



Public Document Pack

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Committee Manager Jane Fulton (Ext. 37611)

30 June 2023

LICENSING SUB-COMMITTEE

A meeting of the Licensing Sub-Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF on Monday 10 July 2023 at 10.00 am** and you are requested to attend.

Members: Councillors Blanchard-Cooper, Haywood and Patel

AGENDA

1. ELECTION OF CHAIRMAN

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

4. S51 LICENSING ACT 2003 APPLICATION FOR REVIEW OF A PREMISES LICENCE (Pages 1 - 46)

An application for the review of a premises licence relating to a premises known as Premier 'The Corner Shop' located at 109–111 Felpham Road, Felpham, Bognor Regis, West Sussex PO22 7PW has been received from West Sussex Trading Standards as a Responsible Authority that contends that the Licensing Objectives of the Protection of Children from Harm and the Prevention of Crime and Disorder have been undermined.

5. EXEMPT INFORMATION

The Committee is asked to consider passing the following resolution: -

That under Section 100a (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

6. S42 LICENSING ACT 2003 APPLICATION TO TRANSFER A PREMISES LICENCE (Pages 47 - 102)

An application has been received to transfer a premises licence relating to Pop In, 14 High Street, Littlehampton, West Sussex, BN17 5EE. Sussex Police have requested that the application be held in exempt business due to ongoing criminal investigations.

Note: If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note: Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link - [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF ARUN DISTRICT COUNCIL LICENSING SUB-COMMITTEE ON 10 JULY 2023

SUBJECT:

Licensing Act 2003, S51 Application for review of a premises licence

REPORT AUTHOR: Andrew Burrows – Licensing Officer

DATE: 23 June 2023

EXTN: 01903 737749

AREA: DIRECTORATE Growth.

EXECUTIVE SUMMARY:

The Authority is in receipt of an application to review a premises licence for a premises known as Premier, Premier 'The Corner Shop' is a convenience store located at 109 – 111 Felpham Road, Felpham, Bognor Regis, West Sussex. PO22 7PW.

The application is from West Sussex Trading Standards Service, a responsible authority, who contend that the licensing objectives of the Protection of Children from Harm and Prevention of Crime and Disorder have been seriously undermined. **(Appendix A)**

Supporting representation in this matter have been made by Sussex Police **(Appendix B)**,

Supporting representation in this matter has been made by The West Sussex County Council (WSCC) Public Health Directorate **(Appendix C)**

There is NO request by the applicant to have the review held in camera as there are NO ongoing criminal investigations.

RECOMMENDATIONS:

The Sub-Committee should make an evidence-based determination, justified as being appropriate for the promotion of the licensing objectives.

The Sub-Committee may only consider matters referred to in representations relevant to the promotion of one or more of the four licensing objectives. These must be considered in the context of what is relevant to the review application.

1. BACKGROUND:**1. BACKGROUND**

- 1.1 This is an application for a review of a premises licence which has been received from West Sussex Trading Standards Services, a Responsible Authority. **(Appendix A)**

- 1.2 Premier 'The Corner Shop' is a convenience store located at 109 – 111 Felpham Road, Felpham, Bognor Regis, West Sussex. PO22 7PW.
- The premises is licensed to sell and supply alcohol for consumption off the premises, under the provisions of the Licensing Act 2003 under Licence number 6444. **(Appendix D)**
- 1.3 The Premises Licence Holder for 109 – 111 Felpham Road, Felpham, Bognor Regis, West Sussex. PO22 7PW is Mrs M Patel, 111A Felpham Road, Felpham, Bognor Regis, West Sussex. PO22 7PW.
- 1.4 The application for review of the licence states that on the 23rd of November 2022, during a controlled Trading Standards Test purchasing exercise, a shop employee at Felpham Corner Shop Limited t/a Premier Corner Shop, 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.
- Members of the Licensing Sub-Committee will have read the application for a review from Trading Standards with the following statement -
- 1.5 Despite the store displaying Challenge 25 signage around the premises and claiming to operate such policy, the seller did not follow the guidance of such policy, contrary to the Licence Mandatory condition: "The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol".
- 1.6 On the 4th of April 2022, the Responsible Authority received an intelligence report, alleging Felpham Corner Shop Ltd t/a Premier Corner Shop, 109-111 Felpham Road, Bognor Regis, West Sussex, PO22 7PW regularly sells energy drinks and cigarettes to individuals aged under 18 from a local school.
- 1.7 On the 29th of June 2022, a Trading Standards Officer from the Responsible Authority conducted an advice visit in relation to selling age restricted products. The Trading Standards Officer spoke to one of the directors of the business, Mrs Minal PATEL. Several points around age restricted products and training were discussed during the advice visit with Mrs PATEL.
- 1.8 On the 1st of July 2022, a follow up advice letter, which reiterated what was discussed from the advice visit, was sent to Mrs PATEL.
- 1.9 On the 23rd of November 2022 as part of an underage sales operation the Responsible Authority were carrying out that day. A 17-year-old volunteer under the instruction and supervision of the Responsible Authority entered Felpham Corner Shop Ltd t/a Premier Corner Shop 109-111 Felpham Road, Bognor Regis, West Sussex, PO22 7PW. The child volunteer selected two cans of Gordons Pink Gin & Tonic and took them to the till. A female working behind the till area sold the two cans of Gordons Pink Gin & Tonic to the child volunteer, without asking them for any identification. After securing the two

cans of Gordons Pink Gin & Tonic as evidence, Trading Standards Officers immediately returned the shop to explain to the seller about the test purchase and take all the necessary and relevant information to instigate an investigation. Under caution, the seller stated the volunteer looked 19 years old. The seller advised that they had been working on and off for a couple of weeks and that they have had verbal training on age restricted products. When the seller was asked about 'Think 25' Policy they said they were trained on this policy. The seller explained that the alcohol was sold to the underage volunteer because they did not think, and that it was within school hours. Further questions were put by the Responsible Authority to a representative of the company.

