

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF ARUN DISTRICT COUNCIL LICENSING SUB-COMMITTEE ON 7 MARCH 2022

SUBJECT:

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

REPORT AUTHOR: Andrew Burrows

DATE: 16 February 2022

EXTN: 01903 737749

AREA: Place

EXECUTIVE SUMMARY:

The Authority is in receipt of an application to review a premises licence for a premise known as Sussex News, 15B Surrey Street, Littlehampton, West Sussex, BN17 5AZ.

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

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:

- 1.1 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 Supporting representations in this matter have been made by Sussex Police as a responsible authority (**Appendix B**), Arun District Council Licensing Authority as a responsible authority (**Appendix C**), and West Sussex Safeguarding Children's Board as a responsible authority (**Appendix D**).

- 1.3 Sussex News is in Surrey Street, Littlehampton and trades as a convenience store. The premise is licensed to sell and supply alcohol for consumption off the premises, under the provisions of the Licensing Act 2003.
- 1.4 The Premises Licence Holder for Sussex News is Mr. Khawar Shahzad, who is also the Designated Premises Supervisor.
- 1.5 A copy of the premises licence is attached. (**Appendix E**)
- 1.6 Mr. Shahzad applied for and was granted a premises licence on the 25th of September 2020. Prior to that date a premises licence did not exist for that premises.
- 1.7 On the 23rd of November 2021 an Officer from West Sussex Trading Standards Services attended the premises due to information being received that the premises were selling age restricted products in the form of e-liquids, to minors.
- 1.8 On the 24th of November 2021 the officer wrote to Mr. Shahzad advising him of the visit and providing advice and guidance.
- 1.9 On the 25th of November 2021 Officers from West Sussex Trading Standards Services conducted an underage sales operation at Sussex News. This resulted in a staff member selling two bottles of cider to a 16-year-old volunteer. This sale was witnessed by attending officers.
- 1.10 On the 18th of January 2022 a licensing inspection was carried out at the premises by a Licensing Officer from Arun District Council. Numerous breaches of the premises licence were identified.
- 1.11 On the 21st of January 2022 a licensing inspection was carried out at the premises by a Police Officer from the West Sussex Neighbourhood Licensing Team, accompanied by an officer from Arun District Council Licensing Team. Numerous breaches of the premises licence were identified.
- 1.12 On the 1st of February 2022 a follow-up inspection was carried out on the premises. Most licence breaches identified on the 18th of January had been rectified but several breaches were again noted.

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 prevention of crime and disorder and the protection of children from harm.
- 2.2 Details of the relevant representations from Sussex Police are at **Appendix B**. The grounds for making representations are the prevention of crime and disorder, public safety and the protection of children from harm.

2.3 Details of the relevant representations from Arun District Council as the Licensing Authority are at **Appendix C**. The grounds for making representations are the prevention of crime and disorder and the protection of children from harm.

2.4 Details of the relevant representations from the West Sussex Safeguarding Children's Board are at **Appendix D**. The grounds for making representations are the prevention of crime and disorder and the protection of children from harm.

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 |
| <p>Failure to cooperate with Police</p> <p>Encouraging or inciting criminal behaviour associated with licensed premises</p> <p>Serious injury results</p> <p>Encouraging or inciting</p> <p>Confidence in management ability to rectify defects</p> <p>Previous track record</p> <p>Voluntary anti-social behaviour associated with licensed premises (this might also include incidents in the locality)</p> <p>High rate of turnover of Licence holder/designated premises supervisor</p> <p>Incidents not reported to police</p> | <p>Good controls, practices and training in place</p> <p>Willingness to attend and cooperate during mediation steps</p> <p>Previous track record</p> |

| Relevant representation received regarding protection of children from harm | |
|---|---|
| Aggravating Factors | Mitigating Factors |
| <p>Age of Children Previous warnings ignored</p> <p>Children exposed to physical harm/danger as opposed to other threats</p> <p>Activity arose during normal school hours</p> <p>Deliberate or wilful exploitation of children</p> <p>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</p> <p>Undertaking/commitment not to repeat activity Voluntary acceptance/proposal of additional conditions</p> <p>Children permitted on the premises as part of Operating Schedule Good controls, practices and training in place for preventing harm to children Not involving under-age exposure to alcohol</p> |

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2. PROPOSAL(S):.

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.

3. OPTIONS:

The Sub-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

4. CONSULTATION:

| Has consultation been undertaken with: | YES | NO |
|---|------------|-----------|
| Relevant Town/Parish Council | | ✓ |
| Relevant District Ward Councillors | | ✓ |
| Other groups/persons (please specify) | ✓ | |
| 5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below) | YES | NO |
| Financial | | ✓ |
| Legal | ✓ | |
| Human Rights/Equality Impact Assessment | | ✓ |
| Community Safety including Section 17 of Crime & Disorder Act | | ✓ |
| Sustainability | | ✓ |
| Asset Management/Property/Land | | ✓ |
| Technology | | ✓ |
| Other (please explain) | | |

6. IMPLICATIONS:

The application has been consulted upon as prescribed by the relevant Regulations.

7. REASON FOR THE DECISION:

The licensing authority has a statutory duty to determine the application.

8. BACKGROUND PAPERS:

- A: Application for a Review by West Sussex Trading Standards.
- B: Representations by Sussex Police.
- C: Representations by Arun District Council Licensing Authority.
- D: Representations by West Sussex Safeguarding Children's Board.
- E: Copy of Premises Licence.
- F: Map of area.