standardised cigarette packaging with new, larger health warnings in the United Kingdom during the transition period? A cross-sectional online survey, *Addiction Research & Theory*, 28:1, 53-61 [last accessed 16/02/2021].



REVIEW OF PREMISES LICENCE

11 February 2021

Ahead of the review of the premises licence issued to **Mr Bahman Abdul Khaliq Juna** for the premises trading as **Worthing News, 25 Rowlands Road, Worthing BN11 3JJ** (the "Store"), Gallaher Limited, trading as JTI, offers the following observations.

The activities reported to have taken place at the Store clearly undermine one of the objectives of the Licensing Act 2003, namely "The prevention of crime and disorder".

We very much welcome the enforcement action taken by West Sussex Trading Standards Service. The valuable work they do in tackling the sale of illegal tobacco, despite the financial and resource pressures they face, is vital in safeguarding legitimate businesses and consumers. The Intellectual Property Office's latest reportⁱ on the enforcement activity undertaken by Trading Standards departments shows that cigarettes and tobacco remain their most investigated product group.

HM Revenue & Customs (HMRC) estimate that the sale of illegal tobacco products in the UK has resulted in a tax revenue loss of more than £47 billion since 2000ⁱⁱ. HMRC also acknowledges that the sale of illegal tobacco "*damages legitimate business, undermines public health and facilitates the supply of tobacco to young people*".ⁱⁱⁱ

It has been widely reported that illegal tobacco is linked to other forms of criminality. For example, an article in the Chartered Trading Standards Institute's journal^{iv} stated that "*the illegal tobacco trade has strong links with organised crime and criminal gangs; many of the people smuggling, distributing and selling illegal tobacco are involved in drug dealing, money laundering, people trafficking and even terrorism.*"

Therefore, sales of illegal tobacco products through the Store, and other seemingly legitimate retail outlets, are a contributing factor to this revenue loss, they damage legitimate businesses and encourage wider criminality.

Therefore, in light of the fiscal scale of the crime and the wider links it has to more serious offences, we hope that the Committee will issue the most severe penalty it can by revoking the premises licence at this Store and refusing to issue a new licence at the address until a true change of ownership can be demonstrated. We also urge the Committee to review any other premises licences held by the owners of the business and revoke these also. Preventing the sale of alcohol will ensure the business loses a valuable revenue stream and footfall driver.

We also hope that Trading Standards prosecute the retailer under The Tobacco and Related Products Regulations 2016 and The Standardised Packaging of Tobacco Products Regulations 2015 for selling products that did not have the requisite labelling prescribed in the UK.

Finally, if the Store has a National Lottery terminal the Committee might wish to consider writing to Camelot to ask them to suspend or remove it. Camelot have previously taken a

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dim view of its products being available in a store where illegal tobacco and/or alcohol has been on sale.^v

Taken together, these measures will act as a deterrent to other retailers in the town that are trading, or might be tempted to trade, illegally. It also demonstrates that the Committee and the Council are firmly on the side of legitimate businesses.

ⁱ [Trading standards successes. IP crime and enforcement report 2019 to 2020](#). Intellectual Property Office, September 2020

ⁱⁱ [Measuring tax gaps tables](#). HM Revenue & Customs, July 2020

ⁱⁱⁱ [Tackling illicit tobacco: From leaf to light. The HMRC and Border Force strategy to tackle tobacco smuggling](#). HM Revenue & Customs / Border Force, March 2015

^{iv} [Elite sniffer dog threatened by gangs](#). Journal of Trading Standards, January 2019

^v [Camelot turns off terminal of illicit booze-busted retailer](#). betterRetailing.com, 20 January 2017