- 1.10 Mr Harshadkumar Jayentibhai PATEL and Mrs Minal Manubhai PATEL are directors of the Company and responded to questions. Mrs Minal Manubhai PATEL is the DPS for this premises. Mr PATEL explained that the sale of alcohol was due to a mistake from the seller/shop employee. Mr PATEL explained that the seller/shop employee was on training and that him and Ms PATEL were unloading stock from the car when the unlawful sale of alcohol took place. Mr PATEL and Mrs PATEL stated that they never leave the seller alone normally. Mr PATEL advised that the seller/shop employee received verbal training but there is no written documentation that the seller/shop employee had signed. Mr PATEL is the DPS for a business of Felpham Corner Shop Limited. That second business trades as Premier, Elmer Beach Stores, 91- 93 Elmer Road, Bognor Regis, PO22 6HB.
- 1.11 Under Section 146 of the Licensing Act 2003, it is a criminal offence to sell alcohol to a child under the age of 18 years old.
- 1.12 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.'
- 1.13 The sale of alcohol to an underage person in the circumstances outlined is a breach of the licensing objective 'the protection of children from harm'.
- 1.14 The licensee has failed in their responsibilities to promote this licensing objective.
- 1.15 In considering a review of this premises licence, the committee are reminded that the second licensing objective 'Prevention of Crime and Disorder' has also been failed by commission of the criminal offence that took place on the 23rd November 2022.
- 1.16 In view of the above, the Responsible Authority do not believe the licensing objectives are being continually upheld at Premier Corner Shop, 109-111 Felpham Road, Bognor Regis, PO22 7PW, 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 this licence holder and to act as a deterrent to

other operators considering such illegal conduct.

1.17 As underage age advice had been provided before the sale of alcohol was made to a Trading Standards volunteer. The Responsible Authority suggests an appropriate outcome of the review would be a 3-month suspension.

1.18 “It’s contended the sale of alcohol to an underage person in the circumstances outlined is a breach of the licensing objective ‘the protection of children from harm’ and that the licensee has failed in their responsibilities to promote said licensing objective.

1.19 In considering a review of this premises licence the committee are also reminded of a second licensing objective ‘prevention of crime and disorder’ which has been failed by commission of the criminal offence that took place on 23rd November 2022.”

1.20 Members of the Licensing Sub-Committee are reminded that the Licensing Authority may also consider the following, which are taken from the Home Office Revised Section 182

11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives.

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.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

2.0 RELEVANT REPRESENTATIONS

2.1 The application for a review by West Sussex Trading Standards Services is at **Appendix A**. The grounds for seeking the review are the Protection of Children from Harm and Prevention of Crime and Disorder.

2.2 The application also prompted Sussex Police to support the review. Their submission is attached at **Appendix B**.

2.3 Relevant representation has also been received from Director of Public Health West Sussex County Council a responsible authority supporting the review application attached as **Appendix C**.

3. ARUN DISTRICT COUNCIL POLICY CONSIDERATIONS

3.1 Relevant extracts from Arun District Council’s Licensing Principles are shown in this section.

(5.1) The main principles of the policy are: -

- to reduce the fear of crime.
- to encourage cultural diversity and lively, safe town centres.
- to reduce the burden of unnecessary regulation on business.
- to contribute to the quality of life.
- to promote public health.
- to ensure that premises are being managed responsibly.
- to ensure the promotion of the licensing objectives

(5.2) The Policy is also intended to ensure that the provision of additional opportunities for licensable activities are matched by appropriate and proportional measures enabling the police and licensing authorities to act promptly to maintain public order and safety.

(Appendix 3 – Licence Review Guidelines)

The Licensing Committee and any of its Sub-Committees, when holding licence review hearings, will follow these guidelines so as to maintain a degree of consistency and transparency when making decisions. The Committee reserves the right to amend and republish these guidelines in light of operational experience and as a separate document to the statement of licensing policy. In reaching a decision the committee will take into account any of the aggravating or mitigating factors below but may also consider other relevant evidence before them. Likewise, they can consider any other proportionate and appropriate action as allowed under the Licensing Act 2003. Section 182 guidance will also be considered in conjunction with this policy.

Relevant representation received regarding The Prevention of Crime and Disorder	
Aggravating Factors	Mitigating Factors
Encouraging or inciting criminal behaviour associated with licensed premises	Good controls, practices and training in place
Serious injury results	Willingness to attend and cooperate during mediation steps
Confidence in management ability to rectify defects	Previous track record
Previous track record	
High rate of turnover of Licence holder/ designated premises supervisor	

Relevant Representation received regarding Protection of children from Harm	
Aggravating Factors	Mitigating Factors
<p>Age Of Children Previous warnings ignored. Children exposed to physical harm/danger as opposed to other threats. Activity arose during normal school hours. Deliberate or wilful exploitation of children Large number of children affected. Children not allowed on premises as part of operating Schedule. Involves under-age exposure to alcohol. Inappropriate or inadequate ratio of adults to children.</p>	<p>Conduct occurred with consent of person with parental responsibility for child. Short duration of event No physical harm Short -term disturbance Undertaking/commitment not to repeat activity. Voluntary acceptance/proposal of additional conditions Children permitted on premises as part of Operating Schedule Good controls, practices and training in place preventing harm to children. Not involving under-age exposure to alcohol.</p>

4.0 RELEVANT LEGISLATION LICENSING ACT 2003

4.1 Section 146 Selling Alcohol to children

Members attention is drawn to this section which states -

- (1) A person commits an offence if he sells alcohol to an individual aged under 18.
- (4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—
- (a) he believed that the individual was aged 18 or over, and
- (b) either—
- (i) he had taken all reasonable steps to establish the individual's age, or
- (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.
- (5) For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if—
- (a) he asked the individual for evidence of his age, and
- (b) the evidence would have convinced a reasonable person.
- (6) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

APPENDICES:

- A: Application for a Review by West Sussex Trading Standards.
- B: Representation by Sussex Police
- C: Representation by Director of Public Health
- D: Copy of Premises Licence.
- E: Map of area.
- F: Evidence Bundle.

