



WORTHING BOROUGH  
COUNCIL

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**I Peter Aston, Trading Standards, Team Manager, West Sussex County Council Trading  
Standards Service**

*(Insert name of applicant)*

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

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
OM Food & Wine Ltd t/a Clifton Food & Wine, 123 Clifton Road	
<b>Post town</b> Worthing	<b>Post code (if known)</b> BN11 4DP

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

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

**Part 2 - Applicant details**

I am

Please tick ✓ yes

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

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

✓

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

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

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

Please tick ✓ yes

**I am 18 years old or over**

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

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

Name and address:

FOR & ON BEHALF OF THE RESPONSIBLE AUTHORITY APPLICANT:

Mr Peter Aston  
Team Manager  
West Sussex County Council Trading Standards Service  
Parkside  
Chart Way  
Horsham  
RH12 1XH

Telephone number (if any)

██████████

E-mail address (optional)

[peter.aston@westsussex.gov.uk](mailto:peter.aston@westsussex.gov.uk)

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

Please tick one or more boxes ✓

- |  |   |
|--|---|
| <b>1) the prevention of crime and disorder</b> | ✓ |
| 2) public safety                               |   |
| 3) the prevention of public nuisance           |   |
| <b>4) the protection of children from harm</b> | ✓ |

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

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

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

Full particulars in support of the application are to be found in the next section, but in summary:

#### **Prevention of crime and disorder**

On 23<sup>rd</sup> February 2022, during a controlled Trading Standards test purchasing exercise, a staff member at Clifton Food & Wine sold alcohol to a Trading Standards volunteer who was under the age of 18.

The sale of alcohol to a person under the age of 18 is a criminal offence under the Licensing Act 2003.

#### **Protection of children from harm**

Despite Clifton Food and Wine displaying Challenge 25\* signage around the premises and claiming to operate such policy, they did not follow the guidance of such policy, contrary to the Licence Condition:

*All staff will be trained and regularly refreshed in the 'Challenge 21 Policy'. Persons looking under 21 will be required to produce recognised proof that they are over 18 before a sale of alcohol, tobacco or other controlled substance will be authorised. Signage informing staff and customers of the 'Think 21' policy will be displayed together with 'No proof of age - no sale' signage at the point of sale.*

\*While the Premises Licence discusses Challenge 21, the Responsible Authority always advise businesses to operate a Challenge 25 policy as it greater reduces the margin of error when determining a customer's age.

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

On 19<sup>th</sup> January 2022, the Responsible Authority received information from a West Sussex secondary school alleging that the business had sold age restricted products to children. The allegation suggested that a student under the age of 18, had informed the school that he regularly travels from outside of Worthing to Clifton Food and Wine to purchase vapes/nicotine inhaling products, as it is ‘the place to go’ as they do not ask any questions. The student had claimed to do this on more than one occasion.

Following receipt of this information, a Trading Standards Officer (TSO) from the Responsible Authority carried out an advice visit to the business on 25<sup>th</sup> January 2022 and spoke with the owner of the business, [REDACTED] was advised about the nature of the complaint, and he responded by saying that he always asks for identification. The refusals log was examined by the TSO and it was found the last entry into the refusals log was in October 2020. Advice in relation to the refusals log, Challenge 25 policy and asking customers to remove their COVID-19 masks for the purpose of ascertaining whether they appeared to be under the age of 25 or not, was discussed with [REDACTED]. During the visit there was also another male present on the premises who was explaining the advice given to [REDACTED] in another language to confirm that he understood. The advice given was documented on a visit form and a carbon copy of the form was left with [REDACTED] for future reference.

On 23<sup>rd</sup> February 2022, as part of a controlled test purchasing operation carried out by the Responsible Authority, a 15-year-old female Trading Standards volunteer purchased two bottles of WKD Blue (275ml ready to drink alcopop) from Clifton Food and Wine. The person who sold alcohol to the Trading Standards volunteer was [REDACTED].

During the test purchase, another TSO from the Responsible Authority witnessed the sale and witnessed [REDACTED] on a telephone call at the time he sold alcohol to the volunteer. This TSO, together with the TSO who had carried out the initial advice visit on 25<sup>th</sup> January 2022, returned to the premises to inform [REDACTED] of the test purchase of alcohol to a minor that had just taken place and to record any relevant information in order to instigate an investigation.

[REDACTED] was cautioned and in response to questions put to him, his defence was that he thought the volunteer and the TSO were together. Initially [REDACTED] said that he thought the volunteer looked 16 years of age but later on during the discussion, he said that he thought she was 19 or 20 years of age. When asked why, if he thought the volunteer was 16 or even 19 or 20 years of age, he did not follow the Challenge 25 policy, when he had Challenge 25 posters displayed, by asking anybody who appears to be under the age of 25 for age identification, he said it was because she looked 19 or 20 years of age. When asked to inspect the refusals log, TSOs found that the last entry into the refusals log was on 12<sup>th</sup> February 2022. During the discussion, [REDACTED] was very apologetic.

Prior to the test purchase, West Sussex County Council had issued a press release on 1<sup>st</sup> October 2021 warning businesses that there would be a County wide crackdown on underage sales test purchasing operations by West Sussex Trading Standards following a previous testing purchasing operation where nine out of 16 shops that were tested, sold alcohol and cigarettes to children:

[www.westsussex.gov.uk/news/countywide-crackdown-on-underage-alcohol-and-cigarette-sales/](http://www.westsussex.gov.uk/news/countywide-crackdown-on-underage-alcohol-and-cigarette-sales/)

During the test purchasing exercise on this date, COVID-19 masks were not compulsory and although West Sussex Trading Standards provided the volunteer with a face covering on the day of the operation, she chose not to wear it.

Under section 146 of the Licencing Act 2003, it is a criminal offence to sell alcohol to a child under the age of 18. Section 146 (4) contains a defence ‘that he believed the individual was 18 or over,

and he had either taken all reasonable steps to find out the individual's age or that no one could reasonably suspect from their appearance that they were under 18.'

It is contended that the sale of alcohol to a minor in the circumstances outlined above is a breach of the licencing objective 'the protection of children from harm' and that the licensee has failed in their responsibilities in promoting said licencing objectives.

In considering review of this premises licence, the committee are also reminded of a second licencing objective 'prevention of crime and disorder' which has been failed by commission of the criminal offence under the Licensing Act 2003, that took place on 23rd February 2022.

In view of the above, the Responsible Authority do not 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 limit further criminal activity by the licence holder and to act as a deterrent to other operators considering such illegal conduct.

As underage prevention advice had been provided before the sale of alcohol was made to a Trading Standards volunteer, the Responsible Authority suggest that an appropriate outcome of the review would be revocation of the alcohol licence.

**Please tick ✓ yes**

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

If yes please state the date of that application

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

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

Please tick ✓ yes

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

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

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

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

Signature 

.....

Date 21<sup>st</sup> March 2022

.....

Capacity Team Manager

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

## **Notes for Guidance**

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