



**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

Sussex News
15B Surrey Street

Post town Littlehampton

Post code (if known) BN17 5AZ

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

Khawar Shahzad

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

114092

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)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

- ☒
☐
☐
☒

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 25th November 2021, during a controlled Trading Standards test purchasing exercise, a staff member at Sussex News sold alcohol to a Trading Standards volunteer who was under the age of 18.

The staff member who made the sale was unable to access the CCTV footage and no other person was available at the premises to operate the CCTV system, contrary to the license condition:-

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member will be able to show police and download recent data or footage with the absolute minimum of delay when requested.

Protection of children from harm

Sussex News did not operate a Challenge 25 Policy contrary to the License Condition:-

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.

Furthermore, the premises did not display any Challenge 25 signage, contrary to the Licence condition:-

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

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

On 23rd November 2021 the Responsible Authority received information alleging the business had sold age restricted products to children and via proxy sales. The allegation suggested local street drinkers had purchased disposable e-cigarettes containing nicotine on behalf of children under the age of 18. Following the receipt of this information, a Trading Standards Officer from the Responsible Authority carried out an advice visit to the business on that same day, 23rd November 2021, and spoke with a member of staff at the business who the Officer believes did not know about the store's existing refusals register (built into the till) or any procedures to prevent underage sales. Additionally, at that time there was no age verification information displayed.

The following day a letter was sent by email from the Responsible Authority to Mr Shahzad. That letter advised Mr Shahzad that the Responsible Authority had received complaints about children buying e-cigarettes from Sussex News. The letter also provided advice about challenge 25, staff training, refusal logs, till prompts, signage and CCTV.

Sussex News was added to the list of premises for an upcoming underage sales test purchasing operation that was coincidentally already planned. On the 25th November 2021, as part of that controlled test purchasing operation undertaken by the Responsible Authority, a 16-year-old Trading Standards volunteer purchased two bottles of cider from Sussex News.

On the 1st October 2021 West Sussex County Council had issued a press release warning businesses there would be a County wide crackdown on underage sales following a previous test purchase operation where nine out of sixteen shops tested, sold alcohol and cigarettes to children.

www.westsussex.gov.uk/news/countywide-crackdown-on-underage-alcohol-and-cigarette-sales/

The member of staff at Sussex News who was spoken to by the Trading Standards Officer on 23rd November 2021, was the person that sold alcohol to the Trading Standards volunteer on 25th November 2021.

During the test purchase another officer from the Responsible Authority witnessed the sale, before two Trading Standards Officers went back into the shop to inform the seller about the test purchase and take the relevant information to instigate an investigation.

The seller stated he asked the volunteer their age and they told him they were 18. When informed that a Trading Standards Officer witnessed the sale and that Trading Standards volunteers are instructed to never lie when asked their age, the seller maintained the volunteer had told him that they were 18. The Responsible Authority contends this as the Trading Standards Officer who witnessed the sale has confirmed the volunteer was not asked their age.

Additionally, the seller did not ask the volunteer for identification to confirm their age and when asked to show Trading Standards Officers the electronic refusals register when they returned after the sale had taken place, he could not work the refusals register system.

Further questions were subsequently put by the Responsible Authority to the seller, Mr Kumar, who in response stated that he'd "misjudged" the volunteers age because she was wearing a mask* and he stated he was not sure if he'd asked for identification. Mr Kumar also admitted that he sold alcohol to an individual under the age of 18.

* On 25th November 2021 as part of national COVID19 restrictions, face coverings were required in shops and the Trading Standards volunteer was wearing such a face covering. She was though not asked to remove it for the purpose of assessing or verifying her age.

The License holder was interviewed under caution by letter and provided a copy of a document showing that the seller was trained to sell alcohol & tobacco (signed by the seller on the 24th

November 2021. When questioned further, the License holder stated the seller, Mr Kumar, started working at Sussex News on the 15th November 2021.

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.'

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 in promoting said licensing objectives.

In considering 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 25th November 2021.

In view of the above, the Responsible Authority do not have confidence 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 this licence holder and to act as a deterrent to other operators considering such illegal conduct.

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

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

Please tick ✓ yes

☐

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

[Redacted Signature]

Date

17th January 2022

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.