Background Papers:

- Licensing Act 2003
- Section 182 Guidance
- Arun Statement of Licensing Policy

PROPOSAL(S):**5.0 OBSERVATIONS**

- 5.1 The Sub Committee is obliged to determine this application with a view to promoting the licensing objectives which are:
- The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
 - Public Safety
 - The Protection of Children from Harm
- 5.2 In making its decision the Sub Committee is also obliged to have regard to national guidance and Arun's Statement of Licensing Policy.
- 5.3 The Sub Committee must also have regard to all relevant representations and evidence that it hears.

OPTIONS:

- 6** The Committee may:
- a) Revoke the premises licence.
 - b) Suspend the licence for a period not exceeding three months.
 - c) Remove the Designated Premises Supervisor
 - d) Modify the conditions of the licence.
 - e) Take no further action

7. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons Sussex Police, Home Office, Pollution Control, Public Health	x	

8. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES:	YES	NO
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(Explain in more detail at 6 below)		
Financial		x
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

9. IMPLICATIONS:

Any decision made by the Licensing Sub-Committee can be appealed to the Magistrates Court

10. BACKGROUND PAPERS:

- A: Application for a Review by West Sussex Trading Standards.
- B: Representation by Sussex Police
- C: Representation by Director of Public Health
- D: Copy of Premises Licence.
- E: Map of area.
- F: Evidence Bundle.



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

Postal address of premises or, if none, ordnance survey map reference or description Felpham Corner Shop Ltd t/a Premier Corner Shop 109-111 Felpham Road	
Post town: Bognor Regis	Post code (if known): PO22 7PW

Name of premises licence holder or club holding club premises certificate (if known) Mrs Minal Patel
--

Number of premises licence or club premises certificate (if known) 6444

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

I am 18 years old or over

Please tick ✓ yes

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) 0330 222 7661
E-mail address (optional) peter.aston@westsussex.gov.uk

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

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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 the 23rd of November 2022, during a controlled Trading Standards Test purchasing exercise, a shop employee at Felpham Corner Shop Limited t/a Premier Corner Shop, 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 the store displaying Challenge 25 signage around the premises and claiming to operate such policy, the seller did not follow the guidance of such policy, contrary to the Licence Mandatory condition:

"The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol"

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

2022

On the 4th of April 2022, the Responsible Authority received an intelligence report, alleging Felpham Corner Shop Ltd t/a Premier Corner Shop, 109-111 Felpham Road, Bognor Regis, West Sussex, PO22 7PW regularly sells energy drinks and cigarettes to individuals aged under 18 from a local school.

On the 29th of June 2022, a Trading Standards Officer from the Responsible Authority conducted an advice visit in relation to selling age restricted products. The Trading Standards Officer spoke to one of the directors of the business, Mrs Minal PATEL. Several points around age restricted products and training were discussed during the advice visit with Mrs PATEL

On the 1st of July 2022, a follow up advice letter, which reiterated what was discussed from the advice visit, was sent to Mrs PATEL.

On the 23rd of November 2022 as part of an underage sales operation the Responsible Authority were carrying out that day. A 17-year-old volunteer under the instruction and supervision of the Responsible Authority entered Felpham Corner Shop Ltd t/a Premier Corner Shop 109-111 Felpham Road, Bognor Regis, West Sussex, PO22 7PW. The child volunteer selected two cans of Gordons Pink Gin & Tonic and took them to the till. A female working behind the till area sold the two cans of Gordons Pink Gin & Tonic to the child volunteer, without asking them for any identification.

After securing the two cans of Gordons Pink Gin & Tonic as evidence, Trading Standards Officers immediately returned the shop to explain to the seller about the test purchase and take all the necessary and relevant information to instigate an investigation. Under caution, the seller stated the volunteer looked 19 years old. The seller advised that they had been working on and off for a couple of weeks and that they have had verbal training on age restricted products. When the seller was asked about 'Think 25' Policy they said they were trained on this policy. The seller explained that the alcohol was sold to the underage volunteer because they did not think, and that it was within school hours.

Further questions were put by the Responsible Authority to a representative of the company. Mr Harshadkumar Jayentibhai PATEL and Ms Minal Manubhai PATEL are directors of the Company and responded to questions. Mrs Minal Manubhai PATEL is the DPS for this premises. Mr PATEL explained that the sale of alcohol was due to a mistake from the seller/shop employee. Mr PATEL explained that the seller/shop employee was on training and that him and Ms PATEL were unloading stock from the car when the unlawful sale of alcohol took place. Mr PATEL and Mrs PATEL stated that they never leave the seller alone normally. Mr PATEL advised that the seller/shop employee received verbal training but there is no written documentation that the seller/shop employee had signed.

Mr PATEL is the DPS for a business of Felpham Corner Shop Limited. That second business trades as Premier, Elmer Beach Stores, 91- 93 Elmer Road, Bognor Regis, PO22 6HB.

Under Section 146 of the Licensing Act 2003, it is a criminal offence to sell alcohol to a child under the age of 18 years old. 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.'

The sale of alcohol to an underage person in the circumstances outlined is a breach of the licensing objective 'the protection of children from harm'. The licensee has failed in their responsibilities to promote this licensing objective.

In considering a review of this premises licence, the committee are reminded that the second licensing objective 'Prevention of Crime and Disorder' has also been failed by commission of the criminal offence that took place on the 23rd November 2022.

In view of the above, the Responsible Authority do not believe the licensing objectives are being continually upheld at Premier Corner Shop, 109-111 Felpham Road, Bognor Regis, PO22 7PW, 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 this licence holder and to act as a deterrent to other operators considering such illegal conduct.

As underage age advice had been provided before the sale of alcohol was made to a Trading Standards volunteer. The Responsible Authority suggests an appropriate outcome of the review would be a 3-month suspension.

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

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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 **28th April 2023**

Capacity **Trading Standards Team Manager**

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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



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 May 2023

The Licensing Team
Environmental Health Department
Arun District Council, Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

Dear Licensing Team,

RE: APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR FELPHAM CORNER SHOP LIMITED TRADING AS PREMIER CORNER SHOP [ALSO KNOWN AS EDDIE'S CORNER SHOP], 109 – 111 FELPHAM ROAD, BOGNOR REGIS, PO22 7PW. UNDER THE LICENSING ACT 2003. YOUR REFERENCE 118090.

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

This is a review application applied for by West Sussex County Council Trading Standards following a test purchase operation last November, when a member of staff at the shop sold alcohol to a child. Prior to this there was intelligence in April 2022 that the premises sold age restricted products to children. In June 2022 Trading Standards visited the shop to give advice and spoke directly with the Premises Licence Holder and Designated Premises Supervisor Mrs Minal Patel. This visit was followed up with an advice letter.

Sussex police support the review application by Trading Standards, and we recommend to the Committee that in the circumstances a suspension of the premises licence for a period of three months is appropriate and proportionate. The S.182 Statutory Guidance to The Licensing Act 2003 expressly states that in the event of a first sale, revocation of the premises licence should be seriously considered. So a suspension of the licence in these circumstances (in comparison to forfeiting the licence permanently) is entirely reasonable, and will give the premises time to retrain staff on age restricted sales and update their policies and procedures.

We note that the existing conditions in annexe 2 of the current licence are now somewhat out of date by modern up to date standards. We invite the Committee in addition to imposing a three month suspension of the licence, to remove the current annexe 2 conditions on the licence, and replace them with the following new conditions below.

We note that the premises was unable to provide any written evidence or records made and retained by the shop documenting that the employee who sold alcohol to the child had been trained. You will note in the new conditions recommended below that this omission is expressly covered with a clear requirement to both document, date and sign, and retain both induction and refresher training.

We also note with some concern that there is no CCTV condition on the existing licence. All premises with off sales of alcohol should have CCTV in order to protect the premises and staff.

In relation to the conditions for an alcohol delivery service, if the premises does not operate such a service, the alcohol delivery conditions can be substituted with a simple once sentence condition: the premises will not operate an alcohol delivery service.

The prevention of crime and disorder:

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

CCTV footage will be stored for a minimum of 31 days

The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

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

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

Any breakdown or system failure will be notified to the Police Licensing Department immediately (and retain documentary evidence in the form of an acknowledgement or receipt that this has been done which will be retained and produced upon request to officers of any responsible authority) & 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.

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

Spirits will be stored and displayed behind the server/service counter out of the reach of the public.

For the Protection of Children from Harm:

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

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

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

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

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

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

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

Supervisor (with the date and time of each review documented) at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book will be kept at the premises and made available to officers of any responsible authority upon request. All incidents recorded in the log/refusals register will be retained on the premises for a minimum of twenty four months.

Feedback will be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

Conditions for alcohol delivery service:

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

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

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

1. For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
2. For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.
3. Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - only employs delivery employees or agents aged 18 and over;
 - is aware that alcohol is included in the delivery;
 - that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;

- that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

Yours sincerely,

Inspector Mike Butler CB238
West Sussex Licensing Inspector
Sussex Police

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Licensing Team
Environmental Health
Arun District Council
West Sussex
BN17 5LF

30th May 2023

Dear Sir or Madam,

Re: Felpham Corner Shop Ltd t/a Premier Corner Shop, 109-111 Felpham Road, Bognor Regis, PO22 7PW.

The West Sussex County Council (WSSC) Public Health Directorate wishes to support the application by Trading Standards to review the licence of: Felpham Corner Shop Ltd t/a Premier Corner Shop, 109-111 Felpham Road, Bognor Regis, PO22 7PW.

The Public Health Directorate concurs that the Licensing Objectives of:

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

are not being promoted, as demonstrated by the illegal sale of alcohol to a person under the age of 18, as part of a Trading Standards 'test purchase' operation.

The sale of alcohol to children is of extreme concern, considering the strong evidence demonstrating the harms caused by alcohol to children and young people. It is noted that the premises licence holder had recently received both verbal and written advice about the sale of age restricted products, including advice on staff training. The subsequent sale of alcohol to a person under the age of 18, as part of a Trading Standards 'test purchase' operation indicates that this advice had not been acted upon and suggests a disregard for the law. The WSSC Public Health Directorate is disappointed to learn about the sale of alcohol to a child and endorse the recommendations made in the review application by Trading Standards.

Supporting Evidence

Harms, caused by alcohol, to children and young people

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

¹ [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/162422/Alcohol_consumption_by_children_and_young_people_-_GOV.UK.pdf)

² [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/162422/Alcohol_consumption_by_children_and_young_people_-_GOV.UK.pdf)

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

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

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

National prevalence of alcohol use by children and young people

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

Local alcohol-related hospital admissions among children and young people

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

In Arun, alcohol-specific admissions among under 18s have also increased since 2017/18 and the comparable rate for the district is 57.7 admissions per 100,000 under 18s. This is the highest rate out of the seven district and boroughs in West Sussex and is above rates for the South East Region and England overall.

³ [Alcohol consumption by children and young people - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

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

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

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

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

Under 18s using specialist alcohol treatment services in West Sussex

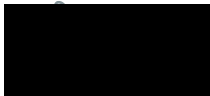
The latest data for 2021/2022 shows that 62% of under 18s in the West Sussex specialist children and young people's drug and alcohol service were receiving treatment for alcohol-related substance misuse.

Given the harm caused to children and young people by alcohol in West Sussex and high rate of alcohol harm in young people in Arun District, it is especially disappointing to note that staff at Felpham Corner Shop Ltd t/a Premier Corner Shop, sold alcohol to a child. Whilst the licensee confirms that a Challenge 25 policy is in place, a lack of written documentation on staff training and recent sale of alcohol to a person under 18, suggests that this not being adhered to.

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

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

Yours sincerely,



Sophie Krousti
Public Health Lead for Alcohol

On behalf of the Director of Public Health

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Premises Licence

Part A

Arun District Council
Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF

Premises Licence Number: **6444**
Grant Date: **19 July 2013**

Premises name and address

Corner Shop 109 - 111 Felpham Road, Felpham, Bognor Regis, West Sussex, PO22 7PW

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale or Supply of Alcohol: For consumption off the premises

The times the licence authorises the carrying out of licensable activities:

Alcohol times: For consumption off the premises

Day	Start Time	End Time
Monday	08:00	21:00
Tuesday	08:00	21:00
Wednesday	08:00	21:00
Thursday	08:00	21:00
Friday	08:00	21:00
Saturday	08:00	21:00
Sunday	08:00	21:00

Seasonal Variations: On Christmas Day noon to 15:00 and 19:00 to 22.30. On Good Friday 08:00 to 22:30. As per Embedded Restrictions under Licensing Act 1964

Non-standard times:

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

For consumption off the premises

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence

Mrs M Patel

Registered number of holder, for example company number, charity number (where applicable):

Name, address and telephone number of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol

Mrs Minal Patel

Personal licence number and issuing authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol

00812

London Borough of Lambeth

Mandatory conditions

Supply of alcohol

Section 19: where the licence authorises the supply of alcohol

The licence is granted subject to the mandatory conditions for sale of alcohol as set out in the licensing act 2003 as amended by the licensing act 2003 (mandatory licensing conditions) order 2010 and order 2014.

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.

3. (1) the responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) in this paragraph an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises,

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise)

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) the premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) the designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) 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) a holographic mark or

(b) an ultraviolet feature.

6. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures

(i) beer or cider 12 pint:

(ii) gin rum vodka or whisky 25 ml or 35 ml: and

(iii) still wine in a glass 125 ml: and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises: and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum drinks pricing

1. 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.

2. For the purposes of the condition set out in paragraph 1 -

(a) 'duty' is to be construed in accordance with the alcoholic liquor duties act 1979

(b) 'permitted price' is the price found by applying the formula - $p = d + (dxv)$

where -

(i) p is the permitted price

(ii) d is the amount 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:

(c) '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;

(d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) 'value added tax' means, value added tax charged in accordance with the value added tax act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax. (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the Operating Schedule

General Objectives:

Prevention of Crime and Disorder:

Public Safety:

Prevention of Public Nuisance:

Protection of Children from Harm:

.

Conditions attached after a hearing by the licensing authority

Plans

See separate Sheet.

This Licence has been authorised by:

**Joshua Marsh
Authorised Signatory**

Issue Date: 14/06/2023



Licensing Act 2003
Premises Licence

Part B - Summary

Arun District Council
Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF

Premises Licence Number: **6444**
Grant Date: **19 July 2013**

Premises name and address

Corner Shop 109 - 111 Felpham Road, Felpham, Bognor Regis, West Sussex, PO22 7PW

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale or Supply of Alcohol: For consumption off the premises

The times the licence authorises the carrying out of licensable activities:

Alcohol times: For consumption off the premises

Day	Start Time	End Time
Monday	08:00	21:00
Tuesday	08:00	21:00
Wednesday	08:00	21:00
Thursday	08:00	21:00
Friday	08:00	21:00
Saturday	08:00	21:00
Sunday	08:00	21:00

Seasonal Variations: On Christmas Day noon to 15:00 and 19:00 to 22.30. On Good Friday 08:00 to 22:30. As per Embedded Restrictions under Licensing Act 1964

Non-standard times:

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

For consumption off the premises

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence

Mrs M Patel

Registered number of holder, for example company number, charity number (where applicable):

Name, Personal licence number and issuing authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol

Mrs Minal Patel

00812

London Borough of Lambeth

State whether access to the premises by children is restricted or prohibited:

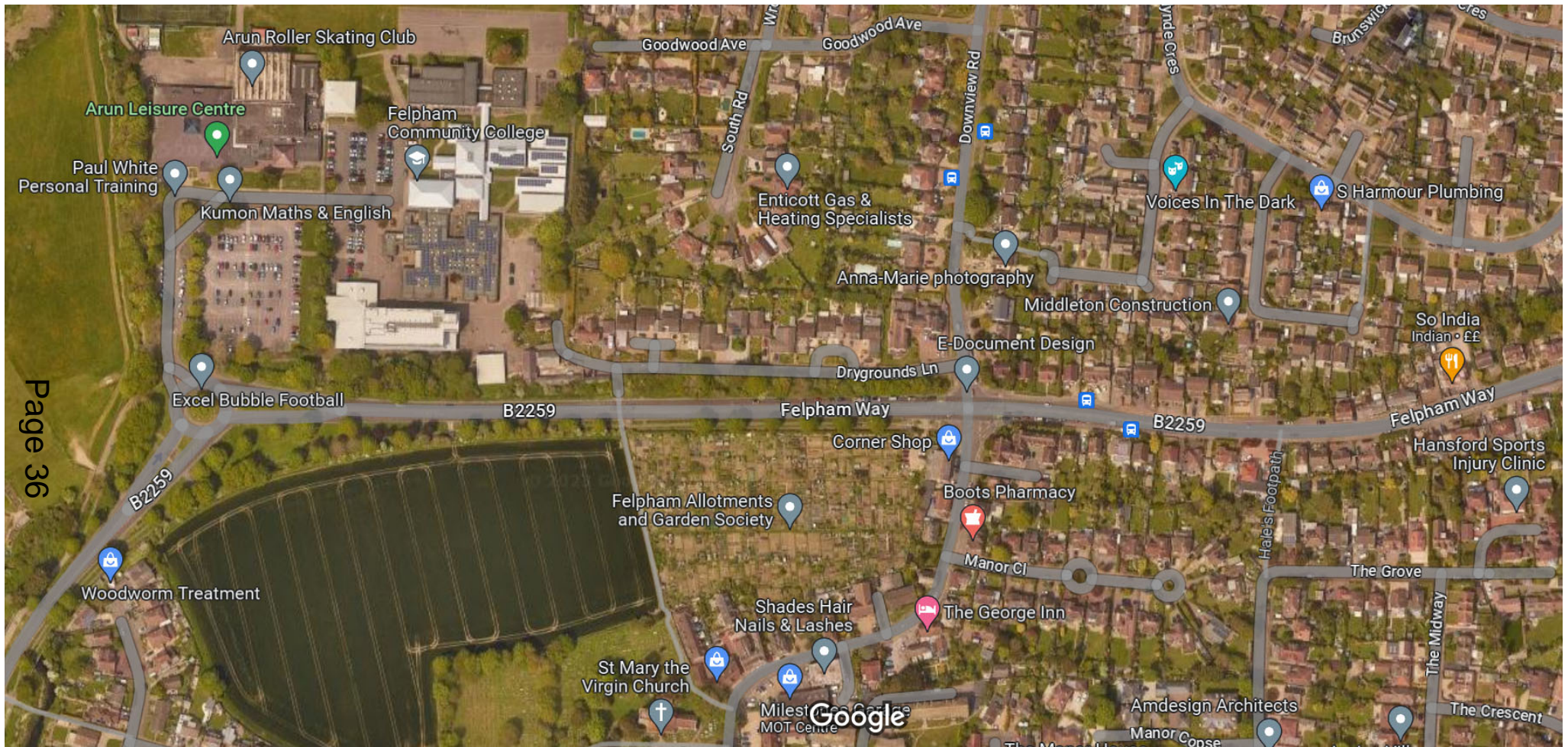
This Licence has been authorised by:

**Joshua Marsh
Authorised Signatory**

Issue Date: 14/06/23

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Page 36

Ann Beamish
Trading Standards Officer
(033022) 27391 (Direct)
[REDACTED] (mobile)
email: ann.beamish@westsussex.gov.uk
www.westsussex.gov.uk/tradingstandards

Trading Standards Service
Parkside
Chart Way
Horsham
West Sussex
RH12 1XH



Contact Centre no: (01243) 642124

23rd March 2020

Mr Harshad Patel & Mrs Minal Patel
T/a the Corner Shop
109-111 Felpham Road
Felpham Road
Bognor Regis
West Sussex
Felpham Road

Dear Mr & Mrs Patel

Our ref: E201556

These are challenging times for retailers, trading in general, but West Sussex Trading Standards remain committed to protecting the rights of consumers and businesses using resources available to us over the coming weeks. During this time when we are made aware via complaint or intelligence that potential breaches of consumer protection legislation are taking place we will be consulting with businesses (where possible by phone, email or letter) in order to bring about a change in trade practices.

We were made aware via a consumer complaint that the Corner Shop charged an extra cost for the use of a credit, debit card when paying for goods.

We appreciate that mistakes happen when staff are unaware that charges no longer be taken from consumers, however you must now take immediate steps to prevent any future complaints or breaches of legislation with regard to surcharging. This legislation has been in force for over 2 years.

For your information –

Consumer Rights (Payment Surcharges) Regulations 2017 Payment Surcharging is when a fee is charged for the use of a particular payment method, most typically for a debit or credit card. These regulations came into force on **13 January 2018** banning surcharging consumers for the use of a specified payment method.

These Regulations will not impact the right to enforce a minimum spend limit for use of a payment method or handling fees, for example a £5 or £10 minimum spend. The Regulations will apply to all businesses and regardless of where a transaction is completed.

The intention of these Regulations is to prevent consumers being unaware of the total cost of a transaction until a consumer proceeds with a purchase due to unclear payment surcharges.

As stated earlier we are navigating demands on both legislation and the coronavirus pandemic, therefore on this occasion we will continue to monitor complaints and advise you of action that is needed. The onus remains with you and your company to comply. Please give matters as above immediate attention.

Should breaches of legislation occur in the future you leave your business at risk of enforcement action by the appropriate authority and there is little defence to be given as have been provided with trading guidance. **Page 37**

Further guidance on many trading matters can be obtained from -
www.businesscompanion.info

In order to ensure that we keep concise, accurate trading records please acknowledge receipt of this letter within the next 14 working days and provide us with the current ownership details and the name of the Management responsible for day to day running.

It would be appreciated if you could also provide us with a preferred point of contact for any future enquiries this Service may have.

Yours sincerely,

Ann Beamish
Trading Standards Officer
Chartered Trading Standards Practitioner

STATEMENT OF WITNESS

*(Criminal Procedure Rules, Rule 16.2,
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: Nadia Begdouri

Age of witness (if over 18, enter "over 18"): Over 18

Occupation of Witness: Trading Standards Officer

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

Dated the 20th day of December 2022

Signed:



I am employed by West Sussex County Council Trading Standards Service as a Trading Standards Officer.

On the 29th June 2022, an appointment was made with Mrs Minal Patel who is the director of Felpham Corner Shop Limited T/A Premier - Corner Shop, 109 – 111 Felpham Road, Felpham, Bognor Regis, West Sussex, PO22 7PW in relation to intelligence received re alleged underage age sales. An age restricted products advice visit was arranged for later that day at 1430 hours.

Later that day at approximately 1430 hours, I entered Felpham Corner Shop Limited T/A Premier - Corner Shop, 109 – 111 Felpham Road, Felpham, Bognor Regis, West Sussex, PO22 7PW along with Trainee Trading Standards Officer Natasha Ali and Trainee Trading Standards Officer Christina Cairns and I introduced myself to Mrs Minal Patel. I began filling in the visit paperwork (reference number 3391) and this was signed by Mrs Minal Patel at the end of the visit. I am exhibiting this paperwork as NB/FCS/1.

Several points were discussed during the advice visit. Mrs Minal Patel advised that 3 staff work in the shop in total. The statutory tobacco notice was present in the shop. Till prompt was present and comes up for age restricted products. The store operates a challenge 25 policy. Regarding a refusal log, this is done through the till point and produces receipts for any refusals made. I asked about CCTV and this was present, operational and faces outside the shop. I asked Mrs Minal Patel about how training on age restricted products is conducted with staff. Mrs Minal Patel informed me that training on age restricted products is done every 6 months. I provided printed alcohol and tobacco advice from the Business Companion website to Mrs Minal Patel and advised that this material could be used to train staff and this could be signed by staff to say the training has been received, ideally once a month.

I then advised Mrs Minal Patel that we would be attempting a test purchase with one of our underage volunteers in the near future. I also made Mrs Minal Patel aware that a failure of our upcoming test purchase attempt could result in the store's alcohol licence being revoked. This was written on the visit form being exhibited above and also reiterated in the follow up letter that I emailed over to Mrs Minal Patel on the 1st July 2022 which I am exhibiting as NB/FCS/2. We all left the store at approximately 1437 hours.





Trading Standards Service
 Parkside
 Chart Way
 Horsham
 RH12 1XH
 Tel: (01243) 642124
 trading_standards@westsussex.gov.uk

No. 33

Officer's Contact Details:

Tel: 0330 222 6327

Email: nodia.begdouri@westsussex.gov.uk

Proprietor: Felpham Corner Shop Ltd

Registered Office: _____

Trading Name: Corner Shop

Mobile: _____

Address: 109-111 Felpham Road,
 Felpham, Bognor Regis

Email: [REDACTED]

Tel: _____

Website: _____

Postcode: PO22 7BW

Type of Business: Small retail

- | | | |
|--|--|--|
| <input type="checkbox"/> Animal Health Act 1981 | <input type="checkbox"/> Consumer Protection from Unfair Trading Regulations 2008 | <input type="checkbox"/> Explosives Regulations 2014 |
| <input type="checkbox"/> Consumer Protection Act 1987 | <input type="checkbox"/> Dangerous Substances & Explosive Atmospheres Regulations 2002 | <input type="checkbox"/> Animal Feed (Hygiene, Sampling etc. & Enforcement) (England) Regulations 2015 |
| <input checked="" type="checkbox"/> Consumer Rights Act 2015 | <input type="checkbox"/> General Product Safety Regulations 2005 | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Trade Marks Act 1994 | <input type="checkbox"/> Health & Safety at Work etc. Act 1974 | |
| <input type="checkbox"/> Weights & Measures Act 1985 | <input type="checkbox"/> Petroleum (Consolidation) Regulations 2014 | |

This report covers a summary of the inspection and does not indicate full compliance with any legislation. In case of dispute, contact the Service address above

FOOD STANDARDS INSPECTION REPORT

Food Safety Act 1990 | Food Safety & Hygiene (England) Regulations 2013 | Food Information Regulations 2014

- | | | | | |
|---------------------------------------|---|---|---|---|
| <input type="checkbox"/> Records | <input type="checkbox"/> Specifications | <input type="checkbox"/> Production Process | <input type="checkbox"/> Composition, Labelling, Presentation | <input type="checkbox"/> Product Design & Recipe |
| <input type="checkbox"/> Traceability | <input type="checkbox"/> Stock Rotation | <input type="checkbox"/> Completed Product | <input type="checkbox"/> Quality / Management Systems | <input type="checkbox"/> Recall / Relabelling Systems |

Corrective actions & timescales (legal requirements)

- spoke to Minal Patel who is the director and made her aware that a complaint has been received re alleged underage sale of cigarettes
- 3 people work in the shop in total
- Mrs Patel has owned the shop for 16 years
- I made Mrs Patel aware that alcohol licence could be revoked if failure of test purchase attempt

Failure to comply with legal requirements may constitute an offence and may lead to enforcement action.

Comments and recommendations

- * CCTV present and faces outside
- * Till prompt present
- * Statutory tobacco notice present
- * operate a challenge 2S policy
- * Training been done every 6 months, however I have given some business companion advice and advised to train from this every month.
- * Refusal log present as receipts from Bill
- * ID type accepted checked with Mrs Patel

Actions to be taken by Officer

Test purchase to be undertaken in due course

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, Rule 16.2,
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: MISS NATASHA ZARA ALI

Age of witness: OVER 18

Occupation of Witness: TRAINEE TRADING STANDARDS OFFICER

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

Dated the 20th day of December 2022

Signed



I am currently employed as a Trainee Trading Standards Officer within West Sussex County Council Trading Standards Service.

I note that on the 29th of June 2022, I visited Felpham Corner Shop Ltd t/a Premier - Corner Shop, 109-111 Felpham Road, Felpham, Bognor Regis, West Sussex, PO22 7PW with Nadia BEGDOURI (Trading Standards Officer) and Christina CAIRNS (Trainee Trading Standards Officer) for an Underage sales advice visit. Miss BEGDOURI spoke to Mrs PATEL and advised on restricted age products and best practises. Mrs PATEL signed the visit report and we exited Felpham Corner Shop.

On 23rd of November 2022, I participated in an Underage sales test purchase day, with two colleagues, Laura SANDERS (Senior Trading Standards Officer) and Laura DERBY (Senior Trading Standards Officer). A volunteer who is a 17-year-old female participated in the Underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The purpose of this operation is to make

sure that that West Sussex businesses are compliant with the procedures set out for age restricted products to children under the age of 18.

Prior to visiting the businesses, we collected the volunteer, where we briefed her and took photographs of her appearance that day. The volunteer is assigned a unique code "NZA1" to protect her identity.

At approximately 1421 hours, I saw Mrs SANDERS enter Felpham Corner Shop Ltd t/a Premier - Corner Shop, 109-111 Felpham Road, Felpham, Bognor Regis, West Sussex, PO22 7PW, I then saw the volunteer follow after a few seconds.

At approximately 1423 hours I witnessed the volunteer coming out of Felpham Corner Shop Ltd t/a Premier - Corner Shop, 109-111 Felpham Road, Felpham, Bognor Regis, West Sussex, PO22 7PW with two cans of Gordons Pink Gin and Tonic. The two cans of Gordons Pink Gin and Tonic are placed into an evidence bag by Mrs SANDERS.

At approximately 14:30 myself and Mrs SANDERS enter Felpham Corner Shop Ltd t/a Premier - Corner Shop, 109-111 Felpham Road, Felpham, Bognor Regis, West Sussex, PO22 7PW. Mrs SANDERS explained to the owner Mr Harshad PATEL and his wife Mrs PATEL about the failed underage sales test purchase.

At approximately 14:35 Mrs SANDERS cautioned Nicola KING who is the shop employee who sold the alcohol to our underage volunteer and proceeded to ask a set of questions.

Mrs SANDERS explained at the end that we will be in touch, and we exited the shop at approximately 14:48 hours.

At the end of the operation, we returned to our offices in Horsham, where we placed the evidence from the Underage sales test purchase day in the evidence room.

I identify as evidence a photocopy of my Pocket notebook entry I made at the time of the incident as **NA/FC/1**



STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, Rule 16.2,
Criminal Justice Act 1967, s. 9)*


STATEMENT OF: CHRISTINA CEREN CAIRNS

Age of witness (if over 18, enter "over 18"): OVER 18

Occupation of Witness: TRAINEE TRADING STANDARDS OFFICER

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

Dated the 4th day of January 2023



Signed

I am employed by West Sussex County Council Trading Standards Service as a Trainee Trading Standards Officer. On 29th June 2022, I travelled to the premises of Felpham Corner Shop, 111 Felpham Rd, Bognor Regis, West Sussex PO22 7PW with Senior Trading Standards Officer Laura Derby, Trading Standards Officer Nadia Begdouri and Trainee Trading Standards Officer Natasha Ali, for the purpose of giving advice to businesses regarding under age sales and to ensure the businesses are compliant. At around 14:30, I entered the premises with Nadia Begdouri and Natasha Ali, whilst Laura Derby waited in the car. I observed Nadia Begdouri announce herself as a Trading Standards Officer to a female employee behind the counter and I observed Nadia Begdouri announce herself as a Trading Standards Officer to the Director of the business, named Ms Patel. I observed Nadia Begdouri explain to Ms Patel that we were there to advise on age restricted products such as prohibited sales to under-age customers such as children. I observed Ms Patel sign the visit report and the powers of inspection report.



Alcohol may cause health problems.
For more information, visit

DRINKIQ.COM

The UK Chief Medical Officers recommend that adults
do not regularly drink more than 14 units per week.
Drinkaware.co.uk



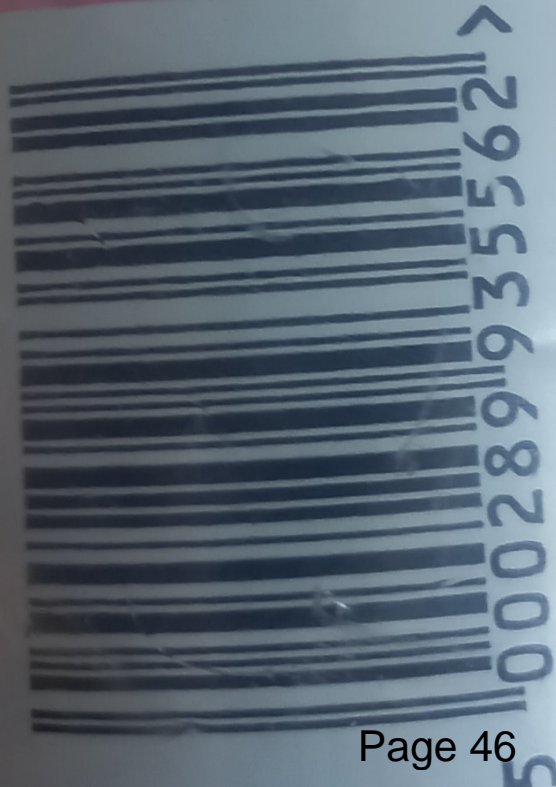
PLEASE RECYCLE

SERVE CHILLED IN A TALL GLASS OVER ICE
FOR A DELICIOUSLY INVIGORATING TASTE

Gordon's™ PREMIUM PINK DISTILLED
GIN MIXED WITH TONIC WATER
(WITH QUININE).

DOI S.p.A., SS 63, 12069 S.Vittoria d'Alba, Italy.
Imported by Diageo GB Ltd., 16 Great
Marlborough Street, Soho, London, W1F 7HS, UK.
CARELINE 0345 601 4558.

250 ml e 5% vol



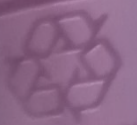
M2CE266

Best before end: see base
STORE IN A COOL DRY PLACE 3105492119

Alcohol - 271KJ/65KCAL

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